



Energy Employees Claimant Assistance Project

P.O. Box 552
Yellow Springs, Ohio 45387

Phone: 937-767-2890
E-mail: deb@eecap.org

December 30, 2010

Ms. Karoline Anders
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Ms. Anders:

Jeff Tack gave me your name and address so I could provide you with documentation on the Dayton Project. I have been researching the classification of the Dayton Project as a DOE/AWE site. The information I am submitting proves that Units 3 and 4 of the Dayton Project also qualify as a DOE site. It would be beneficial to Dayton Project claimants for DOL to reclassify this facility as a DOE site as quickly as possible as the Dayton Project workers are elderly and many are in ill health. One woman I have spoken with has leukemia and is in her eighties. She would qualify for Part E if the Dayton Project were a DOE site. Time is of the essence for many of these elderly workers.

20CFR30.5(x)(1) defines a DOE facility as a place where DOE operations were conducted by or on behalf of DOE in which DOE had a proprietary interest or entered into a contract with a company to provide management and operation, management and integration, environmental remediation services, construction, or maintenance services. I have enclosed a copy of this for your convenience.

The Dayton Project began in July 1943 and work continued into 1949 after which all the work transferred to the new facility owned by the Atomic Energy Commission at Mound Laboratory. The Dayton Project consisted of at least 5 properties, Unit 1, Unit 2, Unit 3-Bonebrake Seminary, Unit 4-Runnymede Playhouse, and the Warehouse. While under construction, the Mound Lab was known as Unit 5 and the Scioto Laboratory in Marion Ohio was known as Unit 6. Monsanto operated both the Dayton Project and Mound Laboratory in the early days. Buildings at Mound Lab (Unit 5) began to be occupied in 1948 as the buildings were finished and work was moved from the Dayton Project.

For your convenience, I have provided you with printed copies or excerpts of the documents I am discussing below, along with a disk of all complete documents discussed.

Unit 3:

Document 1, RHTG-109,063 Monsanto Chemical Company Units 3 and 4, dated June 3, 1947, is a report written by Kenneth A. Dunbar, AEC Dayton Area Manager, to the AEC which discusses recommendations made by the Steering Committee to have contaminated material from Unit 3 removed in consultation with Oak Ridge personnel. This proves that the AEC had a contract with Monsanto to provide environmental remediation services.

Document 2, *MLM-CF-48-7-56*, is a letter to AEC Dayton Area Manager Dunbar from Mound Laboratory director, M. M. Haring at Unit 3, dated July 28, 1948, discussing a budget revision to Mound contract AT-33-1-GEN-53. Page 3 specifies under the heading, *Biological Research* "Operational equipment, etc. for Unit 5" (Mound Lab). As Mound is specified in this one line item it would follow that not all the other items were for Mound but were for Dayton Project work.

Document 3 is *Mound MLM-393 Completion Report for Disposal of Unit 3, 1601 W. First Street Dayton, Ohio—Report No. 1 of Steering Committee of Units 3 and 4*, dated October 31, 1949. This report discusses how the AEC and Monsanto will deal with the decontamination, dismantling and disposal of Unit 3.

- Page 19 discusses the options of storage of contaminated materials at either Scioto or Mound Labs.
- Page 23 discusses what to do with the Quonset hut that was eventually moved to Mound Lab and used to store contaminated materials from the Dayton Project.
- Pages 27 and 28 chronicle the additional buildings and renovations done to Unit 3 and the property across the street in 1943-1946.
- Page 41 is a report, entitled *Retention of Radioactive Property and Salvage Material*, dated February 10, 1947, from the AEC which discusses how to keep recycled contaminated material out of commercial channels.
- Page 45 begins an AEC report entitled, *Visit to Dayton*, dated June 30, 1949 which discusses the problem of storage for contaminated scrap from the Dayton Project Units 3 and 4. It discusses the AEC manager at Dayton making decisions on how to handle the clean-up.
- Page 51, entitled *Disposal of Unit 3*, discusses the personnel involved in the clean up. The Engineer-in-Charge was from Scioto Lab and the Health Supervisor was from Oak Ridge. It also discusses how the contaminated wastes will be stored at Mound.
- Page 52 discusses how construction-era warehouses at Mound will be used for temporary storage of both clean and contaminated equipment and materials.

- Page 53 discusses the dismantling of six small buildings and the Quonset hut which will be set up at Mound to store contaminated materials.
- Page 56 lists how many loads of contaminated and clean materials were moved to Mound.
- Page 59 lists three work orders that are to be used for time and materials to dismantle Units 3 and 4.
- Page 63, under the heading *Dismantling of Unit 3* discusses contamination levels of Unit 3 and lists the attendees of the committee meeting. The attendees for the AEC were K A Dunbar, D. H. Naimark and E. A Langdon.
- Page 75 begins a report entitled, *Report on Dismantling of Units 3 and 4*, dated June 24, 1949. This report lists Robert Hayden of the AEC as the supervisor for monitoring activity levels.
- Page 87 begins a report entitled, *Report of Steering Committee for Disposal of Units 3 and 4 Period July 16-31, 1949*. The attendees include at least two AEC personnel. At the meeting decisions for disposal of the contaminated materials were made.
- Page 91 begins *Final Survey, Unit 3*, dated October 3, 1949 and is either to or from Harry Stoeckle the head of the Oak Ridge Biology and Medicine Division.

Unit 4:

Document 1 is Mound document, *MLM-CF-51-5-102 Completion Statement and Closing Statement of Cost-Directive for the Demolition and Removal of Commission-Owned Facilities from the Talbott Corporation Property, Dayton, Ohio*, dated May 28, 1951. It discusses the contract between the AEC and Monsanto for the destruction of Unit 4, Runnymede Playhouse after the completion of Mound Laboratory when all the work from Unit 4 transferred to Mound.

