HALE AND DORR LLP
COUNSELORS AT LAW

haledorr.com
THE WILLARD OFFICE BUILDING
1455 PENNSYLVANIA AVENUE, N.W. • WASHINGTON, D.C. 20004-1008
202-942-8400 • FAX 202-942-8484

JEFFREY J. DAVIDSON
JAMES G. VOTAW
202-942-800

RECEIVED 7/18/03

July 14, 2003

VIA TELECOPIER AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Sharon R. Cotner
FUSRAP Program Manager
U.S. Army Corps of Engineers
8945 Latty Avenue
Berkeley, MO 63134

Re: St. Louis North County Feasibility Study and North County Proposed Plan
Comments of General Investment Funds Real Estate Holding Company

Dear Ms. Cotner:

On behalf of General Investment Funds Real Estate Holding Company ("*GIFREHC*") and its subsidiary, GIFREHC Missouri Holding Company, we are pleased to have the opportunity to provide the following comments on the North County Feasibility Study and North County Proposed Plan ("*FS/PP*") 68 Fed. Reg. 23290-91 (May 1, 2003). We also appreciate the Corps' courtesy in extending the comment period by 45 days (to today) in response to our request.

GIFREHC has a significant and demonstrable interest in the further investigation and final remediation of the North County sites. GIFREHC's subsidiary owns the property (Vicinity Property 2L or "*VP2(L)*") located immediately adjacent to the east of the Hazelwood Interim Storage Site ("*HISS*"). Indeed, prior studies on behalf of the Department of Energy ("*DOE*") have indicated the presence of radiological residuals in near surface soil samples in concentrations far greater than otherwise summarized in the FS/PP (i.e., Th-230 at 81,000 pCi/g; Ra-226 at 1,400 pCi/g, and U-238 at 990 pCi/g).[1]

Given the importance of the decisions contemplated by the FS/PP, Lisa G. Feldt, a principal of Integrated Management & Environmental Solutions, LLC, was retained to review the FS/PP and provide a report. Having served for over 20 years in various senior posts in the U.S. Environmental Protection Agency's Superfund and Air and Radiation Programs and the DOE's Environmental Management Program, Ms. Feldt is particularly well qualified to provide this assessment. Ms. Feldt's report on the FS/PP is enclosed and is incorporated as part of GIFREHC's comments. The following comments emphasize certain of the concerns and

[1] See *Radiological Survey of Properties In The Vicinity of The Former Cotter Site, Hazelwood/Berkeley, Missouri* (LM003), ORNL Health and Safety Research Division (May 1987) (Activity No. AH-10-05-00-0; ONLWCO1) (ORNL/TM-10008) at Table 5 (Samples 7A-C) and Table 6 (holes 7 and 8).

observations noted in Ms. Feldt's enclosed report, provide additional context for those comments, and raise additional matters that should be considered in connection with any future remedial decision making and planning and reflected in the North County Record of Decision (the "*ROD*").

A. ROD Does Not Supplant Prior Agreements Between the United States and GIFREHC.

In response to the presence of MED/AEC materials on VP2(L), GIFREHC long ago conducted its own risk assessment and, based on that assessment and close coordination with the DOE, developed and has since implemented its own functional "institutional controls" for VP2(L). These controls are documented in the form of a detailed site management plan (the "*SMP*"),[2] which restricts access to certain contaminated areas of VP2(L), and establishes procedures and work rules governing the full range of normal property management activities which could otherwise result in inadvertent radiation exposures to site occupants or others. As a result of this effort, GIFREHC continually has assured both that occupants of the site are safe, and that contaminated MED/AEC materials are secured and remain onsite pending decontamination and removal by the United States. In a certain June 1994 agreement between the GIFREHC and DOE (the "*1994 Work Agreement*"),[3] among other things, DOE agreed (i) that it had reviewed and approved of the SMP as an appropriate guide for the management of the radiologic risk posed by the radiologic contamination at VP2(L) and that the SMP was consistent with DOE guidelines and procedures. The DOE also agreed that it would accept responsibility for the management of the contaminated soils and contaminated building materials generated in connection with carrying out the SMP, and would provide certain services in connection with carrying out the SMP.

