



CRESPIII

THE PARTICIPATORY PROCESS ON RISK AT HANFORD

A CRESPIII status report – March 2008

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INTRODUCTION:

As part of its Cooperative Agreement the Consortium for Risk Evaluation with Stakeholder Participation (CRESPIII) is assessing public participation and communication processes at Hanford where the Department of Energy’s risk evaluations are involved. The very nature of the questions we were asked to address tended to bring out areas of concern. CRESPIII initiated this process through a series of two types of “Listenings”. The first was with tribal environmental leaders, regulators, Hanford Advisory Board members and their relevant committees, DOE officials in the Tri-Cities and others. CRESPIII had completed an initial round of such listening in the late Fall and began a two pronged effort to follow up its initial findings. We went back to the tribes to make sure that what we had heard had been accurately represented and to see if, in follow-up sessions, we could better learn the significance of the points which differed among the tribes. The discussion of tribal issues that constitutes Part II of this document is the result of those discussions that took place on or near the tribal reservations.

CRESPIII accelerated its efforts to review the publicly-available written exchanges among the several parties and to attend (either physically or by phone) key meetings identified on the site’s public involvement calendar where public verbal exchanges are occurring among the parties. While one of the main topics has been the Draft Risk Assessment Report for the 100 Area and 300 Area Component of the River Corridor Baseline Risk Assessment(RCBRA) , other stakeholder concerns about the risk assessment and evaluation processes, the health of the Columbia River, and the health of Hanford overall were typically discussed. As Indicated in Part III of this report, we note that the schedule for both the redrafting of RCBRA Draft A and addressing in some manner the very complex River Component – and the very important communication issues associated with both were being extended during this period of CRESPIII listening.

THE PROCESS

From mid-August until early November 2007 CRESP met with key parties and/or stakeholders at Hanford, including tribal environmental representatives and their colleagues (Umatilla, Yakama, Nez Perce), regulators (Washington Department of Ecology, and USEPA) the Oregon Department of Energy and the River and Plateau Committee of the Hanford Advisory Board, as well as key personnel of the Department of Energy at Hanford. These initial meetings were aimed at framing the questions and producing an initial set of observations for more in-depth discussions with the interested and affected parties as well as DOE.

CRESP met with these parties to listen to their concerns about the Draft Risk Assessment Report for the 100 Area and 300 Area Component of the River Corridor Baseline Risk Assessment (DOE/RL-2007-21, draft A), and any other concerns they have regarding the communication and processes on risk of DOE. A list of people involved appears at the end of this document. The meetings were generally informal, with a brief presentation about CRESP for orientation purposes, followed by a description of the scope of work for CRESP. We then engaged in an open-ended discussion of whatever topics the several parties wished to discuss. We also held more in-depth meetings with some of those previously interviewed, as well as with others, to confirm our initial findings and add additional insights.

Part I: INITIAL KEY FINDINGS

A number of perceptions and concerns were shared by nearly all Tribal members, regulators, and other entities with whom we met. There are, however, differences among and within the tribal environmental scientists, regulators and the HAB, and these will be discussed in future reports.

1. The River Corridor Baseline Risk Assessment (Draft Risk Assessment Report for the 100 Area and 300 Area Component of the River Corridor Baseline Risk Assessment [DOE/RL-2007-21, draft A]) dominates current discussion of risk at Hanford. This document is perceived as neither a baseline risk assessment nor as comprehensive and cumulative an assessment as the parties had expected and/or view as necessary. (Confusion and/or irritation about the use of the term “baseline” is widespread although some parties believe that this document is better than previous risk documents in that it evaluated several exposure scenarios. Further, several other key terms are not well-defined and require clarity and consistency in all documents (e.g. cumulative risk and integration).
2. The risk assessment/evaluation process is widely perceived as fragmented: not all areas within the Hanford site are included in the risk assessments, and the assessments/evaluations are not yet adequately integrated. Risk assessments for particular River Corridor units (typically operable units) are not seen to address adequately the areas between these units; the relationship between surface contamination (and the risks associated with it) are not yet adequately linked to

risks in the media at depth (groundwater and vadose zone) and/or to the geography in other parts of the site (the Plateau). All of these are concerns about the spatial dimension.

3. There is perceived to be no site-wide integration or model for human and environmental risk evaluations that adequately links risks from the past, current risks and risks to be anticipated/monitored in the future. (Most of these are concerns about the temporal depiction of site risks).

