

**Formerly Utilized Sites Remedial Action Program – Program Update
17530**

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ABSTRACT

The legacy of the United States' early atomic energy program is an important piece of our Nation's history. That legacy however, left low-level radiological contamination at properties now owned and operated by commercial, private and/or local government entities. Although many of these contaminated sites were identified by the Government in the past, additional properties continue to be identified.

The United States Government, thru the US Department of Energy (USDOE) and the US Army Corps of Engineers (USACE), is addressing these sites with the Formerly Utilized Sites Remedial Action Program (FUSRAP) and has been doing so since the 1970's. The USDOE and the USACE both have roles in the Program.

The USACE FUSRAP Program has an important task but faces many challenges to achieve a success conclusion. Since the implementation of "sequestration cap" budgeting by Congress in 2012, the annual budget for the Program has decreased significantly compared to the funding levels in prior years. The Program complies with USACE Civil Works budgetary reprogramming rules that requires close coordination between the project and program teams to appropriately and efficiently obligate and expend Program funding. The very nature of environmental remediation work results in consistently finding additional unknowns during each phase of a project. The Program is required to follow Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) guidance and conduct cost recovery activities but does not have authorities such as those held by the US Environmental Protection Agency (USEPA). In order to pursue cost recovery actions, conclude a settlement agreement or file an administrative order, USACE must engage the US Department of Justice or USEPA to act on their behalf as USACE does not have the authority to do so themselves.

Twenty years later, USACE continues to carry out the FUSRAP mission and work in coordination with the USDOE Office of Legacy Management (DOE-LM) to ensure that the Government's responsibilities are addressed. Success is measured by finishing each site cleanup so they can be turned back to their property owner and stakeholders for safe use. USACE continues to seek new technologies and methods of approach to improve and expedite site investigations and clean ups.

INTRODUCTION

The FUSRAP Program was initiated in 1974 to identify, investigate, and if necessary, clean up or control sites throughout the U.S. contaminated as a result of the Manhattan Engineer District (MED) or early Atomic Energy Commission (AEC) activities. Both the MED and the AEC were predecessors of the USDOE.

Congress transferred administration and execution of FUSRAP cleanups from the USDOE to the USACE in October 1997. USDOE continues to administer the Program and is responsible for long term monitoring and maintenance of site in the program.

The USACE continues to address sites the USDOE began, sites that were referred to the USACE by the USDOE's Office of Legacy Management under a USACE/USDOE Memorandum of Understanding, and sites added to the program by Congress.

The Corps of Engineers' FUSRAP objectives are to safely, effectively and efficiently:

- Identify and evaluate sites where authority and the need for a response action exist;
- Clean up or control FUSRAP sites to ensure protection of human health and the environment;
- Dispose or stabilize radioactive material in a way that is safe for the public and the environment;
- Perform work in compliance with applicable federal, state, and local environmental laws and regulations; and
- Return sites for appropriate future use.

When executing FUSRAP, the USACE follows the investigation and response framework of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). Types of contamination that are typically addressed thru the FUSRAP include Uranium Mill Tailing (11e (2)) Material as defined under the AEA, amended in 1974 as UMTRCA, and RCRA Regulated Waste.

Currently seven districts within three USACE divisions work on 25 active FUSRAP sites within 10 states. See Figure 1. Districts executing the USACE FUSRAP mission are Buffalo and Pittsburgh within the Great Lakes and Ohio River Division; St. Louis within the Mississippi Valley Division; and Baltimore, New England, New York, and Philadelphia within the North Atlantic Division. The Corps of Engineers' Environmental and Munitions Center of Expertise and the Kansas City District also provide technical assistance.

USACE FUSRAP Site List – by District

St. Louis District Iowa Army Ammunition Plant North St. Louis County Sites St. Louis Downtown Site	Buffalo District Joslyn manufacturing and Supply Company Guterl Specialty Steel Linde Air Products Niagara Falls Storage Site Seaway Industrial park Tonawanda Landfill Harshaw Chemical Company Site Luckey Site Painesville Site Superior Steel	New England District Combustion Engineering Site Shpack Landfill
New York District Colonie Site Maywood Chemical Superfund Site Middlesex Municipal Landfill Middlesex Sampling Plant Sylvania Corning Plant		Pittsburgh District Shallow Land Disposal Area
		Baltimore District W.R. Grace at Curtis Bay Site

Fig. 1. USACE FUSRAP Site List by District

DISCUSSION

Public Involvement

The USACE is committed to informing and involving the public as it progress through the decision-making process for each site. This is a critical step with our work spanning across both private and public properties. We work with various stakeholders, members of the public, and regulatory agencies, all of which can have competing interests. The Program publishes an annual Stakeholders Report which provides site information and work status for each project in the Program.

Coordination with Federal Partners

Executing the FUSRAP requires extensive coordination both internal to USACE as well as with the USDOE, as well as thru the Memorandum of Understanding between the USACE and both the Nuclear Regulatory Commission and the USDOE.

Budget

Executing a program with a varying budget provides challenges from year to year. Regardless of what is planned and requested by USACE for the Program, the final FUSRAP budget amount varies from year to year (both up and down) without much notice. The current FY2017 President's Budget number is \$103M. The Program has been operating under Continuing Resolution Authority (CRA) for a number of years, as is the case for all Federal Agencies. Operating under a CRA at the beginning of

each fiscal year can limit our capability to award new contracts any earlier than the third quarter of that year. As we move forward to a new administration, we will continue to expect budget constraints and uncertainty. The cost to complete for the entire program is projected to be at least \$1.5B. This number is based on those sites currently in the remediation phase or with a Record of Decision (ROD). It does not include sites still in the investigative phase. Therefore, the Program anticipates that the CTC may increase as those sites reach the ROD phase and if current funding levels remain at their current level.

Upcoming Contracting Opportunities

Based on the current level of program funding received, USACE is developing a backlog of FUSRAP sites that are 'contract acquisition' ready but will not be started until either a site now being remediated is completed or more Program funding becomes available.

It is anticipated that the DuPont Chambers Prime contract rebid Request for Proposal (RFP) may be ready by 3Q FY2017.

Successes

Despite the challenges that our program faces, in FY16 USACE successfully excavated and disposed of over 85,000 cubic yards of contaminated soil from across the Program. A ROD was signed for the Colonie Site, NY, Vicinity Properties Operable Unit (OU). The ShPack Landfill, MA and Combustion Engineering, CT Sites are completed and began the transfer process back to USDOE Office of Legacy Management for long term management. And the Prime RFP was released for the Shallow Land Disposal Area (SLDA).

CONCLUSIONS

Executing the USACE FUSRAP Program continues to be a dynamic and challenging process compounded by budgetary constraints, competing site priorities, regulatory requirements, and increasing workload. Despite these challenges, the USACE will continue to work closely with the public and our stakeholders to deliver high quality, consensus-driven, technically successful remedies and solutions for these sites and to make progress in remediating and eventually transferring sites out of the Program for long term management by DOE-LM, and make the Program a success.