



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



17 AUG 2005

REPLY TO
ATTENTION OF

Honorable Pete V. Domenici
Chairman
Subcommittee on Energy
and Water Development
Committee on Appropriations
United States Senate
Washington, D.C. 20510-6030

Dear Chairman Domenici:

This is to advise you of Army's plan to not include three Ohio sites -- Dayton Unit 1, Dayton Unit 3 and Dayton Unit 4 -- in the Army Corps of Engineers Formerly Utilized Sites Remedial Action Program (FUSRAP). These sites do not meet the hazardous substance release criteria used in making a determination 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 Warehouse site is being addressed separately. The reference letters indicated the sites were eligible for cleanup under FUSRAP based on the Manhattan Engineer District (MED) and early Atomic Energy Commission (AEC) work done at the site. Monsanto established the Dayton units as a polonium production project in 1943 for the AEC Dayton Area Office. Operations at Units 3 and 4 were moved to Mound Laboratory in 1948, and the two properties were decontaminated and returned to their owners in 1950. The Dayton Unit 1 was used to organize the polonium project and to recruit personnel. The site was never used for research, production or processing of polonium or other MED materials, and use of Dayton Unit 1 in support of administrative MED activities ended in 1948.

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 and a Site Inspection. In addition, the hazardous substance contamination must have resulted from the Nation's early atomic energy program activities, i.e., related to MED or AEC activities. These three Dayton Units do not meet these criteria.

It should be noted the Ohio Environmental Protection Agency (OEPA) does not agree with the Corps recommendations. The OEPA feels further testing of the sites should be accomplished before a decision is made to not include the sites in the FUSRAP. However, as stated above, the Corps has determined that there is no

-2-

evidence of an un-permitted release or a substantial threat of a release of the constituents of concern into the environment associated with the Nation's early atomic energy program, which may present an imminent and substantial danger to the public health or welfare from the site. This determination has been coordinated with the OEPA, and they have been notified of the Corps recommendation for no further action.

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 Units 1, 3 and 4.

A similar letter is being sent to the Honorable David Hobson, Chairman, Energy and Water Development Subcommittee, Committee on Appropriations, United States House of Representatives.

Very truly yours,

A handwritten signature in cursive script that reads "John Paul Woodley, Jr.".

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

CF: Honorable Harry Reid
Ranking Member