UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

January 22, 2021

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
CERTIFIED MAIL, RETURN RECEIPT REQUESTED #7020 0640 0000 9754 2495

C T Corporation System
For Union Carbide Corporation
28 Liberty Street
New York, NY 10005

Re: Fansteel Metals Facility, 10 Tantalum Place, Muskogee, Oklahoma 74401

Dear Sir/Madam:

The U.S. Environmental Protection Agency (EPA) understands that Union Carbide Corporation (Respondent) has/had a contractual relationship with Fansteel Metals Inc. EPA seeks cooperation from Respondent in providing information and documents relating to the Fansteel Metals Facility (the "Site") in Muskogee, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that Respondent is responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any Site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the EPA's basis for such determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require the respondent to respond to this information request (see Enclosure 1). We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within thirty (30) days of receipt of this letter. You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to $58,328 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

90053403

Please provide a written response to Mr. Lance Nixon, Enforcement Officer, at the address included in the Information Request. Please refer to Enclosure 2 for important instructions and definitions and Enclosure 3 for specific questions that require your response to this Information Request.

If you have any questions regarding this letter, contact Mr. Lance Nixon at (214) 665-2203. For legal questions concerning this letter, please have your legal counsel contact Ms. Elizabeth Pletan, at (214) 665-8525. Thank you for your attention to this matter.

Sincerely yours,

SUSAN WEBSTER

Digitally signed by SUSAN WEBSTER
DN: c=US, o=U.S. Government, ou=Environmental Protection Agency, cn=SUSAN WEBSTER, 0.9.2342.19200300.100.1.1=68001003655400
Date: 2021.01.22 15:27:43 -06'00'

Susan D. Webster, Chief
Assessment & Enforcement Branch (SEDA)
Superfund Division

Enclosures (4)

ENCLOSURE 1

FANSTEEL METALS/FRMI SUPERFUND SITE
INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e), 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Fansteel Metals Site or this information request, please contact Mr. Lance Nixon, the designated Enforcement Officer for the Site, at (214) 665-2203 or via email at nixon.lance@.epa.gov. Please provide your response within 30 calendar days of your receipt of this request. Due to the COVID-19 pandemic, access to mail may be limited. Please submit your response electronically via email to nixon.lance@epa.gov. If your response is too large to submit via email, please contact us and we will discuss additional options.

If you or your attorney have legal questions that pertain to this information letter request, please contact Mrs. Elizabeth Pletan at (214) 665-8525 or via email at pletan.elizabeth@epa.gov.

BACKGROUND INFORMATION

The Fansteel Site is a former metals processing plant that extracted tantalum and columbium (aka niobium) from ores and slag. The ore and slag contained trace amounts of uranium and thorium, enough to be considered as “source material” by the Nuclear Regulatory Commission (NRC). Fansteel, Inc. (Fansteel) operated under an NRC license that was modified when the facility stopped production (NRC License No. SMB-911). Fansteel filed for Chapter 11 bankruptcy protection in 2002. Under the bankruptcy settlement, Fansteel created a subsidiary, FMRI, as a vehicle to fulfill Fansteel’s decommissioning obligations under the NRC license. FMRI has been maintaining the Site and operating groundwater and surface water collection and treatment units, the effluent of which is subject to State of Oklahoma permits. Fansteel again filed for bankruptcy in 2016 and that proceeding is ongoing.

In July 2018, the EPA conducted a removal action at the Site. The removal action included the disposal of miscellaneous laboratory contents and a 10,000-gallon aboveground storage tank (AST) containing Ammonium Hydroxide. A total of 1518 containers were removed from the laboratory area and transported to disposal and recycle facilities. A total of 1100 gallons of Ammonium Hydroxide was recovered from the 10,000-gallon AST. The recovered liquid was sent to a recycler for disposal/recyling. Air monitoring was conducted for the presence of carbon monoxide and radionuclides.

ENCLOSURE 2

FANSTEEL METALS/FRMI SUPERFUND SITE
INFORMATION REQUEST

INSTRUCTIONS and DEFINITIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.

2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.

3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.

4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.

5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.

