

FOIA/PA REQUEST  
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Date Rec'd: 1-25-06  
Specialist: Kennedy  
Related Case: \_\_\_\_\_

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January 17, 2006

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U.S. Nuclear Regulatory Commission  
ATTN: FOIA Officer  
Mail Stop T6-D8  
Washington D.C. 20555-0001

Re: Freedom of Information Act Request

Dear Sir or Madam:

I would like to make a request for records pursuant to the Freedom of Information Act (FOIA), 5 U.S.C.A. 552. The documents being sought, pursuant to FOIA, by this request are as follows:

1. All agreements containing indemnification provisions in connection with contractual activities at the SLAPS site including agreements for the processing of uranium, agreements relating to the final disposal of materials from the processing of uranium and agreements relating to the relocation and/or remediation of the SLAPS site.

I have attached a copy of a chronology we printed from the U.S. Army Corps of Engineers, so that you can better understand what we are requesting.

Please forward these records to my attention at your earliest convenience and bill us for any reasonable copying charges associated with this request. If you have any questions or if you need further information in order to process this request, please contact the undersigned.

Thank you for your help in this matter.

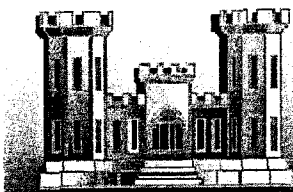
Very truly yours,

Thompson Coburn LLP

By

*Carrie Grosskreutz*  
Carrie Grosskreutz  
Paralegal

Enclosures



*Formerly Utilized Sites Remedial Action*  
U. S. Army Corps of Engineers, St. Louis District

# St. Louis Sites Contamination Chronology

- 1930's
- 1940's
- 1950's
- 1960's
- 1970's
- 1980's
- 1990's

1930's	<p><b>1939</b></p> <p>World War II begins when Hitler invades Poland on September 1, 1939.</p>
1940's	<p><b>1941</b></p> <p>The U. S. declares war on Japan and Germany on December 8th.</p> <p><b>1942</b></p> <p>The Manhattan Engineering District (MED) achieves the first self-sustained nuclear chain reaction at Stagg Field at the University of Chicago using uranium oxide produced by the Destrehan Street Refinery and Metal Plant (later Mallinckrodt Chemical Works).</p> <p>Following the success of the Stagg Field experiment, the MED contracts with Mallinckrodt to process uranium. Under this contract, uranium and radium are extracted from ore and used to make the first atomic bombs. Years later, this facility will become known as the <u>St. Louis Downtown Site (SLDS)</u>.</p> <p><b>1945</b></p> <p>The first atomic bomb is tested at White Sands Test Range in</p>

	<p>Alamogordo, New Mexico. On August 6 &amp; 9, atomic bombs are detonated at Hiroshima and Nagasaki, leading to Japanese surrender in September. World War II officially ends.</p> <p><b>1946</b></p> <p>MED acquires land from the City of St. Louis and obtains consent to store process byproducts containing radioactive residuals from the Mallinckrodt plant. Most of the wastes and residues are stored on open ground. Some contaminated materials and scrap are buried at the western end and other parts of the site. Later, this land becomes known as the <u>St. Louis Airport Site (SLAPS)</u>.</p> <p>Congress passes the Atomic Energy Act in September, which creates the five-member Atomic Energy Commission (AEC) to manage the atomic energy program. On December 31, the Manhattan Engineering District is deactivated. The newly created AEC assumes the Manhattan Engineering District's responsibilities.</p> <p><b>1948</b></p> <p>With AEC financing, Mallinckrodt begins to decontaminate Plants 1 and 2.</p>
<b>1950's</b>	<p><b>1951</b></p> <p>The AEC releases the Mallinckrodt Plants 1 and 2 for use without radiological restrictions.</p> <p><b>1957</b></p> <p>AEC operations downtown close. From 1942 to 1957, the plant had processed more than 50,000 tons of uranium product. Contaminated scrap metal and miscellaneous radioactive wastes are transported to SLAPS and buried on the western edge of the property.</p>
<b>1960's</b>	<p><b>1960</b></p> <p>AEC offers uranium processing residues and wastes at SLAPS for sale.</p> <p><b>1965</b></p> <p>In a waste inventory and radiological survey conducted at SLAPS, the AEC finds approximately 121,000 tons of uranium refinery residues and contaminated material.</p>

