

RECORD OF ENVIRONMENTAL CONSIDERATION

Niagara Falls Storage Site Building 401 Demolition Niagara County, New York

1. INTRODUCTION

1.1 The proposed Federal action involves the demolition and permanent removal of Building 401 at the Niagara Falls Storage Site (NFSS). The U.S. Army Corps of Engineers is the lead Federal agency for this project. Under the provisions of 33 CFR 230.9, this project represents a listed action that when considered individually and cumulatively would not have significant effects on the quality of the human environment and is categorically excluded from National Environmental Policy Act (NEPA) documentation. Specifically, this regulation exempts “disposal of existing buildings and improvements for off-site removal” [33 CFR 230.9(p)]. This Record of Environmental Consideration reviews the potential environmental effects of the action and its applicable environmental requirements.

1.2 This project is an independent action separate from the CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) action performed under FUSRAP (Formerly Utilized Sites Remedial Action Program) for the entire site and is being conducted to remove a safety hazard and facilitate remediation of the site.

2. PROJECT LOCATION

2.1 NFSS is located at 1397 Pletcher Road in the town of Lewiston, Niagara County, New York (Figures 1 and 2). The 191-acre site consists of a 10-acre interim engineered waste containment structure, a few remaining buildings, and large areas of open space (including grassland, woodlands, and wetlands). The primary use of the site from the early 1940s through the mid-1950s was for trinitrotoluene (TNT) production and the storage, transshipment and disposal of radioactive waste from various sources.

3. PROJECT DESCRIPTION

3.1 Building 401 was initially the powerhouse for the production of TNT at the Lake Ontario Ordnance Works, and it was also used to store radioactive materials in support of Manhattan Engineer District activities during World War II. It was used for the production of Boron-10, a radioactive isotope, from 1953 to 1959 and from 1965 to 1971 and then became a waste storage facility used by the Atomic Energy Commission/Department of Energy. In 1971, Building 401 was gutted and its instrumentation and much of its hardware were disposed of as surplus materials. The building has been largely inactive since, and now indications of bird and other

animal occupation are evident throughout. An asbestos abatement was performed on the structure in spring/summer 2002, resulting in the removal of interior asbestos-containing material (ACM). Potential exterior ACM was not included in this removal, and additional abatement activities remain to be completed.

3.2 Building 401 is a steel-framed multi-story structure that rises to a height of approximately 76.5 feet and encompasses about 100,000 square feet. The main structural system of the building consists of steel and concrete load-bearing walls supporting what may be a transite roof. The interior walls are poured concrete, concrete block, and other construction materials. The exterior appears to be comprised of sections of corrugated steel and transite siding and roofing. The building contains multiple floors, which include rooms and offices and building service areas (boiler rooms and tower areas) (Figures 3 and 4). One tower area and high bay may be as high 75 feet or more. Three large concrete silos abut the south face of Building 401 and the building floor is a concrete slab.

3.3 Environmentally sensitive deconstruction of Building 401 is the preferred plan to remove the structure as a local hazard and allow access for further remediation to potentially contaminated features such as the sumps and drains, and the building's concrete slab. The proposed demolition work would be completed by a USACE contractor and would involve the removal and/or abatement of miscellaneous waste and debris [including bird and other animal waste; ACM and lead-based paint (LBP); potentially contaminated steel beams and rafters; and miscellaneous equipment and debris] from within Building 401, followed by the final demolition of the structure. The building's concrete slab and footer would remain. The contractor would prepare and submit a Demolition Plan for approval prior to commencing work and would be responsible for all waste characterization, segregation, packaging, transport, salvage/recycling, and disposal. Surrounding areas with elevated radiological levels would be covered with crushed stone and geotextile fabric in order to minimize soil disturbance during demolition activities.

3.5 After demolition, the contractor would complete radiological surveys of the building's concrete slab surface and surrounding work areas (including a zone encompassing a 15-meter radius outside of actual work areas) and decontaminate the slab to meet free release limits for removable radioactive surface contamination. Demolition is scheduled to commence in late summer 2010.

4. POTENTIAL IMPACTS

4.1 The demolition of Building 401 would unavoidably result in minor, short-term effects such as increases in noise and dust, increased traffic, disruption to local wildlife populations, and minor destruction of vegetation in the immediate project area. Overall, the proposed project would have no significant individual or cumulative adverse impacts on the quality of the human environment. Table 1 presents a general assessment of the environmental impacts associated with the proposed project.

5. STATUS OF NEPA DOCUMENTATION

5.1 Remediation of the NFSS is being managed by the USACE under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and its implementing regulations found in the National Contingency Plan (40 CFR 300). CERCLA requirements for site remediation incorporate NEPA values, therefore no NEPA documentation for corresponding remediation activities is required.

5.2 Under the provisions of 33 CFR 230.9(p), the disposal of Building 401 for off-site removal, when considered individually and cumulatively, would not have significant effects on the quality of the human environment and is categorically excluded from NEPA documentation.

6. ENVIRONMENTAL COMPLIANCE

6.1 The proposed action has been evaluated for compliance with all other applicable environmental protection statutes, executive orders, *etc.* including:

(a) *Archaeological and Historical Preservation Act, as Amended; National Historic Preservation Act of 1966, as Amended; Executive Order 11593 (Protection and Enhancement of the Cultural Environment)*. Under Section 106 of this Act, USACE initiated consultation with potentially interested parties who were likely to have knowledge of, or concern with, historic properties that may be present within the proposed undertaking's area of potential effect. These parties included the Tuscarora Nation, New York State Office of Parks, Recreation and Historic Preservation (State Historic Preservation Office – SHPO), and Town of Lewiston Historic Preservation. During the course of this consultation, the SHPO expressed the opinion that the former LOOW is eligible for listing in the National Register of Historic Places for its association with World War II and the Manhattan Project. Considering this historic status, the SHPO concluded that the demolition of Building 401 would have an adverse effect on this historic property.

In continuation of this consultation, the following parties were formally notified of the determination of adverse effect and offered an opportunity to present their views on the undertaking and their recommendations for appropriate measures to resolve its effects:

Tuscarora Nation
U.S. Department of Energy- Office of History and Heritage Resources
U.S. Department of the Interior-National Park Service
Town of Lewiston Historic Preservation
Atomic Heritage Foundation
Historical Association of Lewiston, Inc.
Niagara County Historical Society
Preservation Buffalo Niagara

To date, no additional parties have offered to participate in the consultation process. Consultation with the SHPO is continuing and a plan to resolve adverse effects resulting from the demolition of Building 401 is being developed. The implementation of this plan will be formalized in a Memorandum of Agreement that will be signed by the SHPO and USACE.

