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U.S. DEPARTMENT OF ENERGY  
**memorandum**

DATE: NOV 25 1980

REPLY TO  
ATTN OF: NE-301

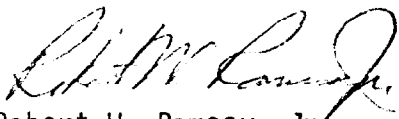
SUBJECT: Remedial Action for Linde Air Products Plant, Tonawanda, New York

TO: W. E. Mott, EV

In view of the General Counsel's reconsideration of the authority to proceed with remedial action on this site and your determination that remedial action is needed to protect the public health and safety, we will include this site in our program for remedial action. Oak Ridge is requested to do so by copy of this memorandum.

I am somewhat surprised at the urgency of remedial action which you implied in your memorandum since your previous memorandum designating this site stated that it has a low priority. The site radiological survey report DOE/EV-005/5 concludes that air and water contamination were below the non-occupational guidelines. The occupational guidelines were not exceeded for the workers. The Linde plant is licensed by the State of New York for the purpose of controlling the radioactivity in accordance with the regulations and guidelines to protect the public health and safety. Therefore, you should provide any information on risk to the workers or the public to the State Department of Labor so that they can take whatever steps they deem appropriate to bring about enforcement of the terms of the license. This enforcement could include control measures to preclude possible releases of contamination to off-site areas, as well as reducing exposures to workers for activities not related to licensed functions.

General Counsel has reviewed this memorandum and has no legal objection. We will advise you as plans and activities for the Linde site are incorporated into FUSRAP planning.

  
Robert W. Ramsey, Jr.  
Program Manager  
Remedial Action Program  
Nuclear Waste Management Programs  
Office of Nuclear Energy

cc: E. L. Keller, OR