	<p><b>1966</b></p> <p>In February, Continental Mining and Milling Co. purchases wastes stored at SLAPS and begins moving them to 9200 Latty Avenue in Berkeley, Missouri. Improper storage, handling, and transportation of materials causes the spread of these materials along haul routes to Vicinity Properties (SLAPS VPs). The Latty Avenue property, where the wastes from SLAPS were stored, will later become known as the Hazelwood Interim Storage Site (HISS).</p> <p>After removal of most residuals to HISS, structures on SLAPS are demolished and buried on the property. Sixty truck loads of scrap metal and a contaminated vehicle are buried on the property. One to three feet of clean fill material are spread over SLAPS to achieve acceptable levels of surface radioactivity.</p> <p><b>1967</b></p> <p>Commercial Discount Corporation purchases the residues stored on HISS and after drying, ships much of the material to Canon City, Colorado.</p> <p><b>1969</b></p> <p>Cotter Corporation purchases the remaining residues at HISS, dries it and ships additional material to Canon City during 1970.</p>
<b>1970's</b>	<p><b>1970</b></p> <p>The Environmental Protection Agency is formed.</p> <p><b>1973</b></p> <p>The AEC conveys the SLAPS property by quitclaim deed to the St. Louis Airport Authority.</p> <p>Cotter concludes its shipping operation at HISS. The remaining contaminated material (barium sulfate) is mixed with approximately 5 times as much topsoil "to disperse and dilute the uranium bearing residues" and disposed of in a St. Louis County landfill.</p> <p><b>1974</b></p> <p>AEC established the Formerly Utilized Sites Remedial Action Program (FUSRAP) for the cleanup of sites not owned by the DOE but contaminated from past activities involving radioactive materials. The SLDS, SLAPS, SLAPS VPs, and HISS sites are</p>

eventually placed in FUSRAP.

In a reorganization of the state government, the Missouri Department of Natural Resources (MDNR) is formed.

### 1975

The Atomic Energy Commission is replaced by two new federal agencies. One is the Nuclear Regulatory Commission (NRC), which is charged with regulating the civilian uses of atomic energy (mainly nuclear power plants). The other is the Energy Research and Development Administration (ERDA), whose duties include the control of the nuclear weapons complex.

### 1976

The Nuclear Regulatory Commission (NRC) conducts a radiological survey of HISS and determined the residual uranium concentrations, thorium concentrations and gamma exposure levels exceeded guidelines for release of the property without radiological restrictions.

From 1976 until 1978, radiological investigations of SLAPS and Latty Avenue are performed. Contamination is found at both sites, along with elevated radionuclide concentrations onsite and north of the site in ditches along McDonnell Boulevard. The ditches are designated for remedial action under the FUSRAP program.

### 1977

ERDA is transferred to the newly created Department of Energy (DOE).

The buildings and grounds at 9200 Latty Avenue are purchased by the current owner and leased to a manufacturing facility. A follow-up radiological characterization of HISS is conducted prior to occupancy. This survey disclosed uranium, thorium and radium in and around the building and subsurface.

### 1979

During a cleanup performed by the new owner under NRC guidance, 13,000 cubic yards of material are excavated from the western half of the 9200 Latty Avenue and stockpiled on the eastern to form the main storage pile at HISS.

## 1980's

### 1981

SLAPS is designated for remedial action under FUSRAP.

A radiological characterization of the pile and portions of the northern and eastern vicinity properties for HISS is performed. Levels of contamination similar to those on the pile are found in both areas.

#### **1982**

DOE performs a radiological characterization of the ditches to the north and south of SLAPS and of portions of Coldwater Creek. The characterization sampling effort indicates radioactive levels exceed DOE guidelines then in effect.

#### **1984**

As a follow-up to the 1981 HISS/Latty Avenue survey, a detailed radiological survey of the northern and southern shoulders of Latty Avenue is conducted. Results indicate that contamination in excess of federal guidelines is present along the road beyond Hazelwood Avenue. Properties adjacent to HISS are also found to be contaminated in excess of guidelines.

The Energy and Water Development Appropriations Act directs DOE to conduct a decontamination research and development project at four sites throughout the nation, one of which is HISS. Results of the survey demonstrate that the property exceeds guidelines for residual radioactive material given in DOE Order 5400.5. Subsequently, Congress adds HISS to FUSRAP in order to expedite decontamination.

