



REPLY TO  
ATTENTION OF

## DEPARTMENT OF THE ARMY

BUFFALO DISTRICT, U.S. ARMY CORPS OF ENGINEERS  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

JUN 27 2001

Executive Office

SUBJECT: Artvoice Article "The Bomb that Fell on Niagara"

Honorable John J. LaFalce  
Representative in Congress  
6 17 Federal Building  
111 W. Huron Street  
Buffalo, NY 14202

Dear Mr. LaFalce:

I am writing to respond to your request for information regarding the article that appeared in the June 21-27 edition of Artvoice titled "The Bomb that Fell on Niagara."

The Buffalo District's ultimate goal is protection of human health and the environment. We are committed to informing and involving the community in the decision-making process for all of our sites.

Restoration Advisory Board (RAB) meetings are not public hearings, but are open to the public. Past practice has been to allow the public to ask questions and comment after each presentation once RAB members have had the opportunity to ask their questions. Because of the amount of material to be discussed at the June 13 meeting, the public question period was moved to the end of the meeting.

The mission of the Restoration Advisory Board for the former Lake Ontario Ordnance Works Site is to establish and maintain a forum of all stakeholders for the exchange of information, and to provide an open and independent dialog concerning the environmental restoration activities at the former Lake Ontario Ordnance Works Site. The RAB has a co-chair from both the community and the U.S. Army Corps of Engineers to reinforce the partnering relationship.

U. S. Army Corps of Engineers "Procedures for Establishing and Maintaining a Restoration Advisory Board" state that "The RAB is not an advisory committee." Because the RAB is not an advisory committee, RAB members can only provide the Corps with their concerns and questions as well as the concerns and questions of the community as individuals. The function of the Board is not to provide recommendations as a group. We have received and acted on valuable information from the community that has assisted us in our investigations.

The Operating Rules agreed upon by the RAB members state that "Voting will be done by community members only, not by representatives of federal or state government agencies, and will be limited to administrative matters (i.e. membership, operating rules)."

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In order to meet all public needs, we use several ways to gather input from the community. Question cards are handed out to everyone at each RAB meeting. This enables members of the community to write down their questions during the presentation and ask their questions during the public question period. Individuals raise their hands and are called on. Attempts are made to give each attendee a chance to ask questions rather than allowing a single individual to dominate the entire question period. The Corps tries to answer all questions. If time does not allow for the answering of all questions, the question cards are gathered and the responses are included in the meeting minutes, which are mailed to all attendees. Members of our team remain after RAB meetings are adjourned to answer questions on a one-on-one basis. The Buffalo District is available to the public through an 800 number and an e-mail address. We also have established a web site where RAB minutes are posted and information can be found regarding the former Lake Ontario Ordnance Works Site.

Agendas for upcoming meetings are established before the end of each meeting. The government and community co-chairs approve changes from the established agenda. At the March 7 RAB meeting, the community members of the RAB requested a technical consultant to help them interpret technical documents. The Corps added the possibility of the Technical Outreach Services for Communities (TOSC) Program as a future action item and later contacted Mr. William Librizzi, the representative for TOSC in this region. The Board was told that if a TOSC representative was available, the representative would be added to the agenda for the June 13 meeting. Mr. Librizzi was added to the agenda with the approval of the government and community co-chair. Movement of the public question and answer period on the agenda was coordinated between the government and the alternate community co-chair.

U. S. Army Corps of Engineers "Procedures for Establishing and Maintaining a Restoration Advisory Board" provides for Technical Assistance for Public Participation (TAPP). TAPP enables RABs to receive assistance from independent sources in interpreting scientific information and engineering issues regarding the nature of environmental hazards at Formerly Used Defense Sites. The guidance states that "RABs are required to seek other available avenues of assistance prior to submitting an application for TAPP." Because the Environmental Protection Agency funds the TOSC program through grants, the RAB is required to review the possibility of using TOSC before it seeks technical assistance through TAPP, which is funded by projects. A small committee was formed to review TOSC references. The Corps facilitator is providing the opportunity for a committee conference call to discuss the possibility of the RAB using TOSC assistance, and they will report at the next RAB meeting. If the RAB does not approve of using TOSC, the RAB members will need to submit an application for TAPP to me.

Other technical issues that were incorrect in the article are:

a. The Corps has provided all available documentation regarding Mr. Syms' property to the New York State Department of Health (NYSDOH). The Corps has recommended that Mr. Syms ask the NYSDOH to remove the restrictions on his property;

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b. Niagara Falls Storage Site is one of two of the world's largest repositories for radium-226. The other repository is in Fernald Ohio;

c. Documentation that the Corps has reviewed regarding the Rochester Burial Area indicates that any animal carcasses that were buried in the area were dug up and transported to Oak Ridge, Tennessee for disposal. At the request of members of the RAB, the Corps agreed to verify that the animal remains have been removed. The New York State Department of Environmental Conservation representative on the RAB gave a presentation on the Rochester Burial Area at the June 13 meeting. Within government records the Corps has detailed maps indicating the burial location. The public has not provided any information that contradicts our information regarding the location. The Corps does not have any records to indicate that syringes or other medical wastes were buried in the Rochester Burial Area. The Corps also does not know how these animal carcasses became radioactive other than through experimentation performed on them at the University of Rochester; and

d. The background rate for radiation in the Lewiston area and in nature varies. The 13,000 to 15,000 counts per minute measured in the area on non-impacted property, as indicated by Dr. Judith Leithner at the June 13 RAB meeting falls within the range of naturally occurring background radiation. These readings are based on the use of a particular type of radiation detection instrument other than the Geiger Mueller instrument stated in the article. Readings need to be compared for similar instruments. Attempting to make a comparison of readings for two different types of radiation detection instruments makes the statement in the article misleading. To properly compare readings, a dose calculation needs to be performed. The Corps does not have any data from similar instrumentation prior to the 1940's as data collection of this type was not widely performed in that time period.

The Corps wishes to maintain an honest and open dialogue with the community through the meetings of the Restoration Advisory Board, and will continue to work through the RAB members to address the questions and concerns of the Lewiston Porter community.

If you have any further questions regarding the Artvoice article, please feel free to call me at (716) 879-4200 or contact my Public Affairs Office at (716) 879-4438.

A copy of this letter is being forwarded to your Washington office.

Sincerely,



Glen R. DeWillie

Lieutenant Colonel, U.S. Army  
District Engineer