6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

2. The term "any", as in "any documents" for example, shall mean "any and all."

3. The term "arrangement" means every separate contract or other agreement between two or more persons.

4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term “document” shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system (“GIS”) maps, computer-aided design files, scanned or digital photos, and scanned document images.

5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business.

6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation including state of incorporation, partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses for registered agents or other points of contact for the business entity.

7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.

8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).

9. The term "Site" or "facility" shall mean and include the Fansteel Metals Site in Muskogee, Oklahoma.

10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.

11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

12. The term “Disposal” shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

13. The term “Documents” includes any written, recorded, computer-generated, or visually or orally reproduced material of any kind in any medium in Respondent’s possession, custody, or control, or known by Respondent to exist, including originals, all prior drafts, and all non-identical copies.

14. The term “Environment” shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.

15. The term “Facility” shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

16. The term “Hazardous Substance” or “Hazardous Substances” shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.

17. The term “RCRA” shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).

18. The term “Release” shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

19. The term “Respondent” shall mean [name of individual, small business, firm, unincorporated association, partnership, corporation, company, trust, or other entity] and if applicable, each parent, subsidiary, affiliate, predecessor and successor of Respondent that owned or operated any of Respondent’s plants or facilities. [Additional language for small business: The term “you” also includes any officers, managers, employees, contractors, trustees, successors, assigns, and agents of [name of small business]].

20. The term “Treatment” and “Treat” shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.

21. The term “TSCA” shall mean the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.

22. The term “Waste” or “Wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

23. The term “Waste Carriers” shall mean persons who picked up hazardous substances from Respondent or who otherwise transported hazardous substances away from Respondent's Facility.

24. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

ENCLOSURE 3

FANSTEEL METALS/FRMI SUPERFUND SITE
INFORMATION REQUEST

QUESTIONS

1. Please provide the full legal name, mailing address, and phone number of the Respondent.

2. For each person answering these questions on behalf of the Respondent provide full name, title, business address, and business telephone and fax number.

3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, email address and fax number.

4. Please explain the business relationship between Respondent and Fansteel Metals.

5. Identify all transactions with the Site owners and/or operators that resulted in materials being sent to the Site by the respondent. for any purpose. Identify and provide all documents related to each transaction, including but not limited to, tolling agreements, invoices, manifests, shipping papers, bills of lading, receipts, log book entries, trip tickets, work orders, contracts, documents showing the nature of the materials involved, and any EPA and/or State environmental filings or correspondence. For each transaction, identify and state:

    a. The type and purpose of the transaction;
    b. A description of the materials involved, including their quantity and chemical content and characteristics;
    c. A description of the steps taken by Respondent to determine whether the materials contained hazardous substances at the time of the transaction, and explain what precautions Respondent took to ensure that any hazardous substances were transported or disposed of properly;
    d. Any amounts paid by or to Respondent in connection with each transaction;
    e. The date of each transaction;
    f. The date the materials were transported to the Site and/or when any materials or product were received by Respondent from the Site;
    g. The name(s) and address(es) of any entities providing transportation services for such materials;
    h. The name(s) and address(es) of any plants or facilities from which Respondent sent material to the Site, including a brief description of the nature of Respondent's operations at such plant or facility; and
    i. if ownership of material changed at any point as a result of the transaction.

6. Please respond to the following questions regarding operations at the Site that were observed by Respondent during your business relationship with the Site and identify and provide any documents that relate to the following:
    a. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
    b. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? Provide the details of each visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
    c. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
    d. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
    e. Did Respondent know if the owner(s)/operator(s) of the Site were removing a hazardous substance from the transferred material?
    f. Did Respondent know, based on general industry knowledge, if hazardous substances would need to be removed from the transferred material in order for the material to be useful?
    g. At the time Respondent transferred materials to the Site, were there any discussions and/or planning regarding the hazardous substances in the transferred materials? If yes, please detail those discussions and/or plans. What did Respondent intend to happen to any hazardous substances in those materials? Provide any agreements and documents, including waste logs, journals or notes reflecting the intentions of the parties. If Respondent does not have such documents or materials, please so state.
    h. Specify any measures Respondent took to determine the actual means of treatment, disposal or other uses of hazardous substances at the Site. Provide any information Respondent had about the treatment and disposal practices at the Site. What assurances, if any, were Respondent given by the owner(s)/operator(s) of the Site regarding handling and ultimate disposition of hazardous substances that came to be at the Site as a result of Respondent sending material to the Site?