DOE is directed by Congress to reacquire SLAPS (Public Law 98-360) and use it as a permanent disposal site for waste already on the property, contaminated soil in the surrounding ditches, and the waste from HISS. The City of St. Louis refuses to transfer the property to the DOE.

The DOE begins clearing the property at 9200 Latty Avenue and selected adjacent properties; constructing a vehicle decontamination facility, installing a perimeter fence at HISS, excavating and backfilling the edges and shoulders of Latty Avenue, and consolidating and covering the contaminated soil storage pile. These activities resulted in adding 14,000 cubic yards of contaminated soils to the 13,000 cubic yards of material already in the storage pile.

#### **1985**

Erosion on the western side of SLAPS along Coldwater Creek necessitates emergency maintenance. Sloughing and seepage are causing erosion of contaminated fill and loess (soil) materials into the creek. The problem is temporarily corrected by installing a gabion wall (constructed of rock-filled wire baskets) along the western edge of the property.

DOE performs a radiological survey of the roads thought to have been used to transport contaminated materials to and from SLAPS and HISS. Gamma scans of roadsides detect exposure rates in excess of background due to elevated concentrations of radium-226 and uranium-238 in the soil. Thorium-230, an alpha emitter, is determined to be a primary radioactive contaminant in soil on the basis of its activity. Parts of Hazelwood Avenue, Pershall Road, and McDonnell Boulevard are designated by the DOE for remedial action.

### 1986

DOE provides radiological support to the cities of Berkeley and Hazelwood for drainage/road improvement project along Latty Avenue. An additional 4,600 cubic yards of material is placed in a supplementary storage pile at HISS.

Boreholes are drilled at SLAPS and the SLAPS VPs to define the nature and extent of the subsurface contamination and geological conditions. A radiological and limited chemical characterization of SLAPS determines that radioactive impacts extend as deep as 5.5 meters (18 feet) below grade. Further surveys identified additional areas of contamination along the shoulders of McDonnell Boulevard, Hazelwood Avenue, and Pershall Road.

### 1987

Further investigation of the original transportation routes is conducted. A complete radiological characterization, which consists of sampling and analysis to determine the nature and extent of contamination, is conducted at HISS, along Coldwater Creek, and on about 70 haul road properties. Contamination on the haul road properties is found on road shoulders and adjacent properties. Contamination is shallow (less than one foot deep), and concentrations are low. Although characterization is essentially complete, some additional investigation in the creek and along haul roads is still required. Chemical characterization of SLAPS and HISS is completed.

The U. S. Army Corps of Engineers requests that DOE survey an additional portion of Coldwater Creek as part of the Coldwater

**Creek Local Flood Protection Project.****1988**

Radiological characterization, which consists of sampling and analyses to determine the nature and extent of contamination, is performed at SLDS.

**1989**

SLAPS and HISS are added to the Environmental Protection Agency's National Priorities List (NPL). This list requires the cleanup to proceed under the guidelines of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) as amended by the Superfund Amendments and Reauthorization Act (SARA).

Characterization studies of the section of Coldwater Creek from Banshee Road to Old Halls Ferry Road indicate low-level radioactive contamination is present in the Coldwater Creek channel.

A survey of the Dow Chemical Company Buildings in Madison, Illinois indicates low-level radioactive contamination is present in dust located on overhead surfaces in Building 6. About two cubic yards of contaminated uranium/thorium dust from MED/AEC operations is identified on roof beams at the facility.

**1990's****1990**

The Environmental Protection Agency (EPA) and DOE sign a Federal Facilities Agreement, which establishes an environmental review process and establishes a schedule for the remediation of SLAPS, SLDS, and HISS. The process requires DOE to evaluate alternatives for waste management, one of which is storage at SLAPS.

The City of St. Louis offers to transfer the SLAPS property back to DOE under the condition that a permanent disposal cell for radioactive wastes will not be constructed on the site. The DOE declines acceptance of the SLAPS property from the city until the environmental review process is conducted.

Radiological characterization activities are conducted on the six properties adjacent to Mallinckrodt to determine whether contamination extends beyond the Mallinckrodt property boundaries.



**1991**

An Engineering Evaluation/Cost Analysis (EE/CA), which outlines the scope of interim removal actions at SLDS, is prepared and released for review and comment to the public. Once the DOE prepares a Responsiveness Summary to address the comments received on the SLDS EE/CA, limited removal action activities are undertaken at SLDS.

**1992**

The Madison Site is added to the FUSRAP list of sites slated for cleanup. The FUSRAP site is located within a limited area of an active facility.

