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MARTIN MARIETTA

8EHQ-0194-12869

MARTIN MARIETTA ENERGY SYSTEMS, INC.

POST OFFICE BOX 2003  
OAK RIDGE, TENNESSEE 37831

January 24, 1994

VIA FAX

(A)



8EHQ-94-12869  
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OFFICE OF POLLUTION  
PREVENTION AND TOXICS  
94 JAN 26 AM 11:00

Contains No CBI

Mr. Oscar Hernandez  
TSCA Section 8(e) Coordinator  
Office of Toxic Substances  
U. S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460



88940000111

Dear Mr. Hernandez:

**Notification of Potential Substantial Risk Information Pursuant to TSCA Section 8(e)  
Oak Ridge Reservation -- K-25 Site**

Enclosed is a notification of potential substantial risk submitted pursuant to Section 8(e) of the Toxic Substances Control Act (TSCA) regarding previously unsuspected concentrations of polychlorinated biphenyls (PCBs) found in fish located in a five-acre pond at the U. S. Department of Energy's (DOE) Oak Ridge K-25 Site. Section 8(e) of TSCA states that "any person who manufactures, processes, or distributes in commerce, a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment shall immediately inform the Administration of such information, unless such person has actual knowledge that the Administrator has been adequately informed of such information." The enclosed notification contains the information which appears to be required by Environmental Protection Agency's (EPA) 1978 TSCA Section 8(e) Policy Statement and its July 13, 1993, proposed refinement to the Policy Statement.

The notification is based on the bioaccumulation of PCBs in fish in the K-901-A pond at the K-25 Site, and which may be "widespread and previously unsuspected" at this location. The K-25 Site is owned by the DOE, is located in Roane County, Tennessee, and, as part of the Oak Ridge Reservation, is listed on the EPA's National Priorities List. As such, significant portions of the site are undergoing remedial investigation which will culminate in a comprehensive characterization of contamination at the site and appropriate remediation. EPA is exercising oversight for these activities pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Section 120, and the resulting Federal Facilities Agreement between the DOE, EPA, and the State of Tennessee.

This filing is made for administrative purposes only and is not an admission that Martin Marietta Energy Systems, Inc. is subject to TSCA Section 8(e) as a result of its activities on behalf of the DOE at the Oak Ridge Reservation (including the K-25 Site), nor is it an admission that this information is required to be reported under Section 8(e). In fact, we believe that information of this type is not reportable under TSCA Section 8(e). We, therefore, request clarification of the TSCA Section 8(e)

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Mr. Oscar Hernandez

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requirement as it pertains to this Site, and offer the following information both as notice if it is required and as a fact pattern for your determination of whether such notice is required.

If you have any questions or require additional information, please contact C. L. Baker at (615) 574-9531.

Sincerely,



Fred R. Mynatt, Vice President  
Compliance, Evaluation, and Policy

FRM:REB:ja

Enclosure

REC'D  
OFFICE OF POLLUTION  
PREVENTION AND TOXICS

**ENCLOSURE**

96 JAN 26 AM 11:00

**NOTIFICATION OF POTENTIAL SUBSTANTIAL RISK INFORMATION PURSUANT TO  
TSCA SECTION 8(e)  
PCB CONTAMINATION AT THE OAK RIDGE K-25 SITE**

Section 8(e) of the Toxic Substances Control Act (TSCA) states that "any person who manufactures, processes, or distributes in commerce, a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment, shall immediately inform the Administrator of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information." In accordance with Section 8(e) as specified by the requirements set forth in the March 16, 1978, Federal Register, Part V, Toxic Substances Control Act (Statement of Interpretation and Enforcement Policy; Notification of Substantial Risk), and by the proposed refinement to the Policy Statement dated July 13, 1993, the following information is being submitted.

Since we question the applicability of TSCA Section 8(e), this filing is made for administrative purposes only. It is not an admission that Martin Marietta Energy Systems, Inc., is subject to TSCA Section 8(e) as a result of its activities on behalf of the United States Department of Energy (DOE) at the Oak Ridge Reservation (including the K-25 Site), nor is it an admission that this information is required to be reported under Section 8(e).

