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M-453

Formerly Utilized Sites Remedial Action Program (FUSRAP)

ADMINISTRATIVE RECORD

for Maywood, New Jersey



U.S. Department of Energy



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

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Mr. Michael Nolan
Concerned Citizens of Maywood
69 Lenox Avenue
Maywood, NJ 07607

Dear Mr. Nolan:

This is in response to your fax of August 31, 1995 regarding the Maywood Site. Your correspondence questions the legality of the Department of Energy (DOE) conducting a non-time critical removal action (soil removal at vicinity residential and municipal properties) at this site and thoron testing.

Under Executive Order 12580 the DOE has unilateral authority to conduct removal actions at DOE sites. As stipulated in the Federal Facilities Agreement (FFA) any removal action undertaken at the site shall be conducted in a manner consistent with the FFA, the Comprehensive Environmental Response, Compensation and Liabilities Act (CERCLA) and the National Contingency Plan (NCP). The FFA allows for portions of or complete operable units to be addressed through removal actions under the jurisdiction of DOE but ultimately operable units will be addressed through a Record of Decision. Also, the FFA stipulates that DOE shall be solely responsible for the determination of the areas to be addressed through removal actions.

If a non-time critical removal action is to be undertaken the NCP requires that an Engineering Evaluation/Cost Analysis (EE/CA) be prepared. DOE prepared a draft EE/CA for the site in July, 1995 and prepared a final version after a thirty comment period. In preparing and submitting a copy of the draft EE/CA to EPA for comment DOE satisfied the FFA requirement of providing EPA with written notification of a proposed removal action sixty days prior to initiating the proposed action.

Regarding your questions concerning the measurement of thoron, the DOE is the lead federal agency for radioactive contamination at the Maywood Site. As such, EPA is forwarding your fax (including Dr. Reshnikoff's letter) to the DOE for their evaluation. Information concerning thoron testing can be obtained directly from the DOE.

If you have any other questions please contact Angela Carpenter,
EPA Project Manager at (212) 637-4433.

Sincerely,



Kathleen Callahan, Director
Emergency and Remedial Response Division

cc: S. Cange, DOE ✓
N. Marton, NJDEP