(b) *Clean Air Act*. Continuous air sampling and monitoring during abatement/demolition activities would be used to ensure that operational emissions of criteria pollutants would not exceed National Ambient Air Quality Standards.

(c) *Clean Water Act*. Since the proposed project will not disturb an area of one acre or more, a construction activity stormwater permit will not be required. However, the contractor will be required to develop and implement a water management plan that would employ appropriate methods to manage surface water runoff, runoff from staging areas, and water generated during decontamination activities. The contractor will be responsible for obtaining all required discharge permits.

(d) *Coastal Zone Management Act of 1972, as Amended*. Not applicable.

(e) *Emergency Planning and Community Right-to-know Act*. USACE and the contractor will ensure that all transportation operations comply with this Act.

(f) *Endangered Species Act*. In accordance with Section 7 of this Act, USACE-Buffalo District has requested information from the U.S. Fish and Wildlife Service (USFWS) and New York State Department of Environmental Conservation (NYSDEC) on any listed or proposed species or designated or proposed critical habitat that may be present in the project area. Review of the most recent Federally Listed Threatened and Endangered Species and Candidate Species in New York (<http://www.fws.gov/northeast/nyfo/es/CountyLists/NiagaraDec2006.htm>) indicates that, based on best available information, the eastern prairie fringed orchid (Threatened) is known to occur in Niagara County. No evidence or records of the occurrence of this species in the project area have been found to date and, given the location and scope of the proposed project, no effects are anticipated.

(g) *Farmland Protection Policy Act; Analysis of Impacts on Prime and Unique Farmlands, Council on Environmental Quality Memorandum, 30 August 1976*. Since the proposed project would not affect prime or unique farmlands in any manner, the proposed action is in compliance with these requirements.

(h) *Migratory Bird Treaty Act of 1918; Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds*. Since the demolition is planned for October-November 2010, the proposed project would have no direct effect on the breeding activities of protected bird species, in particular barn swallows and turkey vultures. Although the project would permanently eliminate nesting and roosting sites for these birds, both species are relatively common and no measurable negative effect on their populations is likely.

(i) *Resource Conservation and Recovery Act; Toxic Substances Control Act.* Any regulated hazardous wastes encountered will be managed in accordance with these statutes.

(j) *Wild and Scenic Rivers Act.* Not applicable.

(k) *Executive Order 11988, Flood Plain Management, 24 May 1977.* Not applicable.

(l) *Executive Order 11990, Protection of Wetlands, 24 May 1977.* The proposed project would not adversely affect any wetlands.

(m) *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 11 February 1994.* The proposed project would not disproportionately affect minority or low-income populations.

7. CONCLUSION

7.1 The proposed action involves the disposal of an existing building and improvements for off-site removal. Under the provisions of 33 CFR 230.9(p), the proposed project is categorically excluded from NEPA documentation. Overall, the proposed demolition of Building 401 would result in no significant individual or cumulative adverse environmental impacts.

Date: 7 JAN 10



Lieutenant Colonel, U.S. Army
Commanding

Table 1. Impact Assessment

RESOURCE/IMPACT	ENVIRONMENTAL EFFECT
Noise	Short-term localized increase due to the operation of demolition and transportation equipment. No sensitive receptors have been identified in the project area.
Displacement of People	No effect.
Aesthetic Values	Short-term degradation during demolition operations. Removal/disposal of dilapidated, vacant building would improve local aesthetic quality.
Health and Safety	<p>The removal and proper disposal of asbestos-containing materials (ACM), lead-based paint (LBP), and radioactive residual materials would mitigate the potential human health risks to on-site workers. ACM and LBP abatement would be performed in accordance with appropriate and relevant Federal, State and local regulations. The contractor or their subcontractor(s) would be licensed for ACM and LBP abatement in New York and would be required to implement approved abatement plans including air sampling and monitoring, respiratory protection, and protective equipment plans.</p> <p>The contractor would also be required to implement a radiation protection plan to address the potential of encountering radioactive residuals during ACM and LBP abatement and building demolition activities. A certified health physicist would prepare a site radiation risk evaluation and develop a radiation protection plan that complies with all applicable standards and requirements. Air monitors would be installed for environmental monitoring and radiological surveying would be required prior to the release of equipment and materials from the site.</p> <p>Building demolition may cause pathogens contained in bird, bat and rodent droppings to become airborne in the breathing zone. Proper safety measures, such as personal protective equipment and water saturation, would be used to minimize risks to health and safety.</p>
Community Cohesion	ACM and LBP abatement and building demolition would contribute towards the overall remediation of the NFSS and the potential positive effects of the remediation on the cohesion of surrounding communities.
Desirable Community Growth	Contribution to overall site remediation would contribute slightly to the area's capacity for desirable community growth.
Environmental Justice	No effect on minority or low-income communities.
Tax Revenues	No effect.
Property Values	No effect.
Public Facilities & Services	All overhead electrical lines and utility poles and underground utilities would be protected during work activities.
Transportation	No roads would be blocked with equipment or materials.
Cultural Resources	The proposed demolition of Building 401 would result in an adverse effect on the former Lake Ontario Ordnance Works, a historic property that the State Historic Preservation Office (SHPO) considers eligible for listing in the National Register of Historic Places. Consultation with the SHPO and other potentially interested parties is underway to develop an agreeable plan to resolve these adverse effects.
Desirable Regional Growth	No effect.
Employment/Labor Force	Short-term increase in employment opportunities during work activities.

Table 1. Environmental Impact Assessment (cont'd).

