



**Department of Energy**  
Germantown, MD 20874-1290

FEB 10 1999

Mr. William Augustine  
Deputy Chief  
Program Management Division  
U.S. Corps of Engineers  
Department of the Army  
Washington, D.C. 20314

Dear Mr. Augustine:

As we discussed at our January meeting, the Department of Energy (DOE) has reviewed available information regarding certain former Atomic Energy Commission and Manhattan Engineer District sites in the vicinity of Dayton, Ohio, to evaluate their potential eligibility for inclusion in the Formerly Utilized Sites Remedial Action Program (FUSRAP). A copy of our review and supporting documentation are enclosed.

As you noted in your January 28, 1999, letter to James J. Fiore, the draft Memorandum of Understanding (MOU), currently under consideration by DOE and the Army Corps of Engineers, provides that DOE would be responsible for performing historical research on potential new FUSRAP sites in order to make an eligibility determination. Under the draft MOU, once the Department determined that a site would be eligible for FUSRAP based on the site's historic use by DOE predecessor agencies, the Department would notify the Corps of that finding. The Corps would then be responsible for conducting necessary field surveys and preparing a preliminary assessment in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the National Contingency Plan, to determine the extent of the FUSRAP-related contamination at the site, and whether a response action under CERCLA is required to address it.

Consistent with the procedures set forth in the draft MOU, our conclusion in this instance is that the Dayton sites were formerly used by DOE's predecessor agencies in connection with atomic energy activities and, therefore, would be eligible for inclusion in FUSRAP, if the Corps' radiological characterization of the properties reveals residual contamination that exceeds current guidelines.



Please contact me if you would like to discuss this further. I may be reached at 301-903-2328.

Sincerely, */s/*

William E. Murphie  
Acting Director  
Office of Eastern Area Programs  
Office of Environmental Restoration

Enclosure