The USACE ratified both the SMP and the 1994 Work Agreement in that certain Right of Entry Agreement, dated as of Oct. 6, 1998 (the "*1998 Rail Spur Agreement*"). In that agreement, among other things, GIFREHC authorized the Corps in 1998 to construct a temporary rail spur across the southwest corner of VP2(L). This spur connects the HISS to an existing rail line, and is the means by which the USACE transported the HISS storage stockpile soils offsite for out-of-state disposal. GIFREHC was advised that use of its property for a portion of the rail spur saved the United States millions of dollars over the cost of a new trestle that otherwise would have been required.

In each of these agreements, agencies of the United States made certain commitments to GIFREHC. These agreements each contemplate the issuance of the North County ROD. However, the issuance of the ROD does not alter the United States' contractual obligations to GIFREHC under these agreements, which remain in full force. In preparing and implementing the ROD, the government's covenants under these agreements should be viewed as site-specific ARARs and should be taken into account in all remedial planning.

---

2 *Site Management Plan, 9150 Latty Avenue, Hazelwood, Missouri*; prepared by Haley & Aldrich, Inc., Cambridge, MA, for GIFREHC (H&A File No. 11007-044) (June 1994). The SMP was modeled on the site-specific health and safety plan developed by the DOE for the HISS. DOE, *FUSRAP Health and Safety Plan No. 11/6134/140/153-HSP Rev. 0* (Nov. 1993).

3 That certain agreement by and between GIFREHC and the DOE, signed June 28, 1994.

B. GIFREHC Supports A Removal Alternative To Achieve Unrestricted Use.

GIFREHC strongly supports the proposed Remedial Action Objectives and remediation goals that, when achieved, will "allow for unlimited use and unrestricted exposure." ES-17. While the United States' early nuclear activities have benefited and continue to benefit the nation as whole in a variety of important ways, for too long North County property owners and residents have carried a disproportionate share of the costs and risks of achieving these benefits enjoyed by all. It is appropriate now for the United States to fully shoulder that burden and those costs in order to spread them more equitably among the American people. For this reason, the remedy for the North County site should go as far as reasonably possible to restore the 87 individual properties impacted by MED/AEC wastes and activities to the status quo ante.

Remedial Alternatives 1 and 2 in the FS (no action, or institutional controls only) do not meet this standard, and would continue to impose the full costs and risks of securing radioactive material releases on individual property owners. Alternatives 3 and 4 would reduce those burdens, but would leave the legacy of permanent radioactive waste disposal "cells" in the middle of a active residential and commercial community, potentially affecting future development opportunitics and property values. As indicated in Ms. Feldt's report, it is also uncertain that such cells, as currently described and justified in the FS, would either satisfy CERCLA protectiveness requirements or would be sufficiently secure to prevent recontamination of adjacent properties.

GIFREHC supports remedial Alternatives 5 and 6 as far as they go (i.e., removal of contamination to unrestricted use levels and disposal out of state), but suggests that they should be both merged and expanded. Both Alternatives 5 and 6 call for the removal of soils in currently accessible areas to unrestricted use levels in all parts of the North County Site for out of state disposal. But the two Alternatives differ in their treatment of currently "inaccessible" areas (e.g., under roads, rails, bridges and buildings). Alternative 6 calls for the removal of soils from such inaccessible areas now, just as for accessible areas. Alternative 5 would place institutional controls over inaccessible areas for the time being, and address them when property owners make them available for remediation. However, under Alternative 5, decisions regarding the appropriate extent of remediation for those areas would also be deferred to a new round of CERCLA analysis, apparently on a case-by-case basis, if and when they became accessible. Neither the FS nor the PP provide a rationale for deferring decisions on the appropriate cleanup standard, or why that standard might be different than the standard adopted for the rest of North County soils related to their current "inaccessibility". According to the PP alternatives analysis, the reasons for preferring Alternative 5 over 6 are (1) an increased risk of traffic mishaps during the remediation of transportation corridors (which apparently comprise nearly all of such areas) and (2) increased costs of $60 million – characteristics that would remain regardless of when remediation occurs. No other ARAR or human health justification is provided for the different alternativcs.