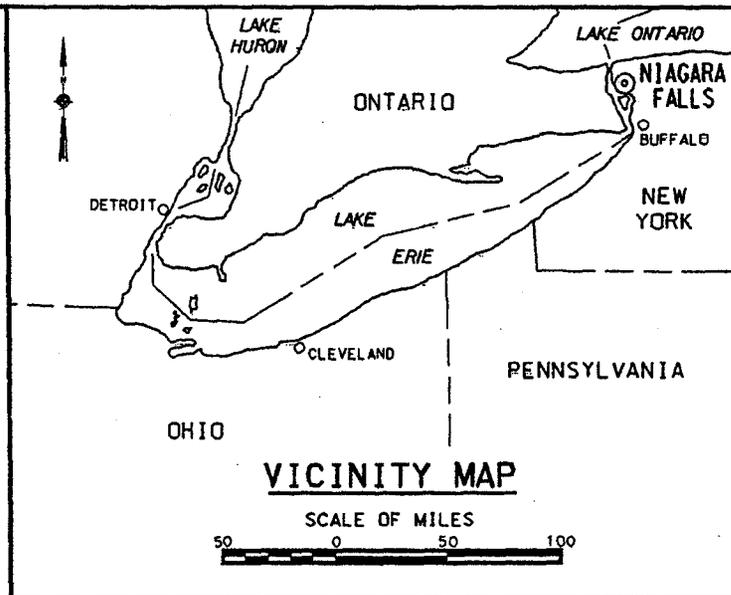
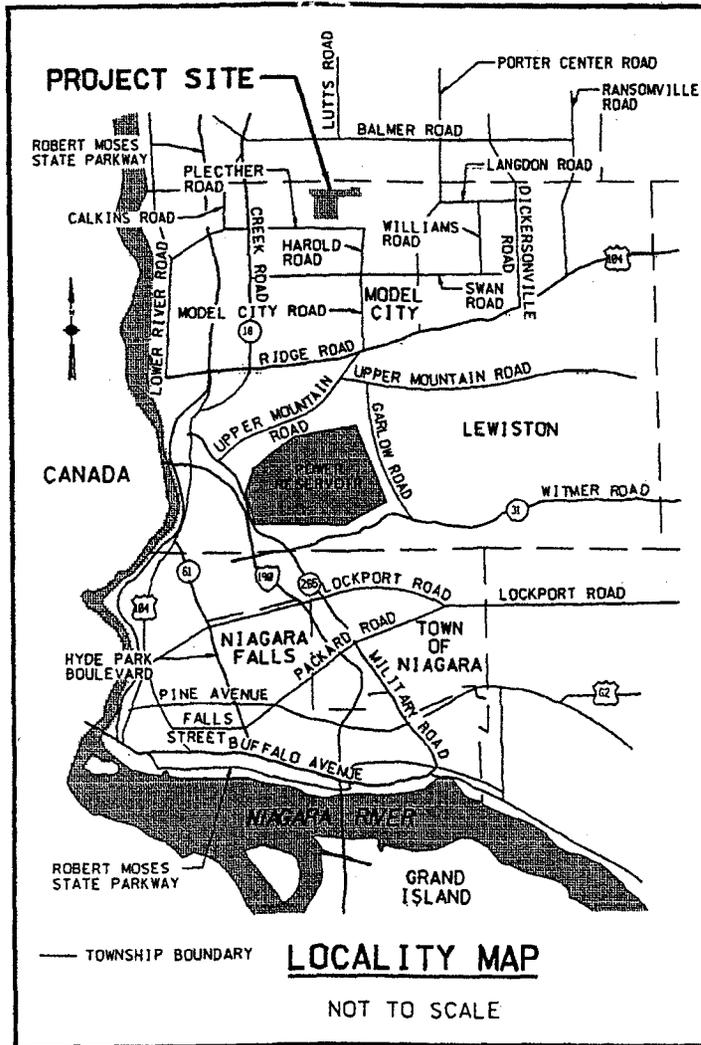
RESOURCE/IMPACT	ENVIRONMENTAL EFFECT
Business & Industrial Activities	No effect.
Displacement of Farms	No effect.
Man-Made Resources	No effect.
Natural Resources	Consumption of fuel and water during work activities.
Air Quality	<p>Short-term and minor increase in the release of fugitive dust from road surfaces and air pollutants associated with fuel combustion during work activities. Dust from demolition debris would be controlled with water sprayers or other approved methods. Water would be misted over all surfaces, including roads, for dust control.</p> <p>Continuous air sampling and monitoring during abatement/demolition activities would be used to ensure that operational emissions of criteria pollutants would not exceed National Ambient Air Quality Standards.</p>
Water Quality	<p>The Contractor will grout, flush or slightly above grade, all trenches, drains, sumps, and foundation penetrations after removing all liquids and solids, to the extent practicable, prior to demolition activities. Materials extracted from the drains and sumps will be properly disposed of offsite. Water and sediments in the building sumps and drains contain oils; elevated levels of organic constituents such as solvents, phenols, pesticides, and PCBs; and metals including arsenic, cadmium, chromium, mercury, lead, and nickel. The Contractor will prevent surface water from the work area from entering into existing stormwater or sanitary sewer systems and from leaving the work area surrounding Building 401.</p>
Fish & Wildlife Resources	<p>Short-term avoidance of the project area by local wildlife species during work activities. Removal of the building would permanently eliminate it as a nesting and/or roosting site for barn swallows, bats, and turkey vultures; and nesting and feeding site for raccoons and rodents.</p>
Threatened or Endangered Species	No effect.
Vegetation	<p>Work activities will necessitate the destruction of existing vegetation (i.e., grasses, reeds, vines, and some small shrubs) around the building, at project staging areas and along unimproved access routes. Disturbed soil surfaces would be treated with the application of crushed stone or topsoil, seed and mulch after project completion as necessary.</p>
Wetlands	No effect.

Table 1. Environmental Impact Assessment (cont'd).

RESOURCE/IMPACT	ENVIRONMENTAL EFFECT
Business & Industrial Activities	No effect.
Displacement of Farms	No effect.
Man-Made Resources	No effect.
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Air Quality	<p>Short-term and minor increase in the release of fugitive dust from road surfaces and air pollutants associated with fuel combustion during work activities. Dust from demolition debris would be controlled with water sprayers or other approved methods. Water would be misted over all surfaces, including roads, for dust control.</p> <p>Continuous air sampling and monitoring during abatement/demolition activities would be used to ensure that operational emissions of criteria pollutants would not exceed National Ambient Air Quality Standards.</p>
Water Quality	<p>The Contractor will grout, flush or slightly above grade, all trenches, drains, sumps, and foundation penetrations after removing all liquids and solids, to the extent practicable, prior to demolition activities. Materials extracted from the drains and sumps will be properly disposed of offsite. Water and sediments in the building sumps and drains contain oils; elevated levels of organic constituents such as solvents, phenols, pesticides, and PCBs; and metals including arsenic, cadmium, chromium, mercury, lead, and nickel. The Contractor will prevent surface water from the work area from entering into existing stormwater or sanitary sewer systems and from leaving the work area surrounding Building 401.</p>
Fish & Wildlife Resources	<p>Short-term avoidance of the project area by local wildlife species during work activities. Removal of the building would permanently eliminate it as a nesting and/or roosting site for barn swallows, bats, and turkey vultures; and nesting and feeding site for raccoons and rodents.</p>
Threatened or Endangered Species	No effect.
Vegetation	<p>Work activities will necessitate the destruction of existing vegetation (i.e., grasses, reeds, vines, and some small shrubs) around the building, at project staging areas and along unimproved access routes. Disturbed soil surfaces would be treated with the application of crushed stone or topsoil, seed and mulch after project completion as necessary.</p>
Wetlands	No effect.

