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"DRAFT AGENDA"

NRTC Meeting
December 11-12, 2002
WSU Tri-Cities CIC Building – Richland, Washington
(Room 214)

Wednesday, December 11, 2002

8:00 Welcome and Introductions
- Approve Agenda
- Approve Previous Meeting Minutes
- Review Action Items
- Announcements/Administrative Issues

8:30 Biological Contamination Issues at Hanford – Ray Johnson
9:30 Presentation on Movement of Tritium Plume – Sandra Lilligren
10:00 BRMiS/BRMaP Update and Environmental Monitoring Program – Dana Ward
10:30 Break
10:45 Graded Approach for Evaluating Radiation Doses to Aquatic and Terrestrial Biota – ~~Dana Ward~~ Poston
(How it will be used in the 100 B/C Pilot Project)
11:30 Discussion of System Assessment Capability – Doug Hildebrand
12:00 Lunch
1:15 Response from RL on the 100 RDR/RAWP Report – Chris Smith
1:30 Status of the 100 B/C Pilot Project (DQO Workbook & SAP) – Chris Smith
1:45 River Corridor Cleanup Completion Strategy – J. Sands/A. Teimouri/J. Zeisloft
2:45 Break
3:00 Summary of Comments on Chromium Integration Report & Next Step – J. Zeisloft/D. Dauble
(Is there a decision to be made? What are the possible next steps?)
4:00 Adjourn

Thursday, December 12, 2002

8:00 Council Direction & Strategic Plan – Tom Zeilman
(Administrative Decision-Making, CERCLA/NRDA Integration)
10:00 Break
10:15 100 Area PAS – Tom Zeilman
11:15 Continue Discussion on Funding Agreement Issue – Tom Zeilman
12:15 Adjourn

Combine meeting
B/C pilot
BrMaP
100 N Springs

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Draft - Sent out 1-10-03 Comments due 1/24.

Natural Resource Trustee Council Meeting
December 11-12, 2002
WSU/CIC Building - Richland, Washington

Attendees:

Teri Farber, BHI
Larry Gadbois, EPA
Larry Goldstein, Ecology
Susan Hughs, Oregon Office of Energy
Jake Jakabosky, BLM
Dan Landeen, Nez Perce Tribe
Astrid Larsen, DOE-RL
John Price, Ecology
Connie Smith, DOE-RL
Don Steffeck, USFWS
Darci Teel, BHI
Lauri Vigue, WDFW
Steve Wisness, DOE-RL
Tom Zeilman, Yakama Nation

Presenters and Invited Guests:

Kevin Bazzell, DOE-RL
Pam Doctor, BHI
Ken Gano, BHI
Dib Goswami, Ecology
Ray Johnson, Fluor Hanford
Sandra Lilligren, Nez Perce Tribe
Ted Poston, PNNL
Tom Stoops, Oregon Office of Energy
Alex Teimouri, DOE-RL
Mike Thompson, DOE-RL
Jamie Zeisloft, DOE-RL

Welcome and Introductions:

Tom Zeilman welcomed everyone to the meeting and introductions were made.

Approve Agenda & Previous Meeting Minutes:

The agenda was approved as drafted. The meeting minutes from the September 2002 NRTC Meeting held in Lowell, Idaho were approved as revised.

Review Action *Item List:*

The action item list was reviewed and updated.

Announcements/Administrative Issues:

- Larry Goldstein – A new draft of the Solid Waste EIS will be out in January; public comment will begin sometime in February 2003; it remains to be seen how it will address the environmental monitoring concerns of the NRTC.

- Larry Goldstein – State of the Site meetings will be held each Wednesday in January.
  - January 8 - Seattle
  - January 15 - Hood River

- January 22 - Portland
- January 29 - Kennewick.

- Larry Goldstein – DOE will meet with the Tribes on December 16, 2002, in Richland to discuss Risk Assessment. Mike Thompson said they will be looking specifically at exposure scenarios with respect to the Tribes and how their unique scenarios would be incorporated into risk assessment.

- Susan Hughs – New Tank Waste EIS beginning; notice of intent will go out next week; approved ROD by April 2004 (fast track EIS).