1. Merge Alternatives 5 and 6.

Consistent with Alternative 5, GIFREHC supports deferring action on "inaccessible areas" until such time as their respective property owners make them available for remediation and restoration. However, GIFREHC does not support deferring a decision on

remedial goals until that time. As in Alternative 6, the ROD should prescribe the same ARAR-based and health risk-based remedial goals for both accessible and inaccessible areas, with the understanding that implementation of the final remedy will be deferred for inaccessible areas until a later date. If changes in ARARs, technologies or uses in the interim suggest a more or less protective approach is warranted, the lead agency can certainly move to amend the ROD at that time to appropriately address those new circumstances. Otherwise, the absence of a commitment by the United States to implement a protective remedy for these areas at the appropriate time will only create ambiguity and uncertainty respecting these areas that may interfere with or delay putting these lands to their highest and best use over time. It has taken the United States nearly 26 years and millions of dollars in studies and analysis to reach the current decision point respecting the accessible areas. The ROD should not bind the United States and the St. Louis community to repeat that process over and over as individual inaccessible areas become available for remediation on an ad hoc basis without strong and compelling justification. We do not believe that case has been made.

2. *Expand Alternatives 5 and 6 to Include Structures and Improvements.*

The Proposed Plan recites that the FS addresses "structures" in addition to soil, sediment, surface water and groundwater (PP at p. 4); however we have not identified any remedial goals in either the FS or PP with respect to structures. Just as soils and groundwater at the North County Site have been impacted by MED/AEC wastes, so too have structures. GIFREHC has continually been confronted with the challenge of safely and appropriately managing both building maintenance tasks involving contaminated building components, and management of the resulting building maintenance debris (e.g., the VP2(L) roof replacement project).

The radiological characterization of structures summarized in the FS appears to be limited to buildings at HISS/Futura (e.g., FS p. 2-60), and no data is provided for VP structures that have been impacted, and the remedial alternatives discussed do not address how unrestricted use clearance will be achieved for these materials. For example, in 1992, DOE conducted a radiological assessment of the external components of the main building at VP2(L) (performed to asses any effects from the temporary loss of the cover of the HISS main pile during a high wind event). The DOE's letter report of that study given to GIFREHC (attached as Exhibit 2 to these comments) indicates the presence of fixed contamination in excess of DOE's cleanup guidelines (100 disintegrations per minute or "dpm") on the roof and certain concrete steps, external walls, concrete footings, shed roof materials, gas regulation equipment, electrical boxes, sidewalk areas, and window ledges.[4]

At VP2(L), some of these materials were addressed during the 1996-'97 removal action or subsequent roof removal project. The remaining materials do not present any immediate risk as they are controlled by procedures under the VP2(L) Site Management Plan. However, especially considering the 200-1,000 year time frame relevant to this action, it is

---

[4] See undated letter report, "*Radiological Survey Information for the Building at 9150 Latty Avenue in Hazelwood, Missouri,*" from David Adler, DOE, to J. Katkish, First Management Group, Inc. (sent by the Oakridge FUSRAP office to GIFREHC on Oct. 15, 1992), attached as Exhibit 2 to these comments. The letter report also established that beta-gamma survey results were well below DOE's 5000 dpm/100CM^2 cleanup standard.

inevitable that these conditions at VP2(L) and similarly situated properties will need to be addressed in the course of routine maintenance or redevelopment of the property. The FS should be revised to provide additional structural characterization information for the VPs, and remedial alternatives to address the proper management and disposal, by the United States, of contaminated structural materials over time to meet the human health protectiveness requirements of CERCLA, and ARARs. As the draft FS and PP recite at several locations, Missouri may interpret its rules to prohibit the land disposal of such materials in Missouri.

C. Potential "Inaccessible Areas" on VP2(L)

The FS recites that soils beneath permanent structures (i.e., "inaccessible soils") will not be remediated as part of this action, and cites as examples soils under roads, bridges, railroads and other permanent structures. ES-36. A preliminary indication of presumed "inaccessible" soils is provided at Figure ES-3.

GIFREHC strongly supports the position set forth in the FS and PP that the determination of whether soils are "inaccessible" is determined by decisions by the affected property owners. Given the extreme management burdens that could be imposed on property owners plagued with a hodgepodge of small, temporarily "inaccessible" areas under walkways, current parking lots and small structures (each of which presumably would be subject to institutional controls), landowners may reasonably determine that such areas should be deemed accessible now and remediated and replaced now, even where they serve as functional, temporary caps on contaminated soils, rather than allowing action to be deferred to some indefinite future date, to some indefinite future remedial standard. The FS and ROD should identify any more specific criteria for "inaccessible" areas that will be applicable, and confirm that such areas will be defined finally only after consultation with affected landowners following or in connection with the pre-design investigation. The FS does not indicate how additional "inaccessible" areas will be identified.