- 1) Job title, name, address, telephone number, and signature of person reporting:

  
Fred R. Mynatt, Vice President  
Compliance, Evaluation, and Policy

Martin Marietta Energy Systems, Inc.  
P. O. Box 2003  
Oak Ridge, Tennessee 37831-7169  
(615) 574-4182

- 2) Name and address of the manufacturing, processing, or distributing establishment with which he is associated:

United States Department of Energy, Oak Ridge Reservation  
P. O. Box 2003  
Oak Ridge, Tennessee 37831-7169

Note: Martin Marietta Energy Systems, Inc., is a contractor to the DOE and as such manages DOE facilities at the Oak Ridge Reservation.

- 3) **Chemical substance or mixture identified (including, if known, the CAS Registry Number):**

**Polychlorinated biphenyls (PCBs) (Arochlor 1260)  
CAS Registration Number: 1336-36-3**

- 4) **Summary of the adverse effects being reported, describing the nature and the extent of the risk involved:**

Analytical results of PCB screening of gizzard shad collected from a 5-acre pond discharging into the Clinch River (K-901-A pond) showed PCB concentrations in excess of the Food and Drug Administration (FDA) 2 ug/g action level for PCBs. The average total concentration of three individually-analyzed shad from the K-901-A pond was 9.1 (ug/g wet wt) with the highest contaminated fish being 15.0 ug/g PCBs. The 5-acre pond is located on the DOE's Oak Ridge K-25 Site. As a result of the recently identified PCBs in the fish, signs will be posted as "WARNING, No Fishing, No Water Contact, Pond Contaminated, Tennessee Department of Environment and Conservation." Access to this pond is limited, but public contact with the fish is possible, either through unauthorized fishing in the pond or the unlikely migration of the fish out of the pond to other waterways during flood conditions. Potential ingestion of PCB-contaminated fish is the greatest pathways risk to humans.

- 5) **The specific source of the information together with a summary and the source of any available supporting technical data:**

The information on the PCB concentration in the fish reported in this notification was furnished by the Hazardous Waste Remedial Action Program, and reported to the K-25 Site Environmental Management Division in an internal memorandum received January 7, 1994. The data was obtained as part of a follow-up to the Biological Monitoring and Abatement Program required by the National Pollutant Discharge Elimination System permit for the K-25 Site. Sampling of all influent streams that were discharging to the K-901-A pond and the surface water discharge from the pond to the Clinch River for PCBs was conducted on December 29, 1993 through January 6, 1994. Analytical results show no detectable PCB concentrations in the water of the influent streams or surface water discharge. Supporting analytical data is maintained by the K-25 Site Environmental Restoration Program personnel and is available for review.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

Fred R. Mynatt  
Vice President  
Compliance, Evaluation, and Policy  
Martin Marietta Energy Systems, Inc.  
P.O. Box 2003  
Oak Ridge, Tennessee 37831

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

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EPA acknowledges the receipt of information submitted by your organization under Section 8(e) of the Toxic Substances Control Act (TSCA). For your reference, copies of the first page(s) of your submission(s) are enclosed and display the TSCA §8(e) Document Control Number (e.g., 8EHQ-00-0000 Initial) assigned by EPA to your submission(s). Please cite this number when submitting follow-up or supplemental information and refer to the enclosure on the reverse side "EPA Information Requests".

All TSCA 8(e) submissions are placed in the public files unless confidentiality is claimed according to the procedures outlined in Part X of EPA's TSCA §8(e) policy statement (43 FR 11110, March 16, 1978). Confidential submissions received pursuant to the TSCA §8(e) Compliance Audit Program (CAP) should already contain information supporting confidentiality claims. This information is required and should be submitted if not done so previously. To substantiate claims, submit responses to the questions in the enclosure "Support Information for Confidentiality Claims". This same enclosure is used to support confidentiality claims for non-CAP submissions.

Please address any further correspondence with the Agency related to this TSCA 8(e) submission to:

Document Processing Center (7407)  
Attn: TSCA Section 8(e) Coordinator  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency  
Washington, D.C. 20460-0001

EPA looks forward to continued cooperation with your organization in its ongoing efforts to evaluate and manage potential risks posed by chemicals to health and the environment.

Sincerely,

*Terry R. O'Bryan*  
Terry R. O'Bryan  
Risk Analysis Branch

Enclosure

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