**1994**

The St. Louis Site Remediation Task Force is established. Two citizen committees are established for the purpose of working closely with FUSRAP representatives and serving as a "voice of the people". These organizations are the St. Louis Radioactive and Hazardous Waste Oversight Committee and the City of St. Louis Mayor's Advisory Task Force on Radioactive Waste. Later in this same year, the members of these two groups join together with other community stakeholders to form the St. Louis Sites Remediation Task Force.

**1995**

Contaminated soils are removed from seven residential vicinity properties, beginning the North County sites cleanup.

15,043 cubic yards of contaminated soil is excavated from the Mallinckrodt Plant 10 area (SLDS) and shipped to a licensed, out-of-state disposal facility.

**1996**

The owner of 9150 Latty Avenue, located to the east of HISS, expands the facility and stockpiles about 8,000 cubic yards of contaminated soil on the southwestern corner of the property. This stockpile becomes known as the Eastern Pile.

At SLDS, 750 cubic yards of contaminated soil is excavated from the City Property, Riverfront Trail area, and shipped to a licensed, out-of-state disposal facility.

The 50-series buildings on the Mallinckrodt property are decontaminated and demolished. Contaminated materials are transported by covered gondola cars for disposal in a licensed, out-of-state facility. Brick and cinder blocks are crushed and piled onsite to await disposition.

The St. Louis Site Remediation Task Force releases its report containing local stakeholders' conclusions and recommendations for remediating the St. Louis FUSRAP sites.

### **1997**

The St. Louis Oversight Committee is formed from a subset of the St. Louis Remediation Task Force to act as a citizens advisory group in the decision-making process for the St. Louis FUSRAP Sites.

Plant 6 and 7 Buildings are decontaminated and demolished. Contaminated materials are transported by covered gondola cars for disposal in a licensed out-of-state disposal facility. Brick and cinder blocks are crushed and piled onsite to await disposition.

On October 13, the Fiscal Year 1998 Energy and Water Appropriations Act transferred the FUSRAP project to the U. S. Army Corps of Engineers. The St. Louis District of the Corps is chosen to carry out remediation on the St. Louis sites. Cleanup activities continue to follow CERCLA guidelines and incorporate NCP values.

After public review and comment on an EE/CA released earlier in the year under the DOE, the Corps of Engineers completes the removal of approximately 5,100 cubic yards of contaminated material from the west end of SLAPS adjacent to the gabion wall. The area is backfilled with clean soils in December 1997.

Radiological surveys in the vicinity of two bridges over Coldwater Creek in Florissant are performed to support upcoming bridge replacements.

### **1998**

In March, the U.S. Army Corps of Engineers issues two Engineering Evaluation/Cost Analysis (EE/CA) documents (one for SLAPS and one for HISS), which identify potential cleanup measures to be used until a comprehensive cleanup can be achieved. The SLAPS EE/CA includes the Ballfields property as part of the SLAPS / SLAPS VP cleanup and evaluates several possible interim cleanup measures. The HISS EE/CA includes VP

No. 2 and soils on three Latty Avenue properties as part of the HISS clean up and evaluates several possible interim cleanup measures. Both of these documents are presented for public comment and regulatory review at a public meeting in March.

In April, the U. S. Army Corps of Engineers issues a Proposed Plan to the public for review and comment detailing the preferred alternative for final cleanup of SLDS. In August, the EPA approves the final cleanup remedy outlined in the SLDS Record of Decision (ROD).

Building K is decontaminated by the government and demolished by Mallinckrodt. Contaminated materials are transported by covered gondola cars for disposal in a licensed out-of-state disposal facility.

A detailed characterization, including sampling and analysis, is performed at the Madison Site. The survey included scanning for gamma radiation on accessible floor and wall surfaces throughout the building and on overhead beams, collection and analysis of indoor dust and debris, and determination of radioactivity levels on overhead beam surfaces.

*For information about the progress of cleanup at these sites, please use the link below to visit our "Newsletters" page. If you don't already have Adobe Acrobat Reader loaded on your computer, you will want to visit the "Links" page first where you can download free software to view documents posted on this web site in Portable Document Format (.pdf).*

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*We want to hear from you!*

Questions about FUSRAP? Contact the FUSRAP Project Office at (314) 260-3905 or write to us at the following address:  
U.S. Army Corps of Engineers, St. Louis District,  
FUSRAP Project

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