

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FW: News from the Corps  
**Date:** Tuesday, May 25, 2010 9:46:58 AM  
**Attachments:** [2-22-10 AW to \[REDACTED\]](#)

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

**From:** [REDACTED]  
**Sent:** Thursday, May 20, 2010 6:00 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: News from the Corps

[REDACTED] -

Would you please add to the agenda: Transparency of interagency communication regarding closed vicinity properties, the NFSS and the LOOW site. Your email below does not suggest the Corps is interested in transparency. I'd like to hear the Corps' perspective specifically on why it has been so reluctant to open communication between agencies.

Since I still have not received any information on what is going on under DERP, I ask that also be added to the agenda.

It is a shame to distract from the IWCS, but every time we turn around, the Corps has gone forward on a significant initiative we learn about only after the fact. Or information the Corps supposedly relied upon is not made available. If you could address these in writing prior to the meeting, it would be nice to dedicate it to your already existing agenda.

Your press release accredits technical reports submitted only by the scientific and academic community as of value to the Corps. May that explain why I have not received a response to my Feb. 22, 2010 letter to [REDACTED]? Will I receive a response to each of the concerns addressed in that letter? (beyond the references requested by [REDACTED].) If so, when?

DOD guidelines require the Corps to respond to all inquiries. Without a RAB, what guidelines is the Corps using for DERP and FUSRAP?

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

**From:** [REDACTED]  
**Sent:** Thursday, May 20, 2010 9:07 AM  
**Subject:** News from the Corps

Hello from the US Army Corps of Engineers Buffalo District:

Thank you to those that provided us with input in regard to the establishment of an official Department of Defense (DoD) Restoration Advisory Board (RAB) for the former Lake Ontario Ordnance Works (LOOW) Site that is being addressed under the Defense Environmental Restoration Program for Formerly Used Defense Sites (DERP-FUDS). We are carefully reviewing the input received in accordance with the RAB Rule before we determine our path forward for community outreach.

The DoD has unique authority under the DERP to establish RABs at DERP sites, such as the FUDS site at the former LOOW. Formerly Utilized Sites Remedial Action Program (FUSRAP) projects are not part of DERP and are not subject to the DoD RAB authority or regulations. Thus, the Corps has no authority to establish RABs for FUSRAP sites such as the Niagara Falls Storage Site (NFSS). We have a robust public involvement plan that has been tailored to the former LOOW Site and NFSS and is consistent with Army

authority. The plan is available on our website at [www.lrb.usace.army.mil/derpfuds/loow-nfss/index.htm#Documents](http://www.lrb.usace.army.mil/derpfuds/loow-nfss/index.htm#Documents). It is designed to ensure participation of all interested members of the community.

It is clear that there is a group of highly dedicated citizens that wants to provide input to the cleanup process for both the former LOOW Site and the NFSS. The Buffalo District recognizes the value of community involvement in its restoration programs, genuinely welcomes input from diverse interests within the community, and uses the input we receive in our decision processes.

The Corps acknowledges that members of the scientific and academic community have devoted a great deal of time and effort studying the NFSS and the Corps' technical products. We welcome their input and will continue to review and discuss their scientific analyses, reports and written critiques of the Corps' work.

In regard to NFSS, the Corps' responsibility is to identify a wide range of potential long-term remedies for the radioactive materials stored in the Interim Waste Containment Structure (IWCS) and evaluate the potential long-term remedies against the criteria established in the Comprehensive, Environmental Response, Compensation, and Liability Act (CERCLA). This process will be documented, and provided to the public for review and discussion, in a Feasibility Study.

The Corps altered its process for completing a Feasibility Study at the NFSS to maximize public participation. Rather than waiting until the Feasibility Study is complete before seeking public review and discussion, the Corps will be engaging the public as the Feasibility Study progresses and discussing chapters of the study as they are developed.

Removal of the radioactive materials within the Interim Waste Containment Structure (IWCS) at the NFSS is one of many potential long-term alternatives that will be evaluated by the Corps in the Feasibility Study and discussed with the community through our outreach program in an open and transparent manner.

Currently, we want to assure the community that the Corps' extensive environmental monitoring program for NFSS and our remedial investigation of the site indicate that the IWCS is performing as designed and continues to be protective of human health and the environment.

All members of the community are encouraged to provide us with input for the restoration process at LOOW and NFSS through public involvement as discussed in the public involvement plan which provides for outreach and engagement of the full community, and is intended to ensure transparency of the process.

The plan includes public workshops with discussions with our technical team.

All persons in the community are encouraged to participate in the public activities described in the plan.

Our next quarterly workshop will be held at the Lewiston Porter Senior Center at 4361 Lower River Road, Youngstown, NY on Wednesday, June 23, 2010, at 6 p.m. We will be discussing the status of the Niagara Falls Storage Site (NFSS) Building 401 demolition and the recent sampling at NFSS in support of the Remedial Investigation Addendum.

Sincerely,

██████████ R  
Outreach Program Specialist  
US Army Corps of Engineers, Buffalo District  
1776 Niagara Street  
Buffalo, NY 14207

Phone: ██████████  
Fax: ██████████

