



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

Environmental Division

1 Aug 02

Mr. Larry Camper
Chief, Decommissioning Branch
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Camper:

Recently, radiation waste was discovered at LaGarde Park, in Anniston, Alabama. This letter responds to a verbal request from James Liberman to provide letter confirmation that response action undertaken by the Corps at LaGarde Park property will be carried out consistent with the Comprehensive Environmental Response, Compensation, and Liability Act, (CERCLA) (42 U.S.C. 9601 et seq.) including the permit waiver provision of CERCLA, Section 121(e) (42 U.S.C. 9621(e)).

Corps investigation indicated that this waste was associated with the U.S. Army Chemical School's use of the property during the 1950's. Based on this, the LaGarde Park property has been determined to be eligible for action under the Defense Environmental Restoration Program (DERP). This program authorizes the Secretary of Defense to undertake response action at formerly used defense sites (FUDS) related to contamination associated with past Department of Defense (DoD) use. The Corps is DoD's delegated execution agent for these DERP-FUDS response actions and has fenced the area to preclude public access. Additional response action will be taken to remove the contamination in accordance with CERCLA and National Contingency Plan requirements.

The permit waiver provision of CERCLA 121(e) applies to Corps DERP-FUDS site response actions starting with commencement of a CERCLA response action and continuing through completion of the response action. In carrying out its cleanup responsibilities under DERP-FUDS, the Corps employs established health and safety standards, which are at least as stringent as Nuclear Regulatory Commission (NRC) requirements. Consequently, NRC regulation of the Corps response action is not considered necessary or appropriate.

Please call Dale Moeller at (202) 761-4694, if you have additional questions on these matters.

Sincerely,

A handwritten signature in cursive script that reads "Patricia A. Rivers".

Patricia A. Rivers, P.E.
Chief, Environmental Division
Directorate of Military Programs