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Norton/Radin/Hoover/Freedman

September 18, 1996

Mr. Craig Gordon
U.S. Nuclear Regulations Commission
Region 1
475 Allendale Road
King of Prussia, PA 19406

RE: Niagara Landfill Samples

Dear Mr. Gordon:

Recently the City of Tonawanda School District was informed of an environmental situation that may have an adverse impact on the students of our district. As the attorney for the City of Tonawanda School District, it is my duty and obligation to protect the interests of the school board.

The School Board has authorized me to request that a new radon sample be taken of the Niagara Landfill and naturally occurring soils using similar methods and acceptable scientific practices in order to accurately determine the real radon emissions coming from the landfill, one which meets the criteria necessary for an accurate radon emission reading.

According to Mr. William Watson, a member of the City of Tonawanda Board of Education, the extraction of gases from the Niagara landfill is dangerous and unacceptable as high levels of radon gas will be emitted into the air of the City of Tonawanda.

Mr. Watson, who holds his Master's degree in geology, states that in order to determine if radon emissions are acceptable one must perform a sample in a closed system (in situ) usually for 90 days. The Board has been told that the Department of Environmental Conservation, in its study of radon emissions of the Niagara Landfill, capped the wells for only one day and found the radon emissions to be acceptable. It has been indicated to the Board that the test does not meet acceptable scientific practices and therefore the results are unreliable. These results, if true, may be determined to have been obtained in a negligent manner.

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It has been indicated to us that in a valid scientific experiment, landfill wells and soil wells must be capped for the same period of time under similar conditions, and radon measured with similar instruments in the same way. The Board of Education insists that a proper sampling be taken of the area to accurately determine the real radon emissions due to the extraction of gases.

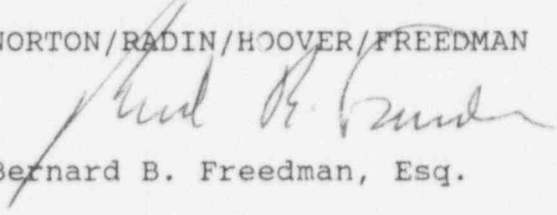
The Board has authorized me to take any necessary legal steps to compel an accurate finding of the real radon emissions at the Niagara Landfill. With your cooperation, I believe this problem can be solved without judicial intervention. It is suggested that the DEC immediately direct BFI to turn off the blowers until such time as it is ascertained that there is no adverse effect on the environment from the emission of radon from the landfill.

Please inform this office of the new dates for radon testing of the Niagara Landfill.

Thank you.

Very truly yours,

NORTON/RADIN/HOOVER/FREEDMAN



Bernard B. Freedman, Esq.

BBF/mn