

From: [REDACTED]
Subject: Additional q's (UNCLASSIFIED)
Date: Wednesday, June 29, 2011 2:31:43 PM

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]

Based on the Corps evaluation of over 25 years of environmental surveillance data from the Niagara Falls Storage Site, (NFSS), the data from the NFSS Remedial Investigation, and the NFSS Remedial Investigation Report Addendum, it is the Corps position that the Interim Waste Containment Structure (IWCS) is performing as designed. The Corps intends to perform additional field work as part of the Balance of Plant Feasibility Study (FS). As part of this effort, the Corps agreed to work with [REDACTED] to develop a path forward regarding suggested locations for performing additional sampling to alleviate the community's concern regarding pipelines and elevated total uranium concentrations in groundwater at two sample locations south and east of the IWCS. The Corps anticipates this additional sampling will be performed next year. As we stated in our first email, [REDACTED] scope is currently for the IWCS Operable Unit FS. So, it is outside of [REDACTED] scope to suggest or negotiate sampling locations for the Balance of Plant FS.

To further explain our earlier reply in regard to the role of the regulators in FUSRAP, the Corps consults with New York State as required by law and our cooperative agreement with the State regarding FUSRAP remediation. "Concurrence" is not required for those items you identify but State acceptance as described, pursuant to 40 CFR 300.430, is weighed in the selection of a remedy. Since the Corps is the lead Federal agency in FUSRAP, USEPA concurrence is not required but we seek, value, and consider the Agency's input.

I did a "Google" search on NCP and came up with the following link for the NCP: <http://www.epa.gov/oem/content/lawsregs/ncpover.htm>. The FUSRAP Engineer Regulation, 200-1-4, is available on the web at: <http://140.194.76.129/publications/eng-regs/er200-1-4/toc.htm>. The FUDS Engineer Regulation is actually ER 200-3-1 and is located at <http://140.194.76.129/publications/eng-regs/er200-3-1/toc.htm>.

[REDACTED] will not be back in the office until next week. I spoke with [REDACTED] regarding your FOIA request and she indicated she talked with you about its status last week. She will get to it as soon as she can.

Have a great 4th of July!

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

[REDACTED]
Sent: Friday, June 24, 2011 4:31 PM

[REDACTED]
Subject: RE: Additional q's (UNCLASSIFIED)

[REDACTED]

Is a response forthcoming? If so, what is anticipated timeframe? In the meantime, could you send me links to "NCP, and Engineer Regulation" for FUSRAP?
200-1-4

[REDACTED]

I have a FOIA request that's been outstanding for more than 8 weeks now.

Will a response be forthcoming on that? If so, in what timeframe?

[REDACTED]

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

[REDACTED]

Sent: Wednesday, June 15, 2011 4:07 PM

[REDACTED]

Subject: RE: Additional q's (UNCLASSIFIED)

[REDACTED]

I could not understand from your answer to the second question as to whether [REDACTED] will be barred from facilitation of views and data regarding cell leakage? Could you reply Yes or No, please?

As to the third question, can you tell me from the enormous references provided, how to obtain the answer to my question? Wouldn't a USACE public information specialist work with staff to provide a more user-friendly explanation for the public as opposed to referencing thousands of pages of multiple regulations?

Can the FUSRAP Program for the New York District, Buffalo office, state whether it requires DEC or DOH or EPA concurrence for FUSRAP activities, and for which? If not an exhaustive list, could you respond on; 1) Sampling and Analysis Plans 2) the RIR, 3) the RIR Addendum and 4) the upcoming FS? Program staff could easily answer based on recent reports.

[REDACTED]

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

[REDACTED]

Sent: Wednesday, June 15, 2011 2:01 PM

[REDACTED]

Subject: RE: Additional q's (UNCLASSIFIED)

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Caveats: NONE

[REDACTED]

I was out sick Thursday and Friday of last week, so my apologies for not getting back to you sooner.

In response to your first request, the presentation is now on the web, so the slide you are looking for is available on the NFSS webpage.

In regard to your second request, [REDACTED] scope is to facilitate technical discussions with the community through the FS for the IWCS Operable Unit.

In regard to your last request, I talked with the Office of Counsel Monday afternoon. They said we follow CERCLA, the NCP, and Engineer Regulation 200-1-4 when it comes to the role of Federal, state and local regulators in FUSRAP. For FUDS, the Engineer Regulation is 200-1-3.

[REDACTED]

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

[REDACTED]

Sent: Tuesday, June 14, 2011 4:31 PM

[REDACTED]

Subject: Additional q's

[REDACTED]

- just to confirm, did you receive emails below?

[REDACTED]

[REDACTED]

Sent: Tuesday, June 14, 2011 2:46 PM

[REDACTED]

Subject: RE: additional q's

[REDACTED] - When might I expect a response?

Thanks,

[REDACTED]

[REDACTED]

Sent: Thursday, June 09, 2011 5:18 PM

[REDACTED]

Subject: additional q's

- [REDACTED]
1. Plse forward the new slide I inquired about from last night.
 2. Plse indicate whether [REDACTED] scope will allow for facilitation of issues related to leakage of the IWCS - in other words, problems we have with the RI Addendum because we were barred from review and comment on the SAP.
 3. Plse provide the relevant portions of FUSRAP regulation setting forth the role and responsibilities of local, state and federal regulators, (i.e., DEC, DOH, NCDOH and EPA). For example, FUDs policy clearly states the requirement for concurrence by the supervisory agency for SAP's and remedial actions, etc. I'm looking for FUSRAP regulation that will help me identify similarities and differences to the FUDs policy in this regard.

[REDACTED]

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