UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

RECEIVED
REGION 1
2002 APR -8 PM 2:35

April 5, 2002

George Pangburn, Director
Division of Nuclear Materials Safety
U.S. Nuclear Regulatory Commission Region I
475 Allendale Road
King of Prussia, Pennsylvania 19406-1415

Re: Removal/Remedial Enforcement and Site Assessment Processes for Safety Light Corporation

Dear Mr. Pangburn:

The purpose of this letter is to provide you with a general background of the Removal/Remedial Enforcement and Site Assessment Processes and how these processes are implemented pursuant to our authority under the Comprehensive Environmental Response, Compensation Liability Act of 1980 as amended (CERCLA) also known as Superfund.

In accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the Superfund Law authorized the U.S. Environmental Protection Agency (USEPA) to undertake three different types of actions: removal, remedial and enforcement. The removal response action is a short term response action that addresses immediate time critical incidents of which the release or threat of release of hazardous substances, pollutants and contaminants present an imminent and substantial endangerment to human health and/or the environment. The remedial response action is a long term response action that addresses potentially serious, but not immediate threats to human health and/or the environment. A remedial response action may only be taken at sites that are placed on the National Priorities List (NPL). The enforcement action, although not a cleanup activity, provides for the authority to encourage or, if necessary, compel a potentially responsible party (PRP) to clean up a site through voluntary settlement, unilateral orders, or litigation. If the PRP response is not adequate or fails to complete the cleanup, EPA can conduct the necessary cleanup itself and fund the cleanup with Federal Trust Fund monies. The goals of the enforcement process apply to both removal and remedial responses. The process is similar for both responses, but many of the steps are abbreviated for removals.

A Superfund Removal response is a discretionary action on the part of the EPA. EPA may choose to initiate or not initiate a response based upon the NCP and other criteria such as cost, precedent or other factors. The Superfund Removal process is initiated with a "spill

Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474

NMSS/RGNI MATERIAL

report" to the National Response Center ((NRC)–not Nuclear Regulatory Commission). This is the Site Discovery Phase as outlined in the NCP CFR 300.405. The NRC notifies the appropriate Federal On-Scene Coordinator (OSC), (EPA Region III OSC is reached at the Regional Response Center) (RRC). The RRC notifies the impacted state and local officials in major cities/municipalities. Based upon the call to the state, the RRC evaluates whether the spill is being handled by state or local officials.

An EPA OSC will evaluate the site to determine if Federal involvement is needed. This is the Removal Site Evaluation Phase NCP CFR 300.410. Generally, if the state or local government is handling the spill and there are no other indications that Federal involvement is needed, the OSC will take no further action. If the spill is not being handled by state of local officials or if state or local officials request EPA assistance, the OSC will evaluate spill information in order to determine if: a) If the spill falls within Federal jurisdiction, and b) If the magnitude and impact of the spill requires Federal involvement (a 20 gallon gasoline spill will almost never require Federal involvement, but a 2,000 fuel spill might depending on what is impacted). If upon evaluation, the OSC determines the spill requires further assessment, the OSC will conduct a Removal site assessment. An assessment might be only a site inspection or it might entail extensive sampling, analyses and testing. It might take several minutes or months. The OSC will also determine whether a (PRP) exists for the spill. Based upon the Removal site assessment, the OSC will determine whether conditions exist warranting a Federal response/cleanup pursuant to the NCP CFR 300.415. If the site does not meet these conditions the OSC will take no further action.

If conditions warrant a Federal Removal action the OSC will seek to have some entity undertake appropriate response. This is the Removal Phase III, NCP CFR 300.415. If a PRP exists, the Federal OSC will seek to have the PRP conduct a response/cleanup through a CERCLA 106 order, which could be verbal in an emergency. The OSC will also notify the effected state again and ask whether the state wants to undertake appropriate response or enforcement. If the State, PRP or other responsible entity will not take response action, the OSC will seek funding for, and initiate, a Federal-lead Superfund Removal response activity. A Removal response may take hours or years to complete. The OSC will document all activity and the EPA will later seek to recover costs, as appropriate.

