



Oregon

Theodore R. Kulongoski, Governor



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April 16, 2007

Joe Franco
Assistant Manager for River Corridor
U.S. Department of Energy
PO Box 550, MSIN A3-04
Richland, WA 99352

RECEIVED
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EDMC

Subject: Proposal for Collaborative Work Approach for the Columbia River
Component of the River Corridor Baseline Risk Assessment

Dear Mr. Franco:

Oregon is again contacting you to request early and frequent involvement in the planning, scoping, and review of major work activities associated with the Columbia River Component (CRC) of the River Corridor Baseline Risk Assessment. We are disappointed that neither our January 5, 2007 request nor DOE's verbal commitment at the August 30, 2006 Senior Trustee meeting for early and frequent involvement were implemented. We strongly believe that early involvement of technical staff from the U.S. Environmental Protection Agency, the Washington Department of Ecology, Native American Tribes, and Natural Resource Trustee agencies would be a valuable method to create a collaborative atmosphere for exchanging information early in the planning process.

On March 20, 2007, the Trustees were briefed by DOE and their contractor, Washington Closure Hanford (WCH), that they have initiated a data gap analysis for the CRC. This data gap analysis was not included in the November 8, 2006 CRC schedule which was provided for Trustee review in December 2006. The analysis is comprised of the following work activities: 1) examine and map existing data and information from Priest Rapids Dam to McNary Dam for the purpose of strengthening/identifying the downstream boundary of the analysis, 2) evaluate the process(es) by which contaminants are released to the Columbia River, contaminant mobility, and hydrodynamics of the river itself, and 3) determine the rationale behind the existing studies (why contaminants of concern were selected for each study and the purpose of each relevant study).

Further, we recently learned that DOE is planning a one day Trustee workshop to discuss the outcome of the CRC data gap analysis on June 6, 2007 and that sampling in the Columbia River will occur this fall. Based on the limited time scheduled, we are concerned that the June workshop will be no different than workshops in the past where DOE and WCH tell the

Trustees what work they have already done rather than involve us in the planning and scoping as we have requested.

Since it appears the data gap analysis is going forward, we ask that instead of a one day workshop to update us on work that has been done, that DOE and WCH instead craft a multi-day, interactive discussion with the Trustees to cover the following topics:

- where the work that is currently being conducted and the work being proposed fits into the overall CERCLA process,
- detail what is currently known about the nature and extent of contamination contributed by Hanford Site related contaminants,
- explain how DOE plans to use this information to define the initial study boundaries of the CRC,
- identify data gaps and why they are considered gaps, and
- identify the type of information needed to fill those gaps.

This process would provide a clear background on the Columbia River, would create an effective means for exchanging information between Trustees and DOE, and would begin the first step of a collaborative process for conducting work along the Columbia River. To clarify what we mean by "early and frequent involvement," we request that suggestions made by Trustees are considered and addressed before additional work proceed by the contractor. In addition, the frequency and format of subsequent work sessions should also be decided among all parties.

We are also concerned about artificial deadlines driving the risk assessment of the CRC. The urgency to collect environmental samples in the Columbia River this fall is a prime example. DOE indicated at the August 30, 2006 meeting that there was no defined schedule to perform the work. This new urgency for sample collection suggests that a schedule was proposed and is now subject to acceleration.

We request that DOE manage the work scope associated with the CRC as a separate contract and that the risk assessment of the CRC not be included in the River Corridor Closure Contract. Environmental investigations with the potential scope, complexity, and importance as that associated with the CRC should not be performed using a cost and schedule performance incentive contract. It is expected that the remedial investigation associated with the CRC will be complex and information gathering will be performed using a phased or iterative approach. Performing environmental work based on cost and schedule is contrary to obtaining a good understanding of the extent the Columbia River is impacted by Hanford Site contamination. Additionally, a cost and schedule performance incentive contract will almost certainly be performed within a limited time frame and within a budget that cannot support adequate investigation needs. Therefore, we request that the CRC work scope be awarded under a contract that allows for an iterative approach to the work, flexible schedules when necessary, as well as substantive input by natural resource trustees.

If you have questions or would like further discussion, please contact Donna Morgans of my staff at (503) 378-5584, or myself at (503) 378-4906.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Niles". The signature is fluid and cursive, with the first name "Ken" being more prominent than the last name "Niles".

Ken Niles
Assistant Director

CC: Larry Gadbois, U.S. Environmental Protection Agency
John Price, Washington Department of Ecology
Sandra Lilligren, Nez Perce Tribe
Wade Rigsbee, Yakima Nation
Ted Repasky, Confederated Tribes of the Umatilla Indian Reservation
Hanford Natural Resource Trustees (via email)