As this potential issue arises on VP2(L), two areas in particular should not be deemed "inaccessible" without further consultation with GIFREHC -- the area of unexpectedly high subsurface contamination VP2(L) in the southwest corner of the VP2(L) west parking area, and the area comprising that part of the HISS rail spur that crosses VP2(L). These areas should be remediated as part of the current action.

1. The "Hot Spot" Under the VP2(L) Parking Lot is Not Inaccessible and the FS and ROD Should Indicate That the Area Will Be Remediated to Unrestricted Use Levels

Although not identified as "inaccessible" in Figure ES-3, this is to confirm that the "hot spot" identified in 1996 – involving Th-230 concentrations greater than 30,000 pCi/g – along the VP2(L)/HISS fence line, and under what is now the southwest corner of the VP2(L) west parking area should be deemed accessible. The soils in this area are highly contaminated, and adjoin unpaved areas that are also relatively highly contaminated. At the direction of the DOE, remediation of this area was deferred during GIFREHC's 1996 removal action due to the high activity levels. The area was marked with granite curbing, and temporarily capped with sheeting, gravel and pavement. A copy of DOE's December 13, 1996 confirming

correspondence (and related sampling data) is provided as Exhibit B to Ms. Feldt's attached report. The current asphalt cover was intended as a temporary control measure pending remediation by the United States pursuant to the ROD. GIFREHC understands that the mere presence of the asphalt cover will not cause these soils to be deemed "inaccessible", and that they will be removed to the same extent as other areas of VP2(L). Like the FS, the ROD should reflect that this "hot spot" is not "inaccessible."

2. ***The Portion of the HISS Rails Spur On VP2(L) is Not Inaccessible and the FS and ROD Should Indicate That It Will Be Remediated to Unrestricted Use Levels***

Figure ES-3 mistakenly shows the entire length of the HISS rail spur to be "inaccessible." As discussed above, a portion of that spur crosses VP2(L) pursuant to the terms of a limited right of entry in favor of the United States set forth in the 1998 Rail Spur Agreement. That agreement provides that the spur (at least insofar as it is present on VP2(L)) is a temporary structure. In particular, Section 1(c) of the 1998 Rail Spur Agreement provides that the Corps shall remove the portion of that rail spur present on VP2(L) no later than October 2010, and shall remediate the property underneath it. GIFREHC hereby affirms its expectation that the HISS spur will be removed in according with the Government's covenant. Even if this discrete area is the last area to be remediated as part of this action, it should nevertheless be remediated as part of this action, and to levels comparable to other portions of VP2(L). Figure ES-3 of the FS should be revised, and the ROD should reflect that this portion of the HISS rail spur is not "inaccessible."

D. VP2(L) Should Be Remediated First Among the VPs, and this Determination Should be Reflected in the ROD

There are a great number of individual VPs to be addressed under the preferred alternative; however neither the FS nor the PP addresses when remediation will begin at any of the VPs, or the relative priority with which the individual VPs will be addressed. The data cited in the FS suggests that VP2(L) is potentially the most impacted VP. Characterization data omitted from the FS but referred to herein or in Ms. Feldt's enclosed report confirm that the concentrations on at least portions of VP2(L) are far greater than previously publicly acknowledged by the Corps (i.e., > 30,000 pCi/g Th-230 in the top 15 cm, and perhaps > 80,000 pCi/g). Through implementation of the SMP (i.e., GIFREHC's informal "institutional control"), GIFREHC has assured that VP2(L) workers and contractors are and will remain safe, and that contaminated media and building materials are not disturbed. Nevertheless, GIFREHC wishes to be relieved of these policing duties and associated costs as soon as possible.