APPENDIX A

FIGURES



NIAGARA FALLS STORAGE SITE
NIAGARA FALLS, NEW YORK
LOCALITY AND VICINITY
MAPS

U.S. ARMY ENGINEER DISTRICT BUFFALO
FEBRUARY 2002

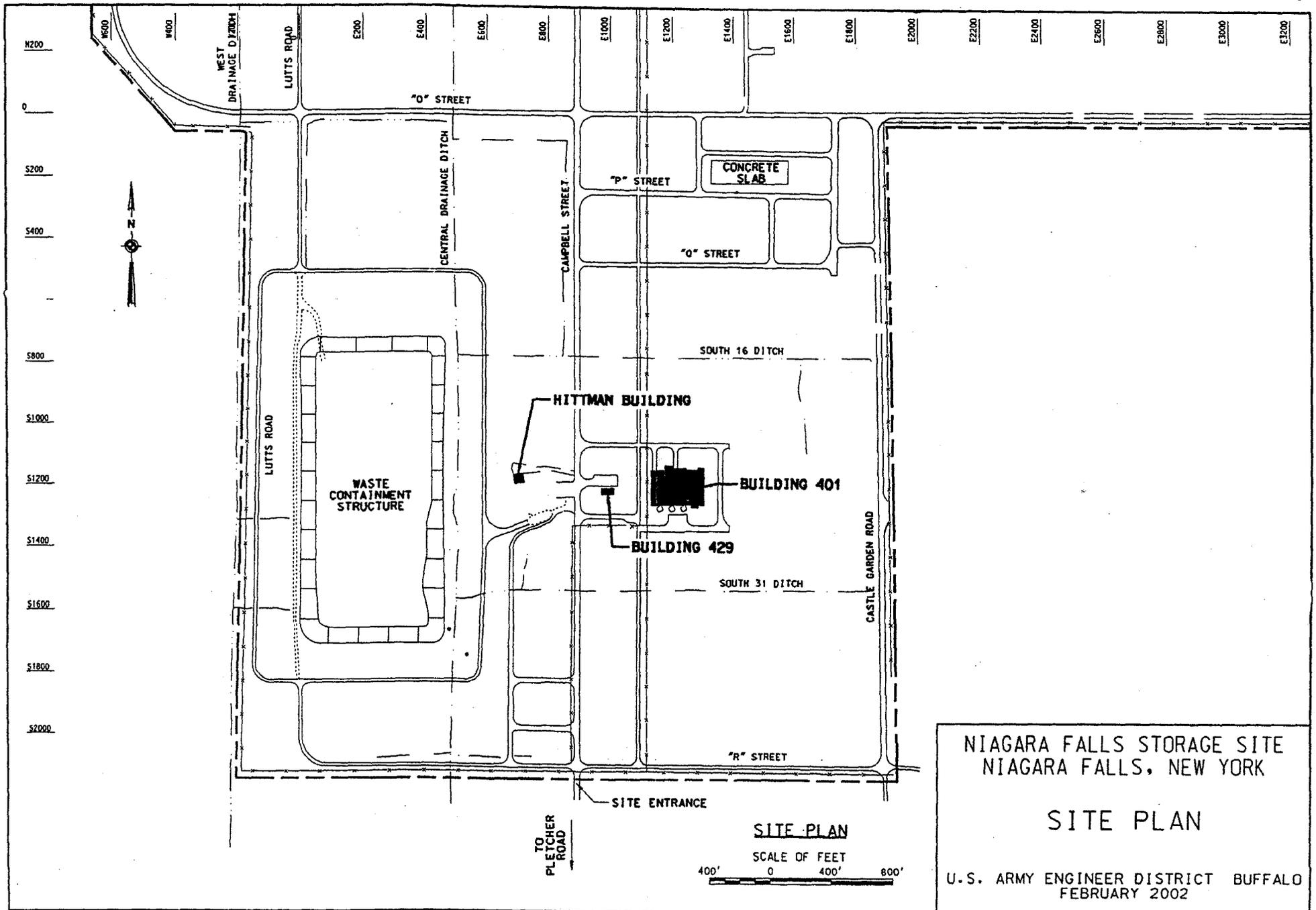
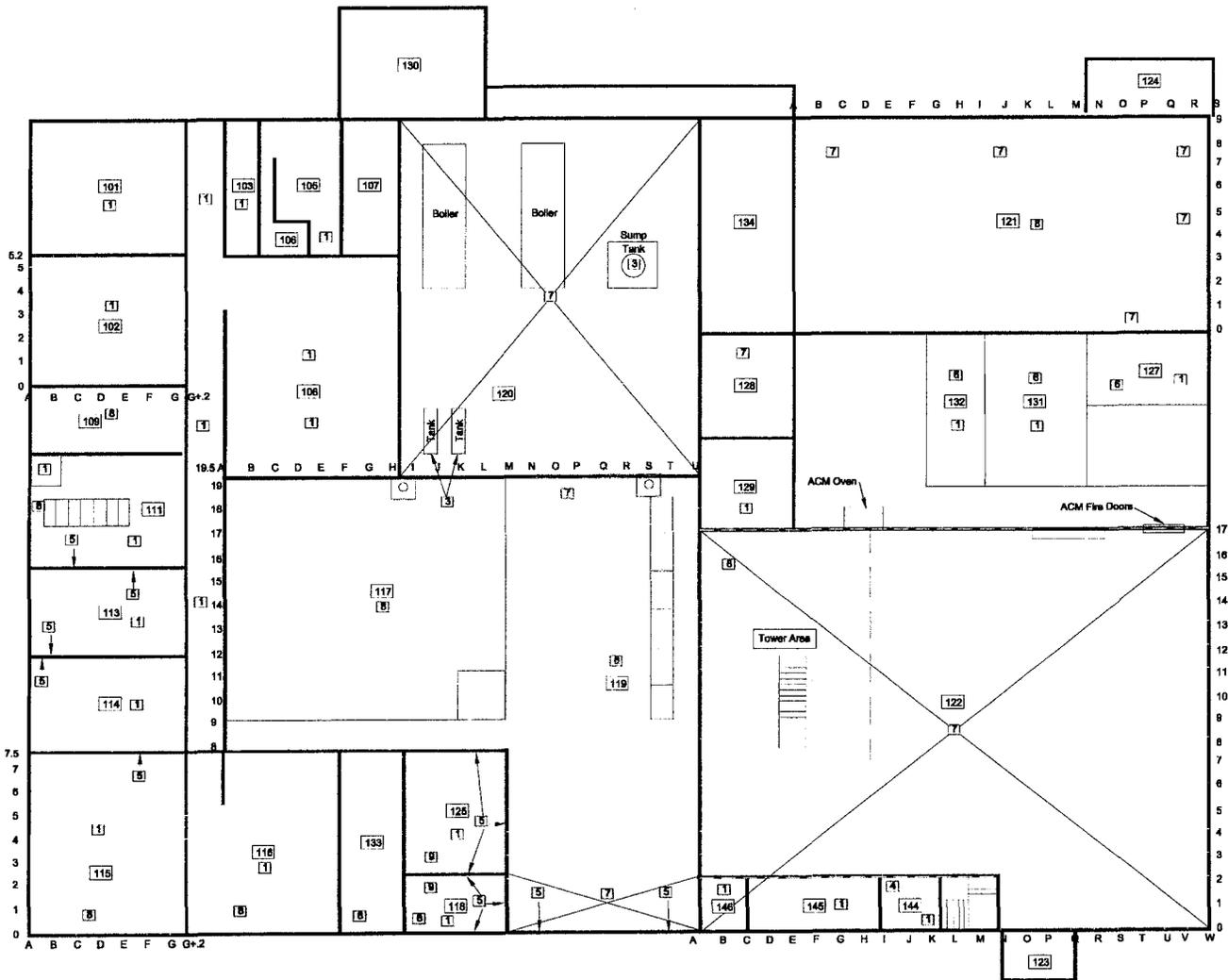