As a part of the remedial response program, the Site Assessment process allows USEPA to undertake a pre-remedial investigation at the site to determine if site conditions warrant further investigation under CERCLA and if it qualifies as a candidate for the NPL. The Site Assessment process consist of several steps in the pre-remedial investigation stage. Step one, the Pre-CERCLIS Screening is the process of reviewing data on a potential site to determine whether it should be entered into the CERCLIS data base for further evaluation. Step two, Site Discovery is the process by which a potential hazardous waste site is entered into the CERCLIS inventory for further evaluation, e.g., a Preliminary Assessment (PA) and/or a Removal Assessment. Step three, a PA is a non-sampling investigation to collect readily available information about a site. The PA designed to distinguish between sites that pose little or no threat to human health and the environment and sites that may pose a threat and therefore, require further investigation (e.g., a Site Inspection or further Removal response). For sites

which may not warrant a full PA, an Abbreviated PA or desk-top PA can be conducted. This would generally be for a site which is expected to be qualified as No Further Response Action Planned, e.g., a site already cleaned up under a Removal Action, or a site where little or no hazardous substances exist. Step four, a Site Inspection (SI) is a sampling investigation to collect the data needed for evaluating a site with the Hazard Ranking System (HRS) model. The SI determines what hazardous substances are present at a site, whether these substances are being released to the environment, and whether they have impacted any human or ecological receptors. An HRS PREscore is normally completed with a SI or other sampling events. Step five, an Expanded Site Inspection (ESI) is designed to collect non-sampling information and additional sampling data beyond that collected in the SI. Once these conditions are met, the site is further evaluated under the HRS model and is given a preliminary HRS score. The HRS package for the site is quality assured/quality controlled (QA/QC) by Headquarters (HQ) and presented to upper management for their acknowledgment and approval. In addition, the Region requests written concurrence from the State environmental agency or Governor prior to submitting an NPL candidate site to HQ for review. Alternatives to NPL listing and clean-up must be evaluated or considered prior to the site being proposed to the NPL. The Region must assure HQ that the site can not be address under another program such as Resource Conservation and Recovery Act (RCRA), Nuclear Regulatory Commission (NRC), or Base Realignment and Closure (BRAC). Finally, the Office of Management and Budget (OMB) must approve all sites recommended by HQ for NPL listing. Once the site has surpass these steps, the site is **Proposed** by rulemaking in a Federal Register notice which allows the public to comment within a time period of 60 days. If no comments are submitted within the 60 day time period, the site is **Finalized** via another Federal Register notice. The site is then officially assigned to the remedial program for long term remedial investigation and cleanup activity.

The Safety Light Corporation Site (Site) is being evaluated under USEPA Region III's Removal/Site Assessment Process (*more commonly known as an integrated removal/site assessment process*) which involves both the removal enforcement/assessment and site assessment pre-remedial investigation. Accordingly, a removal assessment has commenced at the Site to determine if any portion of the Site and /or site conditions warrants an immediate time critical response action. Additionally, as a part of the removal enforcement/assessment process a PRP search investigation has been undertaken to pursue additional PRPs that are responsible for the contamination at the Site. Furthermore, in coordination with the site assessment process, the Site is being re-evaluated by the use of the HRS model with existing data collected from previous investigations conducted by the Pennsylvania Department of Environmental Protection (PADEP), USEPA Region III, and new data submitted by NRC. An existing HRS package has been prepared for the Site which means that many of the steps mentioned above will be skipped, based on the information already available on the Site. Once the new HRS package has been developed it will be QA/QC by HQ and scrutinized through the approval process and considered for placement on the NPL.

EPA Region III anticipates that the environmental problem at the Site will be address expeditiously pursuant to CERCLA . We appreciated your continued cooperation in this matter. If you have any questions or concerns regarding this matter, please do not hesitate to contact Linda C. Baxter Assistant NPL Coordinator at (215) 814-5824 or myself at 215-814-3243.

Sincerely,

Jim McCreary, Chief
Brownfields and Site Assessment Section

cc: Peter Schaul, Remedial Branch Chief
Charles Walters, ATSDR Chief
William Belanger, Health Physicist
Sherri Minnick, Health Physicist
Linda Baxter, Site Assessment Manager