

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: News from the Corps
Date: Tuesday, May 25, 2010 1:31:06 PM

Hello [REDACTED],

When asking for items to be added to workshop agendas, it would be helpful if you could be specific in your requests. To simply ask that DERP or FUDS be added to the agenda is vague since DERP-FUDS is a national program. I previously asked Amy what was meant by this, but did not receive clarification. [REDACTED], please clarify your request by identifying specific topics/items under DERP or FUDS.

In regard to transparency, interaction with Federal, State and local agencies is part of our daily operation when working on our environmental restoration programs. Records of this interaction can be requested through the Freedom of Information Act (FOIA). However, many of these records are interagency memorandums or letters which may not be available by law to a party other than an agency in litigation with the Corps. Many of these documents are deliberative and fall within the scope of Exemption 5 of the FOIA, 5 U.S.C. § 552 (b)(5), which exempts from release those documents containing advice, opinions, and recommendations, which are part of the pre-decisional deliberative process. They have been generally viewed as properly exempt in order to encourage the candor and frankness necessary to protect the free flow of information within the agency during our work on the sites. As such, we won't add this topic to the agenda for our June workshop, but you may request such documents through the District FOIA Coordinator and if a search reveals documents responsive to your request a document-by-document analysis will be conducted by the FOIA Officer and Counsel to determine whether the document(s) or portions of the document(s) are releasable.

Our response to [REDACTED] letter of February 22, 2010, was provided in an email on May 4. The Corps adheres to the requirements of the DERP statute and regulations (10 USC Sec. 2705, 32 CFR 202), CERCLA (42 U.S.C. Sec. 9601 et seq.), NCP (40 CFR 300) and ER 200-3-1 and ER 200-4-1 for remediation efforts.

Sincerely,

[REDACTED]
US Army Corps of Engineers, Buffalo District
1776 Niagara Street
Buffalo, NY 14207

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

From: [REDACTED]
Sent: Monday, May 24, 2010 5:37 PM
To: [REDACTED]
Cc: [REDACTED] Jr.
Subject: Re: News from the Corps

[REDACTED]:
I would second the request to add these items to the agenda, please, as a request from the full LOOW RAB membership, and in support of interests of the LewPort Schools

[REDACTED]
On 5/20/2010 5:59 PM, [REDACTED] wrote:

NFSS_08.01_0344_a

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,

A black rectangular redaction box covering the signature of the official.

US Army Corps of Engineers, Buffalo District
1776 Niagara Street
Buffalo, NY 14207

[REDACTED]