



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET, NW
WASHINGTON, DC 20314-1000

July 14, 2022

SUBJECT: Reply to Eligibility of the Wolff-Alport Chemical Corporation Site, 1127-1129 Irving Avenue, Queens, New York, for Assessment and Remediation under the Formerly Utilized Sites Remedial Action Program (FUSRAP)

Mr. Carmelo Melendez
Director, Office of Legacy Management
Suite 6G-030
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585

Dear Mr. Melendez:

In a letter dated February 26, 2013, the Department of Energy (DOE) notified the U.S. Army Corps of Engineers (USACE) that the U.S. Environmental Protection Agency (EPA) requested a review of the determination that the Wolff-Alport Chemical Company (WACC) Site (the site) was not eligible to be included in the Formerly Utilized Sites Remedial Action Program (FUSARP). DOE's initial determination made in 1987 was based on the inability to locate the historical contract (AT-30-1-GEN-287) between the Atomic Energy Commission (AEC) and the WACC. In the 2013 letter, DOE recommended to USACE that portions of the WACC site be included in FUSRAP based on results from a February 2012 Agency for Toxic Substances and Disease Registry (ATSDR) Health Consultation requested by EPA which raised the possibility that contamination may have resulted from the transfer of thorium containing material from the site.

In February 2017, USACE prepared the *Preliminary Assessment of the Wolff-Alport Chemical Company as Related to the Nation's Early Atomic Energy Program* (enclosed). The preliminary assessment (PA) concluded that given the currently available information, identification that the hazardous substance, pollutant, or contaminant released from the former Wolff-Alport site was related to the Nation's early atomic energy program cannot be definitively determined at this time.

Additionally, as stated in Determining Eligibility for FUSRAP Sites (LMS/PRO/S13050-1.0, 09/14/2020), "FUSRAP was established to address sites not addressed under other remedial action programs." The EPA added the WACC site to the National Priorities List on May 12, 2014. It finalized the Record of Decision (ROD)

in September 2017 which addressed the radiological and non-radiological contamination at the site. The ROD documents the selection of a remedy for the site in accordance with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, 42 U.S.C §§9601-9675, and the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300. The remedy was selected in consultation with, and concurrence from, the New York State Department of Environment Conservation.

Since USACE and DOE are unable to obtain documents stating that the radiological contamination found at the site is related to the Nation's early atomic energy program and because the EPA is currently addressing the contamination under the Superfund program, USACE does not recommend this site for inclusion in FUSRAP.

The point of contact for this action is Ms. Nicki Fatherly, CEMP-CEP, 202-761-0629 should your team have any questions.

Sincerely,

A handwritten signature in black ink that reads "Lara Beasley". The signature is written in a cursive style with a pinkish-red ink for the first name "Lara".

Lara E. Beasley, SES
Chief, Environmental Division
Directorate of Military Programs

Enclosures

DOE Legacy Management Letter to LTG Bostick dated February 26, 2013
Summary Report Designation Analysis dated September 29, 1987
Preliminary Assessment of the Wolff-Alport Chemical Company as Related to the
Nation's Early Atomic Energy Program dated February 2017

cc:

Justin Gottesman, Program Manager CENAD
Cliff Carpenter, FUSRAP Team Lead DOE-LM
Helen Edge, FUSRAP Program Manager CENAN