Document 5 is letter *RHTG-97,939* dated February 2, 1950 that discusses how the Runnymede Playhouse (Unit 4) property was acquired for the Dayton Project by the Corps of Engineers by a "declaration of taking dated May 27, 1944" and how the destruction of the contaminated property was to be achieved.

Document 6 is Mound *MLM-461 Report No. 3 of Steering Committee for Disposal of Units 3 and 4 (Completion Report for Disposal of Unit 4 Runnymede Road and Dixon Ave., Dayton Ohio)* and is dated April 17, 1950. It begins with similar information as in MLM-393 on Unit 3.

- Page 8 discusses how workers who were injured doing clean-up work at Unit 4 were taken to Mound Lab Medical Section for treatment and follow up.
- Page 18 discusses how the contaminated scrap materials from Unit 4 would be moved to Mound Lab. Item 8 says, "Hand over the shell of the building and surrounding small structures to Maxon (Construction Company) for razing as arranged by the Atomic Energy Commission.
- Page 20, under *History of Unit 4*, states how the Runnymede Playhouse was condemned so the property could be leased by the US Government and how additional buildings were constructed on the site.

- Page 44 (obscured by stamp) states under the heading, *Final Dismantling of Unit 4*, "Since it was deemed advisable to demolish and remove from the site all existing structures, the Atomic Energy Commission arranged to purchase from Talbott Realty Company the buildings on this property owned by the Talbott Estate. Accordingly, all buildings, as property of the Government, were to be razed."
- Pages 45 and 46 are letters from the Atomic Energy Commission to Mattern Construction Company referencing Contract No. AT-(33-1)-81 for the destruction of Runnymede Playhouse.
- Page 48 is a letter from the AEC to Mound Lab referencing Directive No. Day-11 which provides the funds for demolition of Unit 4.
- Pages 49 and 50 are a letter from the AEC to Mound with the subject, "Directive for the Demolition and Removal of Commission-Owned Facilities from the Talbott Corporation Property Dayton Ohio". Apparently there was also a judgment ordered by the US District Court for the AEC to pay Talbott Realty and remove all contamination. The letter also states that Monsanto will assist in the demolition and decontamination under Contract No. AT-33-1-GEN-53. This is further expounded upon on the last paragraph of page 50, "Authority is hereby granted to incur expenditures of \$23,000 under Contract No. AT-33-1-GEN-53. Authority is also granted to incur expenditures of \$32,000 under a CPFF prime contract. Funds for the work are available under Item Number 9 "Plant and Equipment" current Dayton Area budget submission.

Units 3 & 4:

Document 7 contains excerpts from the Mound contract AT-33-1-GEN-53, dated December 30, 1947, which states that Dayton Project Units 3 and 4 were operated by Monsanto under government contract # W-35-058-eng-71. Page 10 states, "The Contractor shall also be reimbursed for all costs and expenses including, but not limited to, claims, liabilities, obligations and commitments, incurred by the contractor in connection with Units 3, 4 and 5 under its Central Research Department which are payable or reimbursable under the provisions of Government Contract No. W-35-058-eng-71...."

Document 8 is AEC's *Monthly Status and Progress Report for June 1949*, dated July 26, 1949. Pages 31-32 under the heading, Biophysics Branch, discusses conferences held on the clean-up of Runnymede Playhouse (Unit 4) and the "old schoolhouse" (Unit 3).

Document 9 is a letter from the Manhattan Engineering District discussing a copy of a letter to Dayton Project Director, C.A. Thomas and the code words involved in the Dayton Project.

Document 10 entitled, "*Formal Approval of Monsanto Biological Research at Dayton*", dated October 16, 1946 discusses an AEC contract with the Dayton Project for biological research in the letter in item 2. "The desired research contract was approved

at the Committee meeting.” and item 5. “It is requested that formal approval of this contract be granted in order that an amendment to the contract with Monsanto Chemical Company can be negotiated.”

As you can see from the above the Manhattan Engineering District and later the Atomic Energy Commission had both proprietary and contractual relationships with the Dayton Projects Units 3 and 4 from July 14 1943 through the cleanup, which appears to have continued until 2000 or so. I have enclosed Documents 11 and 12 from Department of Energy on this.

Because of this both Units 3 and 4 need to be classified as DOE sites as well as AEW sites. It is important this be done as quickly as possible. I know of at least one elderly worker with leukemia who would qualify for a Part E claim based if the Dayton Project was a DOE site. This needs to be done in time to help her.

Also, if you wish to see other contemporaneous Dayton Project documents you can visit EECAP's website at: http://www.eecap.org/Documents/Dayton_Project.htm .

I am currently awaiting the fulfillment of a Freedom of Information Act request for contracts between Monsanto Dayton and the Manhattan Engineering District/Atomic Energy Commission. The documents I requested are:

1. MIm-49-2-63 Planning Committee Report
2. M-286 Historical report, Dayton project
3. Work orders 42-130-3, 42-131-3, and 42-132-1
4. W-7407-eng-18--July 14, 1943--War Department contract
5. W-35-058-eng-71, May 1, 1945—AEC Contract

I will be happy to provide you with that information when I receive it if you wish.

If you have any questions or need any clarification please call me to discuss the issue. My cell phone number is 937-689-2926. As I have invested many hours researching this, I would also very much appreciate hearing how you decide on this issue as soon as possible.

Thank you for your time and consideration of this important issue.

Sincerely,

Deb Jerison

Cc: Jeff Tack
Denise Brock