- Larry Goldstein – 200-CW-1 Ecology does not agree with DOE on the data (just a reminder, continuing discussion on what data is necessary to do adequate risk assessment).

- Tom Zeilman announced that Don Steffeck has replaced Tom O'Brien on the Council as the voting representative for the USFWS.

Biological Contamination Issues at Hanford – Ray Johnson (Fluor Hanford)

Ray Johnson provided a presentation on "Biological Contamination Issues at Hanford." Ray is the Program Manager for Biological Control at Fluor Hanford. Ray said that in 1998, DOE-RL directed Fluor Hanford to manage (monitor?) the uptake of radionuclides by both plants and animals due to an increase in contamination. Also in 1998 contaminated fruit-flies cause an unbudgeted $2.5 million dollar cleanup bill. Fluor then created a biological control program integrating efforts among projects and contractors; expanding their searches. The responsibility for the overall site monitoring management program is held with Fluor Hanford under Ray's management, however, they do coordinate with both Bechtel and PNNL (who have their own monitoring programs). Ray said, initially, when contamination was found it was reported to the nearest facility or posted if there was not a nearby facility. Now instead of posting, it is cleaned up. Ray said they developed 4 phases to approach the handling, control, and spread of contamination on site. Phase 1 is "Expanding Surveillance Aspect," meaning that they expand the areas of surveillance and how they are conducted. The 2nd Phase was to develop a cleanup team consisting of a Health Physics Technician, a NCO, and a Teamster. Ray said by having a team ready to go, it cut down on the time it would take to assemble such a team, and they can begin treatment early while the potential for the contamination to spread is at its lowest. The 3rd Phase is control of the "vectors" (such as tumbleweeds); and to perform weed and animal control. There are approximately 80 different species of plants and animals that are monitored. Ray said the contaminants are spread mostly by plants, and less often by animals, but the animals are more expensive to cleanup. The 4th Phase is integrated pest management. Ray said some sites are being restored to native and natural populations to help keep out some of the vectors, and to cut back on the use of chemicals.

There was a discussion on notifications of ground applications and aerial applications and how/when everyone is notified. Larry Goldstein asked where he would go to find the 'raw data' and was told the "Hanford Site Environmental Monitoring Report" (or the quarterly report); both

contain the information he is looking for. There is also a great amount of detail within the WIDS database.

Ray said technical exchange meetings are held bi-monthly with Fluor Hanford, Bechtel, and PNNL. These meetings cover what is going on, what is being planned, and are a way of communicating who is doing what.

Don Steffeck asked if contamination is found within tumbleweeds, why isn't the source determined and cleaned up rather than just the cleaning up the tumbleweeds? Ray said mostly because of economics and that a lot of the sources cannot be cleaned up because they are still active. Dib Goswami (Ecology) said there needs to be better coordination and sharing of data regarding contaminated plants. You can sometimes get better data from the plants themselves rather than just continuing to spray herbicide (?). Has there been any effort to do long-term studies to see if any of this is a result of bio-accumulation? Ray said PNNL has done several reports with regard to contamination transfer via the food-chain. (?)

Susan asked what constitutes a really "hot" item - - something more than just additional information for the quarterly report? Ray said a new species or a new (unsuspected) location of where something is found.

Anyone that is interested in receiving the Quarterly Report should contact either Ray or Ron Mitchell.

Presentation on Movement of Tritium Plume – Sandra Lilligren (Nez Perce Tribe)

Sandra Lilligren (Nez Perce Tribe) provided a handout and discussed tritium movement; Sandra's presentation was her interpretation of a study done by Judit German-Heins. Sandra said she is interested in the movement of tritium because it is radioactive and getting into the river. Once it reaches the water it moves with the water and become an excellent marker for groundwater flow. Sandra also discussed other studies that have been done on the movement of tritium.

Sandra said the objective of Judit's study was to create transport maps using measured and calculated decay data, and analyze tritium level trends to obtain information about the travel time of tritium. Tritium concentrations in a well will change either through decay, transport, or human intervention.

Ted Poston offered information on levels of earlier tritium concentrations because of weapons testing, but said those concentrations dropped off when the weapons testing ceased.