(Note: many parties are concerned that the relationships between remediation goals/achievements and definition of LTS can never effectively be made when the evaluations from which they are derived lack this specificity and clarity.)

4. Risk evaluations often proceed before the site/site areas have been sufficiently characterized. (All parties express concern about what they perceive to be the Department's processes for achieving adequate characterization.) The overall clean-up and remediation process should, the parties indicate, be more transparent and inclusive of different points of view.

- Note: Some parties indicate that they see signs in the draft Hanford Integrated Ground Water Vadose Zone Management Plan of a new DOE commitment to achieve better integration of key Hanford characterization work preparatory to risk evaluation.

5. DOE's communication approach needs major improvement. There is a general view that DOE is trying harder and that its current leadership is itself listening and may be able to achieve the needed improvements, but the parties want DOE itself to be communicating. Many suggest that DOE officials themselves should be prepared, and be on point, to explain what has and is being done in risk evaluation and its relationship to other issues of concern to the parties. Risk reports (indeed most reports) are often too long and complicated, executive summaries are unclear and do not provide context (with respect to other documents, risk assessments, overall clean-up, or site-wide risks).

(Note: Most parties indicated that some of the perceived problems with the RCBRA could have been prevented by a clear Executive Summary that placed this assessment in the context of other risk assessments, clean-up, and its relationship to future decisions and RODs.)

6. There is a widespread (not universal) perception that DOE often or sometimes first picks a remedy and then gathers the data (including risk data) in support of its decisions.
7. From various points of view, there is a common concern about the technical accuracy and the scientific credibility of DOE's use of data, its ways of interpreting data and its approach to summarizing results. There was a view

expressed by many that DOE ought to anticipate aspects of its risk evaluations that will be controversial and/or technically complex and “thrash out the technical issues in public” before the documents appear even in draft.

8. There does not exist in the parties to whom we talked a perception that the specific requirements of different types of risk evaluation done under different regulatory authorities should/will result in substantively different results or pose insurmountable communication obstacles – if the evaluations are properly explained and/or implemented.
9. Despite these observations in common, there has not emerged for CRESP a clear or consistent picture about what steps the Department should take to address these perceptions and/or whether the problems can adequately be addressed by better communication and/or “fixing” the current limitations or shortcomings of currently available or impending risk evaluation documents. In the absence of more clarity about what the Department intends its current and future risk evaluation processes to achieve, no such consensus will likely emerge.

CRESP then completed additional discussions with parties to whom it had already “listened”, in part to achieve feedback on whether we had accurately captured what we have already heard. This phase involved visits to the reservation headquarters or town of the Umatilla, Nez Perce and Yakama.

Part II: PERCEPTIONS AND CONCERNS EXPRESSED DURING OUR LISTENINGS WITH THE TRIBES

While each Tribal meeting had its own flavor, there were some commonalities expressed by all three tribes, although the magnitude of the concerns differed. The perceptions expressed in this section were those of particular interest to the three tribes. We begin with some of the main commonalities among the tribes.

- The risk assessment process is fragmented, not all areas within Hanford are included in the risk assessments, and the assessments are not integrated. That is, the risk assessments are for particular units, and the areas between these units are not evaluated.
- While the River Corridor Risk Assessment (*Risk Assessment Report for the 100 Area and 300 Area Component of the River Corridor Baseline Risk Assessment; Draft A DOE/RL 2007-21 (June 2007)*) is a “better” assessment than the others, it still does not adequately include all the tribal exposure scenarios.
- To varying degrees, the Tribes view DOE funding as inadequate to allow them to conduct their own characterizations, risk assessments, or other special projects.

- There is great concern for considering long-term stewardship (including appropriate monitoring) now; and the Tribes consider that they are in the best position to be the long-term stewards of the land (although this requires capacity building), including long-term monitoring (both physical and biomonitoring).
- Tribal rights and access issues need to be acknowledged and incorporated in every process and decision.
- Overall: tribal governments and stakeholders should be included, early, often, and throughout the characterization, risk assessment, and response actions. And, integration needs to occur among projects, risk assessments, and characterizations.

Additionally, each tribe raised issues of particular concern or of interest to them. Each is described in its own subsection.