If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available.

ENCLOSURE 4

FANSTEEL METALS/FRMI SUPERFUND SITE INFORMATION REQUEST

PARTIES RECEIVING THIS LETTER

Amalgamet, Inc.
(FKA Amalgamet-Finamines)
Hamish Michie, CEO
222 Bloomingdale Road
Suite 101
White Plains, New York 10605

Shell Offshore Inc.
(FKA Billiton Trading Co. - Thailand Smelting)
Richard H. Tallant, CEO
150 N. Dairy Ashford Road, Suite 101
Houston, Texas 77079

The Corporation Trust Company
For Shell Offshore Inc.
1209 Orange Street
Wilmington, Delaware 19801

Cabot Corporation
Sean D. Keohane
President and CEO
Two Seaport Lane, Suite 1300
Boston, Massachusetts 02210

Corporation Service Company
For Cabot Corporation
251 Little Falls Drive
Wilmington, Delaware 19808

General Services Administration (GSA):
Kris Durmer
General Counsel
Office of General Counsel
1800 F Street N.W., Floor 2
Washington, D.C. 20405

Catherine Crow (Catherine.crow@gsa.gov)
Attorney

Metallurg, Inc.
(FKA GFE Conversion)
Heinz Schimmelbusch, CEO
435 Devon Park Drive
Building 200
Wayne, Pennsylvania 19087

The Corporation Trust Company
For Metallurg, Inc.
1209 Orange Street
Wilmington, Delaware 19801

Osram Sylvania Inc.
(FKA GTE – Sylvania)
Michael Flieger, CEO
200 Ballardvale Street
Wilmington, Massachusetts 01887

Corporate Creations Network Inc.
For Osram Sylvania Inc.
3411 Silverside Road
Tatnall Bldg., Suite 104
Wilmington, Delaware 19810

Bayer Corporation
(FKA Hermann C. Stark, Inc.)
Philip Blake
President and CEO
100 Bayer Boulevard
Whippany, New Jersey 07981

Corporation Service Company
135 N. Pennsylvania Street, Suite 1610
Indianapolis, Indiana 46204

Kennametal, Inc.
Christopher Rossi
President and CEO
525 William Penn Place
Suite 330
Pittsburgh, Pennsylvania 15219

Philips Holding USA Inc.
for Philips North America LLC
(FKA Mepco Electra)
Vitor Rocha, CEO
222 Jacobs Street
3rd Floor
Cambridge, Massachusettes 02141

Corporation Service Company
For Philips Holding USA Inc.
251 Little Falls Drive
Wilmington, Delaware 19808

Everzinc USA Inc.
(FKA Sogem Corporation-Norore Division)
Vincent Dujardin, CEO
3717 National Drive
Suite 105
Raleigh, North Carolina 27612

Corporation Service Company
For Everzinc USA Inc.
80 State Street
Albany, New York 12207

Union Carbide Corporation
Richard A. Wells, CEO
7501 State Highway 185 North
North Seadrift, Texas 77983

CT Corporation System
For Union Carbide Corporation
28 Liberty Street
New York, New York 10005

Valenite, LLC
(FKAValeron Metals)
Richard Askin, Manager
1702 Nevins Road
Fair Lawn, New Jersey 07410

Corporation Service Company
For Valenite, LLC
251 Little Falls Drive
Wilmington, Delaware 19808

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

C T Corporation System
For Union Carbide Corporation
28 Liberty Street
New York, NY 10005

9590 9402 6146 0209 4902 21

2. Article Number *(Transfer from service label)*

7020 0640 0000 9754 2495

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Insured Mail Restricted Delivery (over $500)
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

CERTIFIED MAIL

7020 0640 0000 9754 2495
7020 0640 0000 9754 2495

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

OFFICIAL USE

Certified Mail Fee
$

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

Postmark
Here

C T Corporation System
For Union Carbide Corporation
28 Liberty Street
New York, NY 10005

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Lance Nixon, Enforcement Officer
Superfund Enforcement Assessment Section (SEDAE)
U.S. EPA, Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270