Mike Thompson (RL) said there were two production times that would have caused higher concentrations, and what we will see in the future is considerably less than what we have seen in the past; travel times are also different compared to the past.

Sandra said the report was done more to study the travel time of tritium and not the amount of tritium going into the river.

There was a lengthy discussion on the data and the charts (where the highest levels of tritium are found and why they are found there).

If anyone has follow-up questions they can contact Sandra directly.

BRMiS/BRMaP Update and Environmental Monitoring Program – Dana Ward

Dana Ward (RL) discussed the status of Biological Resources Management Plan (BRMaP) and provided a handout to everyone. The working draft was originally written in 1996 and finalized in August 2001. The purpose of the BRMaP is to provide DOE and it's contractors a consistent approach to protect biological resources and to monitor, assess, and mitigate impacts to biological resources from Site development and environmental cleanup and restoration activities, as well as approaches to better management of the total resources.

A working group will be established and meet in early February 2003. Potential participants will be contacted prior to the first meeting. Lauri Vigue and Dan Landeen will represent the Council on the working group. Dana said one of the first things the working group will need to discuss is the fire of 2000 and how it changed the habitat levels and what can be done in terms of mitigation.

Dana also provided an update of the Biological Resources Mitigation Strategy (BRMiS) document. The document needs to go through technical editing and then it will be issued sometime in January 2003. Mike Sackschewsky (PNNL) has the lead. Larry Goldstein asked if the Council will be able to review the latest revision prior to issuance? Dana said no, but also added that it is a working document. Any comments the Council may have could be put into the next revision of the BRMaP/BRMiS, which will be ????, unless there is a critical need for a revision sooner than that.

Lauri Vigue asked if they are still developing models. Dana said they are being worked on and Mike Sackschewsky would be able to answer more accurately as to what models are being worked on.

The first priority of Dana's project (organization) is to assure the public that they are safe from any releases; however there are some funds to do other surveillances such as what the NRTC would like to see done; some surveillances can do 'double duty.' There is a lot of latitude to adjust the sampling (locations, etc.).

Graded Approach for Evaluating Radiation Doses to Aquatic and Terrestrial Biota – Dana Ward (Ted Poston)

Ted Poston (PNNL) provided a presentation on "DOE's Graded Approach for Biota Dose Assessment."

John Price (Ecology) said he has seen reference to technical standards showing up in documents for review, but also made the comment that the technical standard has not been reviewed or approved by Regulatory agencies (not that they disagree, just a point to be made).

Standard published as part of DOE Order? No, but it references the DOE Order.

Ted said the dose limits are based on findings of IAEA, NCRP, and DOE workshops; they have been reviewed nationally and internationally; the dose limits are a screening approach (for ecological risk framework); and they are very flexible and cost-effective. In June 1998, a Biota Dose Assessment Committee was developed to apply to all sites. The committee was an interdisciplinary team with broad U.S. representation (DOE sites, labs, universities, private sector) and was then broadened in response to outside agency interest (EPA and Nuclear Regulatory Commission). It was asked if EPA's ecological guidance for risk assessment had been reviewed. Ted said there are members of the EPA that are on the committee.

Susan asked if this work is being done independently by PNNL (did they want to do this and pursue funding) or did DOE direct PNNL to do this? Ted said it is being done across the DOE complex and that DOE-HQ initiated bio-dose committees.

Ted said if there is interest from the Council in getting information at a higher level, he could schedule a presentation.

Larry Gadbois referenced N-Springs (Strontium-90) and asked if there was an interest in hearing how it relates? Susan and Larry Goldstein both said yes, a Hanford specific example would assist with the understanding. However, Susan said there is a decision process on 116-NR-1 and the 30-day comment period ends in February 2003, waiting until our March meeting would be too late to provide comments. (???) Mike Thompson added that the Strontium-90 is under crib and will never reach the river before it decays.