Indeed, Pursuant to the 1998 Rail Spur Agreement with GIFREHC, the Corps agreed to fully remediate VP2(L) in accordance with the approved EE/CA and approved ROD, and to:

> use its best efforts to do so by 2008 or within two years of the approval of the applicable ROD, whichever is later; ... [and] in any event, ...to remediate [VP2(L)] on a first priority and expedited basis as among the HISS and the other Latty Avenue Vicinity Properties.

1998 Rail Spur Agreement, §10(a). Doubt about the Corps' willingness to stand by its covenant to address VP2(L) first has been raised by the "St. Louis FUSRAP North County Site Property Characterization Plan,"(Apr. 2000),[5] located in the Administrative Record. This document suggests (perhaps erroneously) that the Corps does not plan to honor its commitments both to (1) complete remediation of VP2(L) by the earlier of 2008 or two years after ROD approval (the document suggests commencement in 2009), and (2) in any event, to remediate VP2(L) prior to other VPs.

Considering the extent of existing impacts relative to other VPs, and the Corps' prior covenants, the ROD should reflect that VP2(L) will be remediated on a first priority and expedited basis as among the HISS and the other Latty Avenue VPs. The fact that the neighboring HISS may be used as a transshipment point for other area removals should not impact this decision as all such activities must be sufficiently controlled to prevent any risk of re-contaminating any remediated areas of VP2(L).

E. Clarify That Latty VPs Are Considered "On-Site" For Purposes Of The NCP

In various locations in both the FS and PP, the text suggests that the NPL-listed portions of the North County "Site" are limited to the SLAPS, HISS and Futura Coatings properties. Although the geographic scope of the original HRS scoring may have been limited to these areas, subsequent characterization data summarized in the FS and elsewhere confirms that the HISS VPs (including VP2(L)) are properties where contamination has "come to be located" and, therefore, that they are part of the same "facility." See 54 Fed. Reg. 19526 (May 5, 1989) (*"EPA contemplates that the preliminary description of facility boundaries at the time of scoring will need to be refined and improved as more information is developed"*). See also 40 CFR §300.68. The FS/PP and ROD must confirm that the Latty VPs are part of the CERCLA "facility," for which permit waiver authority may be exercised under CERCLA §121.[6] Similarly, the FS and ROD should confirm that the Latty VPs would be covered by any CERCLA five-year reviews to the extent that any contamination remains on these properties during or after construction.

F. Confirm that "Supplemental Standards" Are Proposed only for HISS/Futura and SLAPS; and Only Under Alternatives 2 and 3.

Ms. Feldt's report cites concerns with the propriety and justification for potential use of so-called "supplemental standards" in the former primary storage areas at HISS/Futura and SLAPS. We understand, and the FS and ROD should be explicit, that these are proposed only under Alternatives 2 and 3, and that they are not being considered for use in connection with Alternatives 5 or 6, or for use in any event on VP2(L) or any other VP. See PP at pp. 17 –

---

[5] USCOE: "St. Louis FUSRAP North County Site Property Characterization Plan," Rev. 0 (Apr. 2000) (ID No. 00-137; MARKS No. FN:1110-1-8100g), at Table 3, p. 2. Note that the right of entry referred to on this table is for installation, operation and removal of the HISS rails spur, and expires in 2010.

[6] Note that the USACE has conceded in other contexts that NRC licensing would be applicable to its FUSRAP activities conducted in off-site locations. See e.g., 64 FR 16504, 16505, col. 3 (Apr. 5, 1999)(*"[The Corps] acknowledges that NRC license requirements may apply to portions of FUSRAP response actions conducted off-site, beyond the scope of the [CERCLA] permit waiver"*).

19. GIFREHC would object strongly to creating nuclear burial cells on its property or otherwise in the North County community. These standards were designed for use in connection with remote, isolated mill tailings sites and, in that regard, are not appropriate for the current setting.

G. Final Status Surveys and Other Cleanup Documentation

The PP provides only limited information concerning the surveys that will be conducted to confirm that the cleanup has achieved the remedial action objectives. From an affected property owner's perspective, these surveys raise several issues which should be resolved in the ROD. First, the benchmark for confirming the adequacy of the remediation is whether the remediation has achieved the remedial action objective of the ROD – unrestricted site use at CERCLA-protective levels. Given that the actual remedial goals are proposed at concentrations that would allow residual concentrations somewhat higher than these levels, based on the expectation developed from similar cleanups that remediation to these higher concentrations will, in fact, result in achieving the lower, CERCLA-protective concentrations, the final status surveys must be designed to confirm that assumption has held true at each of the VPs and other affected areas.