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION (CTUIR)

Of the three tribal, environmental representatives we talked to, the Umatilla were most satisfied with the *Risk Assessment Report for the 100 Area and 300 Area Component of the River Corridor Baseline Risk Assessment; Draft A DOE/RL 2007-21 (June 2007)*. They appeared to acknowledge that this is in part because they perceive themselves to have been relatively well included in the process, and their tribal exposure scenario was included in the risk assessment. They felt that the process used to arrive at this risk assessment was good, and should be employed with the other risk assessments for the Hanford Site. The process, which took nearly 10 years, seemed to work because both DOE and its contractors were open to tribal inclusion. Nevertheless, they expressed other perceptions and concerns:

- Similar patterns of inclusion and consultation need to be specifically included in the assessment work on the Central Plateau. The Comprehensive Land Use Plan (CLUP) was developed in an EIS conducted more than ten years ago, and was not and is not appropriate for the long term (especially to accommodate long-term Indian access and/or occupation). There is the perception among the Umatilla that DOE uses the land use plan and its limited use exposure scenario as an excuse not to do cleanup.
- The Umatilla tribal scenario is – the Umatilla representatives believe - not being used in the Central Plateau risk assessments. Uniform application of tribal scenarios should be applied across the entire site.
- Multiple, open workshops have helped improve the process, especially with this risk assessment.

- Groundwater is not currently, but should be, incorporated into the risk assessment models.
- There should be standardization among the risk assessments on the Hanford Site overall, which will help with integration as well as with communication.
- While good work is completed by some projects (and associated contractors), lessons learned do not seem to be translated to other projects (and contractors).
- There is concern about the diverse underlying models, which seem to be constructed without either input or transparency. The tribes are not accorded access to the data, model development, models themselves, or model verification.
- The Umatilla believe they are best suited to coordinate the Hanford site's long-term monitoring plans and stewardship (with a coalition of the other tribes). Their evolving field station is the logical starting point to prepare for the needed capacity development and could even be the mechanism for this activity.
- To achieve the integration of data needed to link the site's place in the larger riverine system, the Umatilla recommend that DOE and the Natural Resource Trustees initiate a Columbia Basin Study similar to the Great Lakes Study.
- There needs to be consistency among DOE's higher level planning and response documents.
- There is a perception that DOE often hides behind "the lawyers", which impedes moving forward and clearly affects transparency.
- Considerably more attention needs to be devoted to the selection and study of reference sites when comparing contaminant levels at known contaminated sites and/or sites that are currently OU's or potential OU locations. The reference site needs to be far enough away to be outside of the effects area of the suspect or known contaminated locations (particularly for aerosols).
- There is a problem with the 5 year reviews to assess remediation effectiveness (in relation to the RODS and response action objectives), EPA and DOE limit the scope to 5-year reviews, a time frame perceived by the Umatilla to be far too short.
- There is a concern that land transfers to other DOE offices will reduce DOE's commitment to, and compliance with, DOE guidance and agreements.

- Practical realities may result in compromises for some site areas, but this would involve negotiations on mitigation or compensation.
- Closure should be defined in terms of units and its relationship to RCRA, CERCLA, NEPA, DOE rules, Model Toxics Control Act and the overall landscape.
- DOE should consider the Treaties as ARAR's, and consider the implications of this for Hanford.

Finally, the CTUIR were concerned about “leaks” (contaminant pathways and even sources) that will later get discovered, and are not characterized or plotted either spatially or temporally. (For example, at the B-BX-BY tank farm the Umatillas perceive that new information is emerging to suggest a much more serious level of release from tanks than had hitherto been predicted.)

Overall, the CTUIR representatives were encouraged that the process was improving, that the new leadership is distinctively better at listening and consulting and implementing, and that there is now a model for appropriate tribal and stakeholder involvement and transparency (particularly with the Draft A of the risk assessment discussed). The CTUIR want to work with DOE and its contractors to move forward. The new top DOE leadership is distinctly better at listening, and included the CTUIR.

The ten-year perspective on DOE for CTUIR has changed from not being listened to, or being taken seriously, to being taken quite seriously. Individual relationship building has been critical to this change. This has resulted in greater mutual trust from both parties perspectives, and with CTUIR's willingness to work with DOE and the regulators to achieve results. Even so, openness and recognition of tribal sovereignty status still needs to extend to all levels of DOE, to be acknowledged and institutionalized.