FIGURE 2



Building 401 - 1st Floor Plan
NTS

General Notes

1. See table one for asbestos containing material (ACM) types and quantities per room location.
2. ACM pipe insulation located above first floor ceilings of location 101, 102, 109, 103, 105, 107, 108. See location 250 on sheet ACML-02.
3. ACM pipe insulation located in chase walls at locations 106, 105, 107.

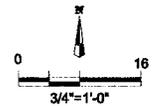
Legend

- [1] ACM 9"x9" Floor Tile and Mastic and associated Cove Base
- [2] ACM Boiler Insulation
- [3] ACM Tank Insulation
- [4] ACM Bagged Material/Debris
- [5] ACM Transite Wall Panels
- [6] ACM Transite Wall / Ceiling Panels
- [7] Thermal System Insulation Debris
- [8] ACM Pipe and/or Fitting Insulation
- [9] ACM Transite Pipe 10" Ø

1 Square Meter Grid Lines
(Approximate 11 FT²)

[122] Room Number

NTS Not To Scale



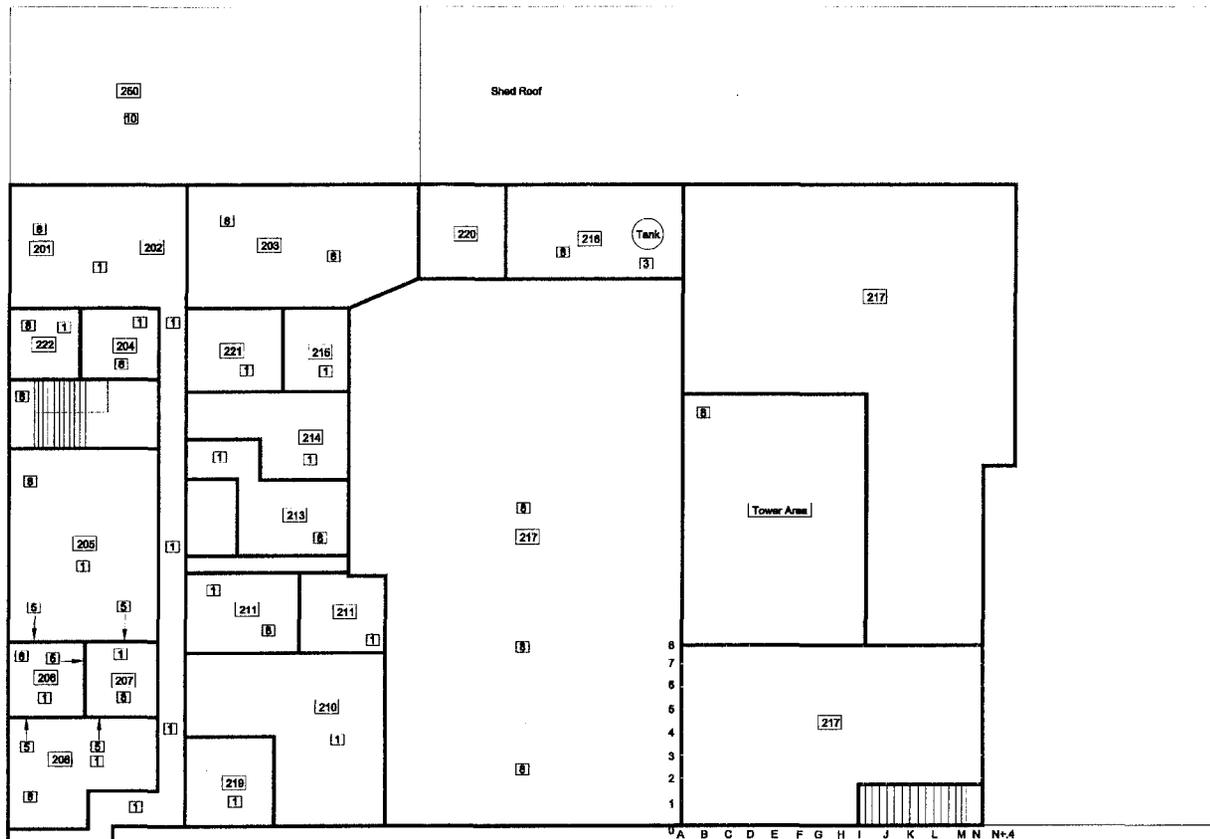
JE JACOBS

Building 401 First Floor
Asbestos Containing Material
Location Plan

Niagara Falls Storage Site
Niagara Falls

07FEB02 - acml-01.DWG

Figure ACML-01



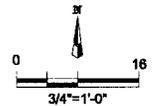
Building 401 - 2nd Floor Plan
NTS

General Notes

1. See table one for asbestos containing material (ACM) types and quantities per room location.
2. ACM pipe insulation located in Chase Walls at Locations 214, 213.

