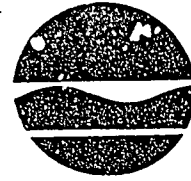


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New York State Department of Environmental Conservation
Division of Solid & Hazardous Materials
Bureau of Pesticides & Radiation, Radiation Section
50 Wolf Road, Albany, New York 12233-7255
518-457-2225 FAX 518-485-8390



Michael D. Zagata
Commissioner

APR 21 11 14 AM '96

APR 17 1996

Mr. James Schaus
Vice President
Finance and Administration
Niagara Cold Dawn Corporation
110 Hopkins Street
P.O. Box 399
Buffalo, New York 14240

Dear Mr. Schaus:

This letter is being sent to urge you to reconsider allowing the US Department of Energy's (DOE) Formerly Utilized Sites Remedial Action Program (FUSRAP) to remove the residual radioactive material at the former Bliss and Laughlin site. The NYS Department of Environmental Conservation (DEC) recommends you schedule the removal of the material as soon as possible since DOE budget cuts may severely restrict future FUSRAP cleanup activities.

The factors supporting this recommendation are as follows:

1. The FFY '97 funding for the FUSRAP program has not been approved by Congress yet, and FFY '98 FUSRAP funding submitted for approval to the Office of Management and Budget (OMB) is less than DOE Work Plan projections.
2. The slowdown of FUSRAP funding will extend fixed costs for the rest of the FUSRAP sites over a longer period of time, allowing even less of the available funds to be spent on remediation activities.
3. There are presently several radioactive waste disposal sites able to accept radioactive material from the cleanup of the Bliss and Laughlin site. However, their future availability is uncertain. Delay in this remedial action could result in unnecessary human exposures to ionizing radiation.

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Mr. James Schaus

2.

In light of these factors, the Department urges you to schedule the removal of FUSRAP material from your property as soon as possible.

If you have any questions, please call me.

Sincerely,



Paul G. Merges, Ph.D., Chief
Bureau of Pesticides & Radiation
Division of Solid & Hazardous Materials

cc: A. Williams, DOE
R. Kirk, DOE

RER/jab

bcc: P. Merges
B. Youngberg
R. Rommel
F. Shattuck, DEC Region 9