NEZ PERCE

The Nez Perce meetings occurred on the Nez Perce reservation and in the tribal headquarters in Lapwai, Idaho. Of the three tribes, they were the least concerned about the level of funding provided by the Department. Nonetheless, some of their critique of both the substance and process was pointed and they almost always proposed a way of remedying the problems they identified.

The major points from our discussion with them included:

- The tribes and natural resource trustees require more information about the full, all-media characterization of the site in order to give DOE advice about response actions.

- They felt that DOE often obtains information once about a site or problem, and then does not continue with the data gathering. Since some of the data are quite old, they felt this was inappropriate.
- There is a great need for a data matrix of all biological information by spatial and temporal factors. While NOAA did such a study to begin development of such a database, it was only a beginning, not a finished product. This should be an on-going process (NOAA had only about a third of the relevant data).
- There is a great need for integration across the site, and within each process (characterization, response action, resource evaluations)
- The tribes and other trustees need independent review of DOE (and its contractor's) work. For example, the Nez Perce suggest that the Dept of Interior should perhaps have leadership in doing the NRDA, not DOE (because of its dual role of responsible party and trustee).
- DOE seems more worried about procurement and regulations than about how characterization, cleanup and response should be done competently and well.
- The Nez Perce are currently working with the Trustee Council (along with the other tribes) to develop a Scope of Work. The Council is currently looking to hire someone to conduct the work. (This issue was raised in the context of the discussion of the risk assessment.) There may be confusion about how the screening baseline risk assessments relate to a natural resource damage screening pre-assessment. The fact that the baseline risk assessment is, in fact, appearing at Hanford so late in the process - and just as the Department is itself beginning a natural resource damage process - may be confusing to many of the RL participants. Risk assessment and resource damage assessment, the Nez Perce believe, go hand in hand.
- The Risk Assessment process is flawed because it is piece meal, there is no conceptual site model, and no complete characterization.
- There has been too much exclusion of the tribes from the process.
- The vadose zone and groundwater are currently excluded, and are not yet integrated into risk assessments.
- Integration of exposure information from the Nez Perce has not yet evolved.
- The comprehensive land use plan that projects end uses for only 50 years (as interpreted by the Nez Perce) is too short-sighted. Land use will change over time and the land use plans for the site ought to address issues that will arise over time since the contaminants likely to be left on site will continue to pose risks for extended periods of time, That is why a stewardship plan is needed

that assures control of the site by those who will preserve a land use consistent with exposure scenarios and will guarantee continued monitoring consistent with those scenarios. The Nez Perce are anxious to participate in the development of the field station being pioneered by the Umatillas and to become responsible for the implementation of just such a stewardship plan.

- Contaminated biota moving across the site create problems for assessment that have not yet been effectively addressed in DOE risk assessment plans.
- There are three agencies (EPA, Wash Dept of Ecology, and DOE) involved in the Tri-Party Agreement. Sometimes the agencies support one another, and once two agencies agree, the process simply moves forward, thus limiting the legitimate participation of the tribes in the decision making process
- The responses to even the same tribal comments vary because there are too many contractors, split in too many pieces (not just RL and ORP but the multiple [competing] contractors who work the several issues for each of the DOE offices).
- There is a real need for a credible sample grid for the whole Hanford Site to assess and characterize contamination. Otherwise “hotspots” are missed.
- When they comment on documents, the Nez Perce often do not get a formal response from DOE.
- They submitted a Nez Perce Hanford end-state Vision document to DOE and have received NO formal written response or comments.
- The Nez Perce are concerned about the ROD for the Monument, and the concepts driving the five year reviews.
- The Nez Perce want to be able to talk to contractors directly about documents and the science therein.
- The Nez Perce would like to have meetings with DOE officials about particular projects where DOE should know and understand the project, and not rely on, and defer, to the contractors. They feel DOE should stand behind its projects, and not use the contractors as the front people to avoid issues. The DOE project manager should be able to answer questions about each project. DOE’s technical expertise needs to be increased; its project directors and technical staff should play a much broader oversight role and not just be managing contracts.
- The recent experimental process of holding meetings about Groundwater issues has been useful because the meetings are monthly, the tribes can help

set the agenda, and they are open.