Legend

- 1 ACM 9"x9" Floor Tile and Mastic and associated Cove Base
 - 2 ACM Boiler Insulation
 - 3 ACM Tank Insulation
 - 4 ACM Bagged Material/Debris
 - 5 ACM Transite Wall Panels
 - 6 ACM Transite Wall / Ceiling Panels
 - 7 Thermal System Insulation Debris
 - 8 ACM Pipe and/or Fitting Insulation
 - 9 ACM Transite Pipe 10" Ø
 - 10 ACM Pipe and/or Fitting Insulation above First Floor Ceiling
- 1 Square Meter Grid Lines
(Approximate 11 FT²)
- 122 Room Number
NTS Not To Scale



JE JACOBS

Building 401 Second Floor
Asbestos Containing Material
Location Plan

Niagra Falls Storage Site
Niagra Falls

07FEB02 - acml-02.DWG

Figure ACML-02

APPENDIX B
CORRESPONDENCE

[REDACTED]

From: [REDACTED]
Sent: Monday, September 21, 2009 3:57 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Building 401 scoping document

Dear [REDACTED]:

I apologize for the confusion. You are correct - the proposed project is strictly a building demolition. The demolition would also involve the removal of material from drains and sumps if required to prevent overflow, to the extent practicable, and subsequent plugging to prevent any future potential safety hazards.

I hope this adequately answers your question. If you have any other questions or need any additional information, please feel free to contact me. Thank you.

-----Original Message-----

From: [REDACTED]
Sent: Friday, September 11, 2009 9:35 AM
To: [REDACTED]
Subject: Building 401 scoping document

I reviewed the Building 401 Scoping document, and have a comment/question. In section 3.4, the first sentence references the demolition as the preferred action to allow access for further remediation to potentially contaminated features such as the sumps and drains, and the building's concrete slab. On page 8, under "Water Quality", the table states that all sumps and drains will be emptied then plugged to prevent decontamination agents or contaminated debris from entering the drains and migrating off-site. My comment/question is whether this is strictly a building demolition to allow access in the future to sumps and drains (which is my interpretation of section 3.4), or will the sumps and drains be emptied then plugged (as stated in the table, implying some sort of remediation where re-contamination is to be avoided) to prevent off-site migration. Maybe I'm reading too much into this. Any clarification is appreciated. Thanks. **IMPORTANT NOTICE:** This e-mail and any attachments may contain confidential or sensitive information which is, or may be, legally privileged or otherwise protected by law from further disclosure. It is intended only for the addressee. If you received this in error or from someone who was not authorized to send it to you, please do not distribute, copy or use it or any attachments. Please notify the sender immediately by reply e-mail and delete this from your system. Thank you for your cooperation.

[REDACTED]

From: [REDACTED]
Sent: Friday, September 25, 2009 7:40 AM
To: [REDACTED]
Subject: NFSS (Bldg. 401 Demolition) - Scoping Information

Good morning, [REDACTED]

Based on a review of available information, it is the conclusion of the US Army Corps of Engineers that the Dept. of Defense did not actively use the parcels that are traversed by the 42-inch intake, other than for the intake line itself. Because the intake line conveyed fresh water, there is no expected adverse impact from its use. The Town of Lewiston tied into the former 42-inch reinforced concrete intake line approximately 200 feet east of the former Lake Ontario Ordnance Works gate house. The remainder of the line has not been modified. There is no known evidence to suggest that use by the Town of Lewiston has adversely impacted the 42-inch line or the parcels traversed by the line.

Thank you for your interest in this project. If you have any further questions or need any additional information concerning the demolition of Building 401, please contact me.

[REDACTED] Environmental Protection Specialist US Army Corps of Engineers-
Buffalo District

[REDACTED]

[REDACTED]

Visit our website at: <http://www.lrb.usace.army.mil/>

-----Original Message-----

From: [REDACTED]
Sent: Thursday, September 24, 2009 10:06 AM
To: [REDACTED]
Subject: scoping plan build 401

Hello
thanks for the build 401 scoping plan
is there any attention being focused on the 1942, 42" old cooling water pipe going down
pletcher rd in my front yard? pipe used for dumping afer orginal use.

Thank you

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: Tuesday, September 29, 2009 7:47 AM
To: [REDACTED]
Cc: [REDACTED]

Subject: Re: Re: Demolition of Building 401, NEPA Scoping.

In reading the docs for the demolition of 401, I see the building is considered potential for National Historic designation. Because the plan is to leave the slab in place, there seems to be no gain for demolition. I am going to recommend it be left in place for future use, perhaps as a WWII museum. Yours, [REDACTED]

Sep 28, 2009 12:56:13 PM, [REDACTED] wrote:

=====

[REDACTED] and All, I'm attaching some comments, along with the actual scoping document for the demolition of Building 401, for RAD committee members to review. It seems to me that USACE has not explored the potential environmental contamination issues fully, given their recent detection of plutonium-239 under the building. There has been no discussion of how the contamination got there, or whether other KAPL contaminants, including fission products, are likely to be present throughout the building as a result of past waste storage. When asking for comments from the public, it would seem only fair, to fully disclose all the available information. I don't think USACE has done this. Please send any comments to myself and [REDACTED] by the end of today. As usual, we always seem to be working against the clock; there is a RAB steering committee meeting tomorrow. Thanks, [REDACTED].

October 11, 2009

Buffalo District, US Army Corps of Engineers

Att: [REDACTED]
[REDACTED]

Subject: F.A.C.T.S.' Comments on the Army Corps of Engineers' "Scoping Information, Building 401 Demolition" at the Niagara Falls Storage Site, USACE, September 2009

by [REDACTED]

FACTS (For A Clean Tonawanda Site), Inc

The original public review process for the cleanup of the Niagara Falls Storage Site (NFSS) was conducted in the 1980s as a NEPA EIS. That process was fundamentally flawed in that the site owner, the U.S. Department of Energy (DOE), used "interim actions" to implement its preferred alternative -- permanent waste storage in an onsite "interim" tumulus -- **prior** to the completion of the environmental review process, i.e. release of a Record of Decision (ROD). The details of this improper public review process can be found in an August 24, 1994 ROLE letter to former DOE Secretary [REDACTED], incorporated into these comments by reference.

