



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

AUG 25 2006

Honorable Pete V. Domenici
Chairman
Subcommittee on Energy and Water
, and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is to advise you of Army's plan to not include the Dayton Warehouse, City of Dayton, Montgomery County, Ohio in the Army Corps of Engineers Formerly Utilized Sites Remedial Action Program (FUSRAP) because the sites do not meet the hazardous substance release criteria needed to proceed with a FUSRAP cleanup. The Department of Energy requested the Corps evaluate site eligibility of Dayton Units 3 and 4 by letter dated Feb 10, 1999 and for Dayton unit 1 and the Warehouse by letter dated Jan 13, 2000. The Dayton Units 1, 3, and 4 were addressed by letters dated 17 August 2005. The Warehouse site is hereby addressed separately.

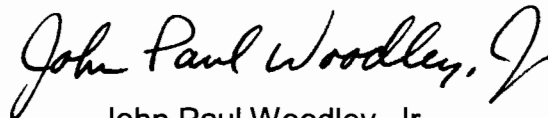
For an eligible site to be designated for cleanup, among other things, the Corps must verify site contamination with hazardous substances at a level sufficient to warrant a CERCLA response action, normally achieved through conduct of a Preliminary Assessment (PA) and a Site Inspection (SI). In addition, the hazardous substance contamination must have resulted from the Nation's early atomic energy program activities, i.e., related to Manhattan Engineer District (MED) or Atomic Energy Commission (AEC) activities. This Dayton Warehouse does not meet these criteria.

Based on the findings of the Preliminary Assessment and Site Investigations, the Corps has determined there is no evidence of an un-permitted release or a substantial threat of a release of the constituents of concern into the environment that are associated with the Nation's early atomic energy program and that may present an imminent and substantial danger to the public health or welfare. This determination has been coordinated with local, state and federal stakeholders, the Ohio Environmental Protection Agency (OEPA), and the Ohio Department of Health (ODH), and they have been notified of the Corps recommendation for no further action. They, along with the Corps Hazardous, Toxic and Radiological Waste Center of Expertise, concur with these findings.

Based on the FUSRAP criteria for cleanup, technical reports and historical information, the Corps will recommend to the Department of Energy that no further work is necessary at the Dayton Warehouse Site.

I am sending an identical letter to Honorable David L. Hobson, Chairman, Subcommittee on Energy and Water Development, and Related Agencies, Committee on Appropriations, United States House of Representatives.

Very truly yours,

A handwritten signature in black ink that reads "John Paul Woodley, Jr." in a cursive style.

John Paul Woodley, Jr.
Assistant Secretary of the Army
(Civil Works)

CF: Honorable Harry Reid
Ranking Member