- The tribes want to co-manage the site, using as an analogy the BIA 638 reg. The tribes would take administrative control long term.
- Assessments, and in particular cultural and ecological assessment policies, need to be integrated not only across the site but also across different DOE offices at Hanford. In particular the BC and BR mitigation and BR map guidance needs to be consistently followed. The specific 100 and 300 Area BRA is not bad, but in being OU-based is so limited in scope (and in addition did not take into account Nez Perce exposure scenarios) that it is described by one tribal representative as “not being worth the paper it is printed on”.
- The Nez Perce think that DOE is often so committed to a specific goal or commitments made prematurely to Congress or to regulators that they are blinded to tribal information, goals, or objectives. They felt DOE is often “gathering data to support their conclusions,” a statement actually made to them on occasion.
- The Nez Perce believe that tribal treaty rights should be considered ARARS (they are viewed by the Tribe to be “appropriate, applicable and relevant”).
- The Nez Perce feel that the Biological Resource Management Action Plan (BRMAP) is a guidance document that should be applied over the whole Hanford site.
- The Nez Perce are concerned that many of the “DOE elders” are about to retire, leaving Hanford without an institutional memory. DOE should make every attempt to capture this information now.

Finally, the Nez Perce expressed considerable optimism about the path forward, based on the hopes that trust and openness are developing. They have some considerable confidence in HQ DOE officials and are hopeful about the new RL manager (and his experience in the northwest). Still, they expressed the view that the conversations they are having today are similar to those they had 12 years ago and then the process went downhill. They are hoping for something better and are encouraged by the trustee council meetings.

THE YAKAMA

The discussion with the Yakama was largely directed toward problems with DOE’s processes and particularly with the Tribe’s perception that the Department’s fails to adhere to the CERCLA process. The Yakama are very concerned that the baseline risk characterization and assessment mandated as an early piece of the CERCLA NPL process has, at Hanford, been delayed for 15 years and thus reports only current (not pre-cleanup) data, still does not provide an adequate characterization of the full contaminated site, and

is, therefore, necessarily an inappropriate risk assessment. The problems of risk assessment are as follows:

- DOE does not include the Tribal and other natural resource trustees concerns, provide them with adequate resources and consequently is involved in flawed processes that, in the absence of needed criticism, go uncorrected.
 - The risk assessment lacks credibility because of the lack of input by the tribes and other natural resource trustees (input must include their own technical expertise, not just DOE's and its contractors).
 - To the broader concern of the Tribes that DOE does not fund the Tribal nations and other trustees sufficiently to meet their needs (e.g. specifically to conduct their own characterizations or risk assessments) the Yakama added that several other non-governmental PRPs fund tribal, state and other stakeholders with financial resources sufficient for their needs. The Yakama had submitted in August a budget that it believes would fund-all the work that the tribe needs to conduct, but this was not funded adequately. The Yakama believe that the basis for the additional requested funding is the tribe's status as an affected party, as a natural resource trustee, and/or as a sovereign nation whose treaty rights have not been met.
 - The risk assessment is inherently flawed because there was not adequate site characterization.
 - The tribe needs to have input at all stages of the process. That is, they should particularly have technical input into the RA, something that is currently shaped only by DOE and its contractors. There was an assertion that this should also include having a tribal person involved with the risk assessments throughout the process.
 - The Yakama believe the Department has a conflict of interest when it functions as both a natural resource trustee and a PRP, and this also becomes critical in the area of funding.
 - There is not enough money devoted to the characterization and response actions by DOE
- DOE has decided to move ahead to seek final RODs that affirm construction completion, even though only 60 % or so of the operable units are completed, much of the site is NOT included in operable units, and there is no site-wide cleanup plan. The Yakama believe that by keeping dissenting voices out, DOE has managed not to characterize the whole site. Risk for the whole site, therefore, has not been examined. This has led to the "feeling" that DOE does not want to find contamination. There is a strong undertone of moral censure here: the Yakama believe that site management fears that more complete characterization would reveal additional contamination – and that DOE does not want to find more, period.
- The Yakama expressed the view that the problem is not a "lack of communication", but of "lack of collaboration" throughout the process.