Second, the final status surveys must be performed and reported on a individual, property-by-property basis. The legacy of MED/AEC activities has clouded the appropriate and safe uses of the 87 affected North County properties. While GIFREHC supports the United States' efforts proposed in the FS/PP to restore these properties to full beneficial use, the cloud may well remain unless individual property owners are provided with the documentation that clearly demonstrates to laymen and radiation health physicists alike that the remediated properties are, in fact, fully ready for reuse. GIFREHC believes such reports should document the results of the work, including site-specific survey data, and affirmatively confirm that each such property is "ready for reuse" without restriction.[7]

Third, the final status surveys and post-remedial reports must also address conditions in Vicinity Property buildings. While remedial planning has been based in part on the need to assure healthful and protective working environments in structures on the affected VPs over time, which GIFREHC of course supports, the final status surveys should confirm that those conditions have been achieved (or, in the case of VP2(L), remain) with respect to all potential exposure routes. To the extent those surveys identify contaminated building components that will need to be properly managed in the future, they reports should document those findings, and specify how the United States will manage them.

H. Institutional Controls and Long-Term Stewardship

Alternative 5 specifically contemplates use of institutional controls to control exposure risks for inaccessible areas. Once VP structures are taken into account, we believe that even Alternative 6 may require some such controls. As described in the PP, the contemplated

---

[7] For example, PP Figure 5 shows an area of VP2(L) as having been remediated – presumably in connection with the East Pile removal effort and related construction of the Corps' contractor equipment storage area. But, although that effort has been completed for some time, GIFREHC has not yet received any documentation establishing the post-removal remedial status of that area establishing that it is fully ready for unrestricted reuse.

form of the institutional controls will be designed to provide notice to property owners, enforcement mechanisms, and a manner to contact a government agency for more information. The text of the PP provides that the controls are designed to give the government notice of planned activities in areas of residual contamination, "*so that the government may conduct the necessary remedial action work prior to or in conjunction with the performance of" such activities.* PP at p. 33. GIFREHC strongly supports the government's commitment to take full responsibility for these areas. This commitment should be reflected in the instruments of the institutional control, and in the long term stewardship plan.

The long term stewardship plan must include transparent procedures for property owners with residual contamination (in soils or structures) to obtain the government's timely and effective efforts to remove and dispose of residual contamination as the need arises. GIFREHC's own experience provides an excellent case study of the ongoing need property owners may have for such services, and the extreme hardship imposed on property owners when the government is unable or unwilling to shoulder its responsibility for such conditions. While the government may not be reasonably expected to be able to respond to all decontamination needs at a moment's notice, a transparent procedure, coupled with a commitment by the government to undertake the work to the standards of the ROD, will allow affected property owners to plan appropriately, and to provide appropriate notice to the responsible government agency, and to coordinate with that agency. Absent transparent, workable and timely response procedures, the long term effectiveness of the remedy may be jeopardized by frustrated property owners without the resources to undertake, as GIFREHC has in the past, appropriate protective radiological management steps.[8] The stewardship plan thus functions as an institutional control itself. Because this control is central to the continued long-term protectiveness and implementability of the remedy, these minimum elements of the long term stewardship plan should be reflected and detailed in the ROD, even if the details are completed subsequently. The ROD should also carry the commitment to develop the long-term stewardship plan through a public notice and comment process, which includes elements to assure the government's continued accountability.

I. Implementation

Procedures for further remedial design investigations and soil removals are addressed only surficially in the FS and PP. While this may be appropriate in the more typical case of a NPL site comprising a single property, the North County site is somewhat unique in the number of individual properties and property owners affected over a large commercial and residential area. Normal commercial operations at affected properties may be significantly and adversely impacted and interrupted in the short term when the actual soil removals begin. To document the short term implementability and effectiveness of the remedy, the decision documents should detail how such work will be coordinated and planned with individual

---

[8] Providing transparent, timely and workable procedures is akin to the common workplace practice by employers of providing designated smoking areas. Just as the people of the North County will need to maintain their buildings and grounds, so too employees will smoke. If a designated smoking area is not provided, employees will still smoke, but may do so in hiding, or in areas or in a manner that creates a significant fire hazard.

property owners, including means of compensating them for temporary disruptions or business dislocations.

