



## DEPARTMENT OF THE ARMY

BUFFALO DISTRICT, CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

1 AUG 2002

REPLY TO

OFFICE: Executive Office

SUBJECT: Request for Release of U.S. Army Corps of Engineers "Draft" Remedial Investigation Report – Niagara Falls Storage Site, Niagara County, New York

Dear Citizens of Niagara County:

I am writing you to address the pending release of the Remedial Investigation Report for the Niagara Falls Storage Site (NFSS). This report will document the results of extensive scientific investigations, led by the Buffalo District, into environmental contamination resulting from the nation's early atomic weapons program which brought radioactive materials to the NFSS in the 1940s and 1950s. The report will document the nature and extent of this contamination, the potential current and future human health and ecological risks of this contamination, and the potential future fate and transport of these contaminants into the environment. It will not include any decisions about future site use or cleanup activities. This information will be developed by the Corps in a Feasibility Study and Proposed Plan.

The Remedial Investigation Report is in its final stage of review within the Corps. When completed we will release it to the public and send it to a wide audience of local, state, and federal elected officials and agencies and interested parties. A copy will also be placed in the Administrative Record File in the Town of Lewiston Public Library. This is the repository where the Corps maintains its project documents for public availability.

Understandably, our work at the site has generated the interest of many people. Recently, I received three written requests to release "Draft" versions of the Remedial Investigation Report. These requests share a common concern regarding the implications of the release of a "Draft" versus a "Final" report. We gave these requests serious consideration but do not support the release of the "Draft" report as requested. I offer the following points to explain why our decision regarding these requests better serves the greater public interest in the report.

First, I offer these key facts regarding the preparation of our remedial investigation reports to reinforce public awareness of our scientific process and the opportunities for public concerns to be addressed by the Corps.

a. Our mission is to produce high quality and scientifically sound technical documents which present the best professional judgment of the Corps.

b. Our project delivery teams are charged with conducting scientific analysis and preparing technical reports using a well-defined, deliberative process with rigorous quality control standards and methods.

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c. A key element of our quality control system is to employ independent technical review teams staffed with local and national experts within the Corps who are unaffiliated with the authorship of the document. They provide objective peer review throughout the preparation of our reports.

d. The review teams scrutinize the scientific methods and findings and ensure reports achieve the Corps' required quality standards and technical, legal, and policy objectives.

e. This iterative and deliberative review process results in multiple "Draft" documents being prepared and edited ultimately leading to what we consider a whole and completed product. Upon completion of the Corps' review cycle the document is considered releasable to the public.

f. Upon release to the public, we expect to receive comments and questions from a diverse audience of interested parties. We accept these comments openly and unconditionally and are committed to evaluating them with respect to our work to ensure we have achieved our mission.

g. If public comments generate new relevant information or identify errors or omissions in the document which have merit and are within our authority to address, we will conduct additional analysis and publish an addendum to the document. We have issued addenda in response to public comments on other reports. We remain committed to providing this opportunity for the NFSS Remedial Investigation Report and future documents if required.

Second, it is important to highlight additional opportunities for public input supported by the Corps:

a. We support community outreach activities and accept public comments throughout our process, not just after the public release of a finished report. Throughout the development of the NFSS Remedial Investigation Report we have considered public input received through a variety of outreach activities.

b. In response to public requests, the Buffalo District released the complete set of validated scientific data being evaluated in the NFSS Remedial Investigation Report in 2004. The Buffalo District also releases the data for our NFSS environmental surveillance program in advance of the annual report.

c. We recognize the local, state and federal environmental and health agencies as your public advocates and seek their concurrence on our reports. We will also work with them to resolve those public concerns which are outside of the Corps' authority to address.

d. Remedial Investigation Reports are the first major product developed in our environmental investigations. The decision-making process for NFSS is in its very early stages. We will continue to accept and consider public comment throughout the life of the project. By

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law, we are required to solicit and respond to public comments on our Proposed Plan which details the Corp's recommended remedy for a contaminated site.

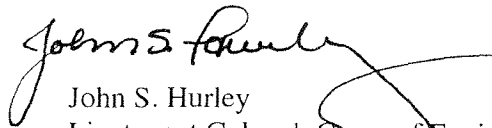
Finally, the Corps does not release "Draft" documents because of potential adverse effects:

- a. Releasing unfinished "Draft" work products with partial analyses and unresolved technical issues increases the risk of confusion and misinterpretation.
- b. Releasing "Draft" work products and preliminary findings creates the perception that the Corps will reserve professional judgment pending public reaction.
- c. Releasing "Draft" work products and preliminary findings creates the perception that the Corps will negotiate technical findings with individual interests having a stake in our results.
- d. The Corps produces the best products and decisions by encouraging and preserving the sanctity of open and frank deliberations within our internal project delivery teams and independent review teams. Subjecting team member deliberations and unfinished work products to disclosure outside the Corps adversely affects the free expression of professional opinions during the development of the work product.

We serve the nation and treat all interests with equal consideration. It is best for everyone outside the Corps to review the same completed document which has gone through a thorough quality review process. If comments on a publicly released document have merit and generate new relevant information or identify errors or omissions in the document the Corps will conduct additional analysis and publish an addendum to the document.

The Remedial Investigation Report for the Niagara Falls Storage Site will be complete in the near future. The Corps looks forward to meeting with the public to present our findings and receive and consider their concerns. Additional information is available on our website at <http://www.lrb.usace.army.mil/fusrap/index.htm>.

Sincerely,



John S. Hurley  
Lieutenant Colonel, Corps of Engineers  
District Commander

CF:  
Senator Charles E. Schumer  
Senator Hillary Rodham Clinton

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Congresswoman Louise Slaughter  
Governor Elliot Spitzer  
State Deputy Secretary of the Environment, Judith Enck  
Commissioner Pete Grannis, New York State Department of Environmental Conservation  
Commissioner Richard F. Daines, M.D., New York State Department of Health  
State Senator George Maziarz  
State Assemblywoman Francine DelMonte  
Niagara County Legislature Chairman, Clyde Burmaster  
Niagara County Legislature, Vice Chairman, William Ross  
Director, Niagara County Department of Health, Dan Stapleton  
Town of Lewiston Supervisor, Fred Newlin  
Town of Porter Supervisor, Merton Wiepert  
Lewiston-Porter Public Schools Superintendent, Don Rappold  
Community LOOW Restoration Advisory Board, Chairman Walt Garrow