Department of Energy
Office of Legacy Management

SEP 28 2005

WM-60

Mr. Don Aragon, Executive Director
Wind River Environmental Quality Commission
P.O. Box 217
Fort Washakie, WY 82514

Subject: Riverton UMTRA Site Cooperative Agreement Work Plan (Revised Summer and Fall 2005)

Dear Mr. Aragon:

The U.S. Department of Energy (DOE) has reviewed the *DOE–WREQC Cooperative Agreement Work Plan* (*Revised Summer and Fall*). As stated in the enclosed comments, there is some confusion regarding the intent of the revised work plan. Please review my comments and let me know when we can arrange a conference call to discuss.

On another subject, it will facilitate our dialog concerning the ASCG report if I could get WREQC's position regarding the report's conclusions. My temporary assignment will preclude me from meeting with you in person until December or January; therefore, receiving the WREQC's position, if one has been proposed, would facilitate our next steps in the process of ensuring the safety and integrity of the water supply system. Please do not hesitate to contact me with your thoughts at 970/248-6197.

Sincerely,

Tracy Plessinger
Site Manager

Enclosure

cc w/enclosure:
J. Arum, Ziontz, Chestnut, Varnell, Berley, and Slonim
B. Crocker, Baldwin and Crocker
J. Erickson, Wyoming Dept of Environmental Quality
R. Nelson, U.S. Nuclear Regulatory Commission
J. Redman, Northern Arapaho Utility Organization
L. Freeman, DOE/ME-643
S. Campbell, Stoller
Project File RVT 410.02 (Thru D. Roberts)

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Comments on the WREQC Cooperative Agreement Work Plan

Following are DOE comments on the *DOE – WREQC Cooperative Agreement Work Plan, Revised Summer and Fall 2005.*

General

It is not apparent if this work plan supersedes Attachment A, "WREQC Work Plan and Budget," of the Cooperative Agreement or if this work plan is intended to modify a specific piece of Attachment A. Please clarify. The budget and performance period for the agreed-to scope in Attachment A is March 2005 through February 2006. DOE had asked WREQC for clarification of scope that would be performed through September 2005 and scope to be performed in FY2006 (October through February). You will be contacted by the DOE contracting officer before March so that a formal budget request can be submitted by the Tribes for the period of March 2006 through February 2007. This budget and scope will be negotiated just as the Attachment A was.

Scope of Work

This work plan focuses on "Component 1: Verification Monitoring" identified in Attachment A of the Cooperative Agreement, "WREQC Work Plan and Budget." Also, the plan states that an engineer will be utilized to review the ASCG report, which will complete "Component 3: Alternate Water Supply Study" identified in the original work plan. However, there is no mention of the other activities listed in "Component 1", "Component 2: Finalize Institutional Controls," or "Component 4: Miscellaneous Activities". It is expected that WREQC will continue with scope items already agreed to.

Technical

Sampling and Analytical Work Plan

As specified in the Cooperative Agreement (Part B, Section C.5), "DOE shall be allowed to review and comment on sampling and analytical work plans and procedures to assure that industry standards are being followed and that appropriate QA/QC and statistical analyses are included." It is not clear if this work plan is intended to be a specific "sampling and analytical work plan" specifying the sampling and analytical details, project objectives, and data evaluation criteria for a specific piece of work, or is intended to be a general work plan specifying the type of work to be performed. Please clarify. If this work plan is intended to be a "sampling and analytical work plan," the following items need to be included:

- Statement of project objectives
- Justification for the design of the sampling network
- Data evaluation criteria

To date, no sampling or analytic work plan for scope identified in the existing WREQC Work Plan and Budget have been received by DOE for review.

Sampling of Biota, Sediment, and Surface Water

Following are specific comments related to the proposed sampling and analysis:

- If concentrations are to be compared to background, a statistical protocol for the evaluation of the data is needed. This should include the number and distribution of background data points required, the number and distribution of target area data points required, and the method for determining if target area concentrations are significantly different than background concentrations.

- Protocol is needed to determine impacts to human health and the environment to address target area concentrations that are found to be significantly different than background.

- The proposed analytical suite needs additional justification. Most constituents on the list are not considered site-related contaminants and occur naturally.

- Biota sampling was scheduled for year 2 and year 3 in the original work plan. Is the biota sampling alluded to in the revised work plan additional sampling or an accelerated schedule?

Monitoring for Surface Radionuclides

Surface remediation for radionuclide contamination at the Riverton site, conducted under DOE's Uranium Mill Tailings Remediation Act Surface Program, has been completed. Areas on and adjacent to the millsite have had extensive gamma surveys conducted to verify compliance with standards. These surveys include areas beyond the footprint of contamination to verify that contamination did not extend into other areas. DOE's authority under the Uranium Mill Tailings Radiation Control Act (UMTRCA) expired in 1998. This Cooperative Agreement covers activities under the ongoing ground water remediation authority of UMTRCA. Funding cannot, therefore, be used for surface contamination related tasks. If the Tribes elect to perform the surface radionuclide monitoring with other funding, DOE believes that the monitoring needs to be set up scientifically so that results can be verified. At a minimum, the following should be addressed:

- Calibration procedures and quality control for the radiation detection instrumentation
- Protocol for the determination of background
- An explanation of how naturally occurring radionuclides will be differentiated from site-related radionuclides
- Protocol to determine if a gamma measurement is significantly different from background