The PP similarly touches only lightly on the control measures that will be implemented over the course of the North County excavations and transshipments to assure that contaminated soils are not re-released to the environment (as they were when brought to the HISS), and to assure that persons present in VP workplaces are protected from unexpected or unwarranted exposures. This is of particular concern at VP2(L), which is located immediately adjacent to the HISS. The USACE has successfully used such procedures in the past (e.g., during the East Pile removals), and we assume they are anticipated for the contemplated excavations. Given the importance of this issue, the ROD should include a description of and commitment to the monitoring – including air monitoring, action levels, and response plans – that will be undertaken during the course of construction (which we understand will be spread over several years), and a commitment to timely share and interpret the data generated by such monitoring with potentially affected landowners or occupants.

J. Extent of Radiological Characterization

Ms. Feldt's report identifies data from several historical characterization efforts by DOE and others respecting VP2(L) that are not acknowledged in the text of the FS or PP, or perhaps in the analysis of risks and options.[9] Additional data may also be available from characterization work undertaken by the USACE in connection with the construction of the HISS rail spur across VP2(L), design studies for the construction of the USACE's contractor equipment storage area on VP2(L), and following removal of the East Piles. GIFREHC has never received documentation of this work. This additional data, and any implications for the sufficiency of the current data set and site findings, should be taken into account as necessary in further remedial design characterization, removal procedure design, worker and workplace monitoring and health protections, and setting remedial priorities among VPs and the primary storage properties.

---

[9] This includes *Radiological Survey of Properties In The Vicinity of The Former Cotter Site, Hazelwood/Berkeley, Missouri* (LM003), ORNL Health and Safety Research Division (May 1987) (Activity No. AH-10-05-00-0; ONLWCO1) (ORNL/TM-10008) at Table 5 (Samples 7A-C) and Table 6 (holes 7 and 8). See also DOE/OR/20722-203 (vol. II)(Rev. 1), Table 3-4 (documenting specific activity levels of 9310 pCi/g for Th-230 in one area of VP2(L)). Full account also should be taken of the prior BHE studies provided to the USACE by GIFREHC documenting, among other things, external radiation surveys of VP2(L) at the completion of the 1996-1997 removal action.

K. CONCLUSION

GIFREHC strongly supports the proposed Remedial Action Objectives and remediation goals that, when achieved, will "allow for unlimited use and unrestricted exposure." The ROD should reflect the commitment today to achieve that standard for all North County properties, and include requirements for appropriate short term protective measures, post-remedial documentation, and long term stewardship to assure that the North County community and affected property owners obtain the full benefit intended benefit of the proposed action .

Very truly yours,

Jeffrey J. Davidson
James G. Votaw

Exhibit 1: Comments of Integrated Management & Environmental Solutions LLC on Behalf of GIFREHC, re North County Site Feasibility Study and North County Proposed Plan (Jul. 14, 2003).

Exhibit 2: Letter report, "*Radiological Survey Information for the Building at 9150 Latty Avenue in Hazelwood, Missouri,*" from David Adler, DOE, to J. Katkish, First Management Group, Inc. (*circa* Oct. 15, 1992).

cc: John R. Katkish, GIFREHC
Berny Hintz, AIA
Elisabeth G. Feldt

FUSRAP Document Management System

Year: 00 | ID: 3616

Further Info? ☐

Operating Unit: North County | Site: | Area: | MARKS Number: FN:1110-1-8100g

Primary Document Type: Public Affairs/Community Relation | Secondary Document Type: Correspondence

Subject or Title: Comments on North County Feasibility Study and North County Proposed Plan made by General Investment Funds Real Estate Holding Company.

Author/Originator: James Votaw | Company: Hale and Dorr | Date: 7/14/2003

Recipient (s): Sharon Cotner | Company (-ies): FUSRAP | Version: Final

Original's Location: Central Files | Document Format: paper | Confidential File? ☐

Include in which AR(s)?

- ☑ North County
- ☐ Madison
- ☐ Downtown
- ☐ Iowa

Comments:

SAIC number:

Bechtel ID:

ETL: 8.1

Filed in Volume: 8