



NY 12-10

The Secretary of Energy

Washington, DC 20585

October 10, 1997

The Honorable William S. Cohen
Secretary of Defense
Washington, D.C. 20301

Dear Mr. Secretary:

The Congress recently sent to the President for signature the Energy and Water Development Appropriations Act, 1998. Among other provisions, this bill would immediately transfer responsibility for the Formerly Utilized Sites Remedial Action Program (FUSRAP) from the Department of Energy to the United States Army Corps of Engineers. Assuming that this transfer becomes law, but without prejudging the President's decision, the Department of Energy will work with the Corps to ensure a prompt and smooth transition, consistent with the wishes of the Congress.

Should this provision become law, the Department of Energy's lands, property access rights, cleanup responsibilities, claims and liabilities related to FUSRAP will transfer to the Corps by operation of law. A list of affected sites, including currently known potential sites and completed sites (some of which require continued monitoring and other activities) is enclosed. A number of legal instruments, such as environmental permits and cleanup agreements established with the Environmental Protection Agency and state regulators for various FUSRAP sites, will need to reflect the Corps' role as successor to the Department of Energy. I have directed my staff to work with the Corps and regulatory agencies to ensure that these conforming changes are completed as quickly as possible.

In the conference report accompanying this legislation, the Congress recognized that FUSRAP is conducted for the Department of Energy by contractors, and expressed the expectation that the program would continue within the existing contract framework during the terms of the current contracts, with minimal disruption in operations. To facilitate that goal, I have directed the Manager of the Department's Oak Ridge Operations Office to assign the FUSRAP contracts to the Corps if, and as soon as, the transfer is signed into law.

The Department is close to a final settlement with W. R. Grace & Co. regarding Grace's liability for cleanup costs at the Wayne, New Jersey, FUSRAP site. The transfer of the program means it will no longer be appropriate for the Department to continue these negotiations. Our Office of General Counsel is prepared to brief your lawyers on the status of the negotiations with Grace so that the Corps can, if it wishes, promptly conclude those negotiations.

Although I did not support the proposal to transfer responsibility for FUSRAP from the Department of Energy to the Corps, I want to assure you that the Department stands ready to assist the Corps in assuming its new responsibility with the dispatch and efficiency anticipated by the Congress. I have asked Deputy Secretary Elizabeth A. Moler to lead the Department's efforts in this regard. She may be reached at 202-586-5500.

Sincerely,



Federico Peña

Enclosure

FORMERLY UTILIZED SITES REMEDIAL
ACTION PROGRAM (FUSRAP)

Current Sites

| <u>Site Name</u> | <u>City and State</u> |
|----------------------------|--------------------------------|
| Latty Ave. Properties | Hazelwood, Missouri |
| St. Louis Airport | St. Louis, Missouri |
| Vicinity Properties | Hazelwood & Berkeley, Missouri |
| St. Louis Downtown Site | St. Louis, Missouri |
| DuPont | Deepwater, New Jersey |
| Maywood | Maywood, New Jersey |
| Wayne | Wayne, New Jersey |
| Middlesex Sampling Plant | Middlesex, New Jersey |
| Ashland 1 | Tonawanda, New York |
| Ashland 2 | Tonawanda, New York |
| Seaway Industrial Park | Tonawanda, New York |
| Linde Air Products. | Tonawanda, New York |
| Niagara Falls Storage Site | Lewiston, New York |
| Colonie | Colonie, New York |
| Bliss & Laughlin Steel | Buffalo, New York |
| Luckey | Luckey, Ohio |
| Painesville | Painesville, Ohio |
| CE Site | Windsor, Connecticut |
| Madison | Madison, Illinois |
| Shpack Landfill | Norton, Massachusetts |
| W.R. Grace | Curtis Bay, Maryland |

Currently Known Potential New Sites

| <u>Site Name</u> | <u>City and State</u> |
|---------------------------|--------------------------|
| Apollo-Parks Township | Apollo, Pennsylvania |
| Clevite | Cleveland, Ohio |
| D.H. Makepeace | Massachusetts |
| Metals & Controls | Attleboro, Massachusetts |
| Sylvania Corning | Bayside, New York |
| Harshaw | Cleveland, Ohio |
| Bloomfield | Bloomfield, New Jersey |
| Electromet | Niagara, New York |
| Simond Saw (Guterl Steel) | Lockport, New York |
| Superior Steel | Pittsburgh, Pennsylvania |

Magnus Metal
Colorado School of Mines
Horizons
CANEL Facility
Fansteel Metallurgical Corp.
Bendix-Eclipse-Pioneer
West Lake Landfill
University of Rochester

Cincinnati, Ohio
Golden, Colorado
Cleveland, Ohio
Middletown, Connecticut
Chicago, Illinois
Teterboro, New Jersey
Bridgeton, Missouri
Rochester, New York

Completed Sites

| <u>Site Name</u> | <u>City and State</u> |
|------------------------------|---------------------------------------|
| Kellex/Pierpont | Jersey City, New Jersey |
| Acid/Pueblo Canyon | Los Alamos, New Mexico |
| Bayo Canyon* | Los Alamos, New Mexico |
| University of California | Berkeley, California |
| Chupadera Mesa | White Sands Missile Range, New Mexico |
| Middlesex Municipal Landfill | Middlesex, New Jersey |
| Niagara Falls Storage Site | |
| Vicinity Properties* | |
| University of Chicago | Lewiston, New York |
| National Guard Armory | Chicago, Illinois |
| Albany Research Center | Chicago, Illinois |
| Elza Gate | Albany, Oregon |
| Seymour Specialty Wire | Oak Ridge, Tennessee |
| Baker & Williams Warehouses | Seymour, Connecticut |
| Granite City Steel | New York, New York |
| Aliquippa Forge | Granite City, Illinois |
| C.H. Schnoor | Aliquippa, Pennsylvania |
| Alba Craft Laboratory | Springdale, Pennsylvania |
| HMM Safe Company | Oxford, Ohio |
| Associate Aircraft | Hamilton, Ohio |
| B & T Metals* | Fairfield, Ohio |
| Baker Brothers* | Columbus, Ohio |
| General Motors* | Toledo, Ohio |
| Chapman Valve* | Adrian, Michigan |
| Ventron* | Indian Orchard, Massachusetts |
| New Brunswick Laboratory* | Beverly, Massachusetts |
| | New Brunswick, New Jersey |

* Administrative activities, surveillance and maintenance, or other activities are still needed at these sites.

Wayne VPs
Hazelwood VPs
Marywood VPs
Middlesex VPs