The "Interim Waste Containment Structure" (IWCS) constructed in the mid-80s does not meet the technical criteria requirements of 10 CFR 40 Appendix A and is not the fully "engineered" tumulus implied in Section 3.1. While the bermed sides and the cap of the Niagara Falls Storage Site's "Interim Waste Containment Structure" (i.e. landfill, aka "cell" or "tumulus") are constructed of uniform, engineered clay, the bottom of the cell is simply native soils and does not meet the federal 10 CFR Part 40 Appendix A site and design performance standards for a long-term disposal landfill contained in the Technical Criteria section of 10CFR40 App. A, both incorporated by reference. These native, largely clay soils are known to have porous discontinuities, such as sand lenses, through which contaminated groundwater is able to move much more quickly.

This scoping document is seriously deficient. It fails to provide citation(s) to the authority under which it is being conducted, or a description and timeline for the various stages of this action's public review process. No description is given as to how this action continues or amends the original NEPA sitewide public review process for cleanup of the full NFSS. This should be corrected prior to completion of this scoping.

It appears that the USACE is attempting to initiate an improper piecemeal

"turnkey" approach at the NFSS in offering this proposed action: a contractor (chosen by USACE through a publicly unreviewed RFP?) is to prepare a "Demolition Plan," implement that plan, and conduct a post-remediation radiological survey. The only reason given for the proposed action is that the building is a "local hazard," the removal of which would "allow access for further remediation to potentially contaminated features such as the sumps and drains, and the buildings [sic] concrete slab." Apparently it is assumed that these features are contaminated -- that will be determined by the contractor who may then decontaminate the slab, etc., but leave the "surrounding soil areas with elevated radiological levels." No data specifically identifying the contaminants present and their concentration levels has been collected or presented in this document to the public by USACE. This does not satisfy NEPA or CERCLA public review requirements.

Any cleanup of soils and structures at the NFSS should meet the **most stringent** of the following applicable cleanup guidelines:

Soils: Option 1 of the Nuclear Regulatory Commission's 1981 "Branch Technical Position on Disposal or Onsite Storage of Thorium or Uranium Wastes From Past Operations" and NYS DEC's DSHM-RAD-05-01 (formerly TAGM-4003);

Structures and surfaces: NRC Regulatory Guide 1.86, NYS Code Rule 38 including Table 5, NYS DOH Part 16 Appendix A Table 7 and NYS DOH Radiation Guide 10.10.

Neither the NRC's 10 CFR 20 Subpart E (aka the "License Termination Rule" or "LTR") nor the Uranium Recovery Facilities Rule are applicable to the cleanup of FUSRAP sites. The NRC rule establishing radiological criteria for decommissioning, the License Termination Rule (LTR) [62 FR 39058-39092], specifically excludes the FUSRAP sites' uranium mill tailings. A subsequent Uranium Recovery Facilities Rule also is not applicable to these wastes, see FACTS' letter to former NRC Chairman [REDACTED], incorporated by reference. Option 1 of NRC's 1981 Branch Technical Position (BTP), which has been applied at many DOE SDMP and NRC-regulated sites around the nation, and NYS DEC's DSHM-RAD-05-01 are the CERCLA "relevant and appropriate" criteria for cleanup of FUSRAP sites that may be subject to intensive re-use in the future. This assumption re re-use at the NFSS logically follows from the fact that the IWCS must be exhumed because it does not meet the applicable 10 CFR 40 Appendix A technical criteria. (USACE itself has predicted that the IWCS will leak within 160 years.) Exhumation of the IWCS and site soil cleanup to the NRC BTP Option 1 criteria will properly enable transfer of ownership from DOE and intensive private or public re-use of the 191 acre site.

[REDACTED]
[REDACTED]

October 12, 2009

US Army Corps of Engineers, Buffalo District
c/o [REDACTED]
Outreach Program Specialist
[REDACTED]

RE: Scoping for Demolition - Building 401 at the Niagara Falls Storage Site ("NFSS")

Dear [REDACTED]

The Corps of Engineers recently issued a scoping document on proposed demolition of Building 401 located on the Niagara Falls Storage Site. The document requests input to ensure all of the environmental issues associated with demolition are addressed.

Based upon review of the Fact Sheet, Scoping Document, and NFSS Environmental Surveillance data which the Corps furnished for planning demolition of Building 401, there appears to be a lack of available information regarding the extent and type of radiological contamination found in the building. To provide meaningful comments in time for scoping, would the Corps respond to each of the requests, below:

1. The Corps stated that Building 401 has limited, fixed radiological contamination, but published no data to support this assertion. Specifically, what data did the Corps rely on for that statement? No data has been released for Building 401 beyond the core sampling results in the NFSS Remedial Investigation Report (RIR).
2. One of the concerns surrounding demolition is the past use of Building 401 to store nuclear reprocessing wastes from the Knolls Atomic Power Laboratory. Radioactive contamination arising from storage of these wastes would involve fission products, such as Cesium-137 and Strontium-90 and transuranic materials such as Plutonium; not the Radium, Uranium and Thorium usually associated with radioactive contamination on site. Past Department of Energy surveys of Building 401 only looked for Radium and Uranium. Has the Corps (or DEC or EPA) conducted its own radiological investigation of Building 401, beyond published RIR data?
3. If yes to the above, please identify the radiological contaminants of concern which the Corps has looked for within and beneath Building 401 and publish the results of all radiological surveys and analytical testing to include sample location and date.
4. As part of the NFSS RIR, the Corps took core samples to investigate potential radioactive contamination under the building. Some samples were analyzed for Plutonium which was, in fact, detected. Has the Corps looked for and/or detected Plutonium elsewhere in, beneath or around the building? Is Plutonium now considered a site contaminant on the NFSS?

May I also note that preparation of these comments was made exponentially more difficult by the Corps' refusal to recognize its duly authorized RAB and engage a facilitator to help shoulder the enormous administrative and technical burdens thrust on community and municipal stakeholders.

I look forward to your response.

Very truly yours,
[REDACTED]

p. 2, October 12, 2009

cc: Congressional Delegation
U.S. EPA
LOOW Restoration Advisory Board
Town of Lewiston
Niagara County Department of Health
NYS Department of Health
NYS DEC

[REDACTED]

From: [REDACTED]
Sent: Thursday, October 15, 2009 10:35 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: NFSS (Building 401) - Scoping Document
Attachments: FOIA request form.doc



FOIA request
form.doc (26 KB)

Good morning, [REDACTED].

Thank you for your interest in this project. In consideration of the nature of your questions, we ask that you submit your request for additional information through the Freedom of Information Act (FOIA). Please complete the attached FOIA request form and submit it to our Office of Counsel. Thank you.