- The lack of money provided to the Yakama is viewed as a major problem because it has kept them effectively out of the process. Their view is that DOE is funding them at a level that effectively keeps them (and dissenting views) out of the process. They also object to the restrictions placed on how they spend the money they do get from DOE (i.e., they cannot use DOE money for legal services). In effect, because of lack of funding to the tribes and stakeholders, DOE keeps out opposing views, and relies ONLY on contractors.
- There is a need to construct a Conceptual Site Model (CSM), and then to characterize the whole site. In other words, there was no Baseline Risk Assessment, only the present one which attempt to be both a baseline risk assessments and a final one. Only when both are available can appropriate risk assessments be completed.
- Even when the tribes provide comments to documents (after their development with less than ideal tribal and stakeholder input), DOE does not respond to their comments.
- There is still great concern about the cancer rates among the Yakama. No specific details on number or type were made available to us. When we asked about the statement made in the letter to Assistant Secretary Rispoli that the cause of the excess cancer rates is contamination of salmon from Hanford sources, we got no specific answer. The Yakama talked more generally about contamination in all media (air as well as aqueous media).

Finally, the representatives from the Yakama tribe felt that the model for interactions between DOE, the tribes, and other natural resource trustees should be collaborative, not just DOE, and must involve trust and openness. DOE is acting out of sequence with the CERCLA process (which is the strongest law for tribal sovereignty).

The Yakama specifically acknowledge that pristine conditions at the site cannot not be achieved, but still want adequate cleanup to engage in their treaty sanctioned activities.

Part III: PRELIMINARY OBSERVATIONS ON THE PROCESS SINCE JANUARY ON BASELINE ASSESSMENTS, SCREENING ASSESSMENTS AND THE RIVER CORRIDOR.

Since December 2007 the DOE has been holding a series of public meetings that have drawn representation from Tribes, the HAB, regulators, and other stakeholders to address their comments on the *Risk Assessment Report for the 100 Area and 300 Area Component of the River Corridor Baseline Risk Assessment; Draft A DOE/RL 2007-21 (June 2007)* and, to consider the relationship between this risk assessment, a traditional baseline risk assessment, and the nature of additional assessments (screening level risk

assessments or full ones) for missing components of the full RCBRA. At the same time these public meetings have discussed - and created considerable confusion about - remedial investigations plans, ROD prioritization for the river corridor OU's and other documents and evaluations aimed both at better understanding contamination and risk to the River Corridor from the Hanford Site and at resolving remedial responsibilities.

CRESP has continued its role in attending those meetings and providing advice to the DOE and others about public participation and communication processes. CRESP notes the following as preliminary observations about the participation and communication process in the December to February time frame.

- DOE has still not successfully articulated what it plans to do, and does not seem to be listening or responding to the comments of regulators and tribes.
- Comments to the Baseline Risk assessment have not yet been adequately addressed and the process by which the Department plans to do so is both too slow and ill-defined.
- The relationship between the Baseline Risk assessment, the screening risk assessment for the river corridor (or its replacement) and other river corridor documents is unclear. It may be that these issues can actually all be addressed when the Department and its regulators determine a path forward on the role of the "River Component" of the assessment process (but see below as this issue is now being addressed).
- The public does not understand what is happening and is getting restive. Sometimes the function and agendas of public meetings were not announced, or if announced, changed so that people arrived not knowing what is to be discussed and without relevant documents to review before attending.
- The DOE needs to model or conceptualize the whole process of assessing the river corridor, including listing all the documents (or processes) and the relationships among them. Senior DOE people must communicate that larger conceptualization.
- The new integrated groundwater managerial effort enunciated in the "Hanford Integrated Groundwater Vadose Zone Management Plan" (DOE/RL-2007-20) Draft got good marks for effort, communication of how ground water integration will be integrated with the River Corridor Assessment process has not occurred.
- There continued to be a feeling among all parties that plans for the relevant documents and processes are continually changing, making it difficult to form an overall picture of River Corridor protection. A significant overview of documents and processes (with a conceptual model) needs to be developed and be transparent.
- The misunderstanding or misinterpretation of what it means for the Department to be doing a Baseline Risk Assessment is very broad among the involved publics.

And we are beginning to believe that the one reason for the inability of the Department to articulate the meaning of the term and to indicate how a baseline risk assessment differs from other assessments is lack of clarity about the very complex physical, chemical and biological processes that the Department's assessments are addressing.

- In addition to all of these factors there are irritating glitches that appear to impair the process (such as a schedule overlap between the public meeting assessment sessions and a related HAB meeting, major unevenness in contractor presentation capability, etc.)
- A tense dialogue between well-informed public members who probe for answers to questions about the overall assessment process and how the Department is treating the complex issue of "time" (of release, sediment deposition, etc. and their relationship to concerns about subsequent effects in both biota and humans) to which the public receive no clear answers.