[REDACTED] Environmental Protection Specialist US Army Corps of Engineers-
Buffalo District

[REDACTED]

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-----Original Message-----

From: [REDACTED]
Sent: Wednesday, September 16, 2009 2:37 PM
To: [REDACTED]
Subject: RE: Scoping Document Building 401

Good Morning [REDACTED]

RE: Scoping Document Building 401

I found a lot of good information provided in your scoping document recently issued for the Building 401 demolition at the NFSS.

I have a few questions to ask that you may be able to help me with to better understand the upcoming scope of work being issued by the USACE.

1. Figures 3 and 4 have note 1. that references a "table one" for ACM quantities and type by room. Is the information on table one available and is it accurate for the planned decommissioning?
2. Other than the tanks listed on the drawings is there a list of equipment remaining in the plant?
3. Also is it safe to assume the lead-based paint was used through out the building and will require abatement?
4. Is there a possibility of unexploded ordinance particles inside the building that can be readability sensitized during D&D?
5. Are there any building details listing the extent of the concrete Walls and floor/equipment foundations inside the building? Pictures or old building design sections?

Thanks for your time and look forward to learning more of the Building 401 Demolition planned by the USACE.

[REDACTED]

From: [REDACTED]
Sent: Thursday, December 10, 2009 10:02 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: NFSS (Bldg. 401 Demolition) - Response to Comments on "Scoping Information, NFSS, Building 401 Demolition, September 2009"
Attachments: Bldg401scopecomments.htm



Bldg401scopecomm
ents.htm (6 KB...

Dear [REDACTED]:

This is in response to your comments that were submitted on October 11, 2009. The U.S. Army Corps of Engineers (USACE) appreciates FACT's input and interest in the planned demolition of Building 401 at the Niagara Falls Storage Site (NFSS). In accordance with the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321- 4347), the referenced Project Scoping Information was provided to the public and appropriate agencies and organizations as a means of soliciting comments on the proposed building demolition, and to consider these views and recommendations concerning the proposed project. This action (i.e., demolition of Building 401) is not being considered under the scope of the U.S. Department of Energy's Environmental Impact Statement and, as such, neither continues nor amends DOE's previous environmental review process. However, as a Federal action that is not otherwise encompassed by other ongoing CERCLA actions at NFSS, consideration of its environmental effects under NEPA is required. As the lead Federal agency, USACE is considering all potential social, economic and environmental benefits and adverse impacts, when considered individually and cumulatively, to determine if they will result in significant effects on the quality of the human environment.

Under the provisions of USACE's NEPA implementation regulations [33 CFR 230.9 (p)], the demolition of Building 401 is classified as a type of action that is categorically excluded from NEPA documentation. This regulation exempts the "disposal of existing buildings and improvements for off-site disposal" provided that the activity, when considered individually and cumulatively, will not result in any significant adverse effects on the quality of the human environment. Based on USACE analysis and comments received to date, we believe the proposed project meets these criteria.

Regarding your comments concerning contamination levels of the building and surrounding soils, the Remedial Investigation (RI) is available within the NFSS Administrative Record (AR) for public review. This investigation provides detailed information on the contaminants present and their concentration levels at the NFSS. Radiological surveys were performed for Building 401 and Building 403 (previously demolished) with the results presented in the report entitled "Current Radiological Contamination Status of Niagara Falls Storage Site - Building 401, 403, and the Soils Outside Building 401, by Bechtel National, Inc., August 1998. During the demolition of Building 401, the Contractor will fully comply with all applicable regulatory requirements.

Thank you again for your comments. If you have any questions or require any additional information, please contact [REDACTED] at [REDACTED], or by writing to [REDACTED] attention at: U.S. Army Corps of Engineers- Buffalo District, [REDACTED].

[REDACTED] Environmental Protection Specialist US Army Corps of Engineers- Buffalo District

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[REDACTED]

From: [REDACTED]
Sent: Wednesday, November 04, 2009 4:46 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: NFSS (Bldg. 401 Demolition)

Dear [REDACTED]:

The US Army Corps of Engineers appreciates your input and interest in the Niagara Falls Storage Site (NFSS) Building 401 Demolition Project. Our responses to your comments (dated October 12, 2009) are as follow:

1. In 1998, Bechtel National, Inc. performed (for the US Army Corps of Engineers as part of the site transition from the US Department of Energy to the US Army Corps of Engineers) radiological surveys of Building 401 and 403 (previously demolished). This report ("Current Radiological Contamination Status of Niagara Falls Storage Site (NFSS) - Buildings 401 and 403 and the Soils Outside of Building 401") was the basis for USACE stating that Building 401 has limited, fixed radiological contamination.
2. In addition to the 1998 Bechtel National, Inc. report, the Contractor will be required to perform radiological scans and monitoring during the building's demolition. It is listed in the scope of work that Building 401 once stored waste from the Knolls Atomic Power Lab (KAPL) and may contain fission products and plutonium. However, one would expect this contamination to be found more in drains/sumps, and under the floor slab [as investigated during the Remedial Investigation and reported in the Remedial Investigation Report (December 2007)], as opposed to the building structure itself. Regardless, laboratory analytical results will be used in conjunction with the historical site assessments and Contractor scanning results to determine the appropriate waste classification. This will allow the Contractor to segregate radiological waste from nonradioactive waste and determine the appropriate monitoring and disposal method for demolition debris and materials.
3. Please refer to responses (1) and (2), above. With the exception of the Bechtel National, Inc. report, all results have been published and made available to the public.
4. As stated in response (2), the potential for KAPL waste will be taken into consideration by the Contractor for the monitoring, sampling, and disposal of Building 401 demolition debris. As concluded in the NFSS RIR (December 2007), plutonium was detected in samples collected beneath the building, in a single subsurface soil boring and another building core sample. In addition, four other subsurface soil samples around Building 401 were analyzed for but did not contain detectable levels of plutonium. The level of plutonium detected in the subsurface soil sample was below risk levels and therefore plutonium was not established as a radionuclide of concern for the site. The plutonium that was detected in the road coring was not evaluated in the risk assessment since only environmental media (soils, water, sediment) is typically evaluated in a CERCLA risk assessment. However, the road core samples will be further evaluated in the RIR addendum. In addition, further plutonium analysis is planned for the Remedial Investigation Addendum sampling, and analytical results will be evaluated to assess the risk associated with these additional results.

Thank you again for your participation. Please contact [REDACTED] or me with any additional questions or comments.

[REDACTED] Environmental Protection Specialist US Army Corps of Engineers-
Buffalo District

[REDACTED]

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