What CRESP has said here in Part III is, we believe, now well understood not only by senior DOE officials but now also by the regulators as well. CRESP attended a meeting during the week of March 17, 2008 where the Department and its regulators stepped back from this series of weakening public processes to assess both the substantive issues (most importantly what really is planned for the all important "River Component" of the assessment) and how best to provide the other parties and tribes with both pre-meeting information and a public forum at which the Tri-Party views of the entire assessment process would be articulated and a path forward for the River Component would be described and to which the parties would give meaningful responses. *Agreement among the Tri-Parties was reached.* If that agreement is effectively implemented in public meetings now planned for April, it is CRESP's view that a recovery can be made for a process (both substantive and communications) that had gone off track in the Fall or perhaps as early as the first draft of the RCBRA last Spring.

Communication to allow both effective collaboration and timely performance is both an art and a science. In our judgment, patterns of miscommunication from the past about river corridor assessment at Hanford do haunt this current assessment process. **But that is not the real issue at the moment.** Clear communication must be built on a clear definition of the task at hand. In this case the task at hand is fraught with both technical complexity and challenging problems that derive from differences in both regulatory approach and even standards between/among the regulators and the Department. No assessment project can be well managed until those carrying it out know the substantive answers about the "format" in which their assessment will be done and the many related question the format poses.

CRESP is optimistic that after a winter of some discontent, the Tri-Parties - and thus the Department - are only now in a position to focus on the communications task. Spring may well bring new life to that process.

Even with all of these substantive, process and communication difficulties, the Tribes, regulators and others are committed to working with DOE to clarify the relationship between all the parts that are necessary to ensure the protection of humans and the environment with respect to the River Corridor. The fact that the Department is now committed to doing a full Baseline Risk Assessment for the River Component while maintaining schedule is an important step in resolving some of the outstanding concerns, and its execution will lend credibility, clarity and transparency to the process. *We note, however, that the public has not yet been adequately informed of that recent change in plans.* Until the new path is publicly announced and explained, there will continue to be a disconnect.

There is general goodwill on the parts of the Tribes and others to work with DOE to arrive at solutions that are open, transparent, and cost-effective. CRESP will continue in its role of assessing participation and communications with the goal of moving toward resolution. RL management, particularly recently, has been extremely responsive to our input.

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APPENDIX A: Attendees at CRESP Fall-Winter Listenings

TRIBAL NATIONS:

8/23 and 12/19 Umatilla Confederated Tribes:

Stuart Harris
Barbara Harper
Rico Cruz
CRESP (Chuck Powers, Joanna Burger, Kathy Higley, Jim Clarke)

8/23 Yakama Nation: Russell Jim

Ray Givens
Brian Barry (consultant).
J. McConaughy
CRESP (Chuck Powers, Joanna Burger, Kathy Higley, Jim Clarke)
2/6/2008: Russell Jim

8/24 and 12/20 Nez Perce:

Gabriel Bohnee
Kristie L. Baptiste
Sandra Lilligren
John Stanfill
Darla Jackson,
Anthony Sight
Dan Lundeen
CRESP (Chuck Powers, Joanna Burger, Kathy Higley)

REGULATORS:

9/20 Department of Ecology: State of Washington

Jane Hedges
Beth Rochette
Cheryl Whalen
John Price
CRESP (Chuck Powers, Joanna Burger)

9/21 Environmental Protection Agency

Dennis Faulk
Larry Gadbois
Laura Buelow
Craig Cameron
Tom Post
CRESP (Chuck Powers, Joanna Burger)

10/31 Nick Ceto (Chuck Powers)

10/16 River and Plateau Committee of the Hanford Advisory Board (regular meeting)

CRESP (Chuck Powers and Joanna Burger)

(Some individual discussions occurred earlier and later with Susan Leckband, Jerry Peltier and Greg DeBruler.)

11/1 Oregon Department of Energy

Ken Niles

Susan Coburn Hughes

CRESP (Chuck Powers and Kathy Higley)

9/20, 10/16, and 11/7 and later discussions with DOE Officials

David Brockman

Kevin Clarke

Joe. Franco

Karen Lutz

Matt McCormick

John. Morse

Shirley Olinger

John Sands

CRESP (Chuck Powers, Joanna Burger, David Kosson, Kathy Higley)