Discussion of System Assessment Capability – Doug Hildebrand

Doug Hildebrand gave a presentation on the "Results of an Initial Assessment of Hanford Impacts," and provided a handout to everyone. Doug went through the handout and discussed why the System Assessment Capability was developed (?), the objective of the site-wide assessments, and the assessment capability conceptual design. He said these assessments will address what is left behind as well as what is in ERDF. It can also be used as a tool to look at what else can be done prior to cleanup. The waste sites that were modeled by the SAC were determined by using the WIDS database.

Larry Goldstein asked if it was intended to be used at the operable unit level? Doug said no, it is currently configured for use at the small waste sites.

Don Steffeck asked if the model follows any of the contaminants after they hit the river and where they go? Doug said yes, as far as McNary Dam. (??)

In conclusion, Doug said the sitewide assessments could by used by the NRTC to:

- Identify high priorities for cleanup to protect resources
- Prioritize locations for additional biological monitoring
- Allow assessment of cumulative impacts at riparian zone, shoreline, and river.

Response from RL on the 100 RDR/RAWP Report – Chris Smith

Chris Smith (RL) said RL received everyone's comments on the report and they will respond in detail. He also said a letter stating when the comments will be addressed and a project schedule was sent to everyone. The comments will be incorporated into the larger revision done in March 2003.

Status of the 100 B/C Pilot Project – Chris Smith (Ken Gano/Pam Doctor)

Ken Gano (BHI) provided an update of the 100 B/C Pilot Project and distributed a handout to everyone. He said the Data Quality Objective (DQO) process began last spring(scoping meeting with the decision-makers, and interviews with members of the NRTC). Information from the interviews was then compiled into a matrix of issues.

A presentation was given to the Hanford Advisory Board (HAB) in June 2002, and the second workshop was held in July 2002. Concerns from these meetings were also compiled into the issues matrix. This matrix was given to the decision-makers and stakeholders. Chris Smith (RL) said the matrix has been reviewed by both regulatory agencies and should go out this week. Some of the key issues identified were to involve USFWS, develop Native American scenarios, and that groundwater should be addressed (exposure standpoint, mainly at the shoreline). Chris (Ken?) said groundwater work will not be done, but we acknowledge that it's there and it will be tied to it from an exposure standpoint.

The next steps are to prepare the DQO summary report (February 2003), complete the Sampling and Analysis Plan (March 2003), and begin environmental sampling (March 2003).

John Price asked if a full DQO briefing will be given to the NRTC and, if so, when? Chris Smith said that they would have Roy Bauer give the briefing and RL will set it up.

Larry Goldstein asked about the Sampling and Analysis Plan and who will approve it? Chris said the decision-makers are who approve it and a peer review will be established to review it. The peer review will look at what the decision-makers tell them to look at. They asked for some specific information from RL and Bechtel, as well as information from the other interested parties (such as the NRTC). Chris said any inquires/questions need to be sent no later than the week of the January 13, 2003, in order to roll up these inquiries/questions and they can put their panel together. Questions and/or comments can be sent to Dennis Faulk and can be sent via e-mail (do not have to be a formal transmittal). This is not a new effort, just combining a lot of concerns that have already been discussed.

Dan Landeen voiced a concern with the 100 B/C Pilot Project. He said it was originally presented to the NRTC as a pilot project (template), but that it would be a long, tedious process and if you signed up you were in it for the long haul. Dan said 2 members of the Nez Perce agreed to participate and went through the interview process, but haven't heard anything else. Now they find out that the steps have already been gone through and he does not feel like they were ever really involved except for the interview. Dan asked how the rest of the trustees feel? Tom Zeilman said they (Yakama Nation?) concur. Susan Hughs said the same goes with Oregon Office of Energy. Larry Goldstein stated that in January 2002 the Council decided this would be a priority project for the them and said this is all the more reason for the council to pay particular attention to the Sampling and Analysis Plan and the draft DQO report. John Price agreed, especially those that were interviewed.

Chris said the interviews were conducted and the matrix was generated. It has taken longer because they wanted to make sure things were correct and they will now be able to get a good sampling of B/C as well as help us out along down the line (??). He also said he is unsure how else someone could get involved following the interviews short of sitting down with Ken or Pam in their office. Dan Landeen did not agree; there are eight steps and those that thought they would be involved, weren't, outside of the interview process. Chris said there must have been a miscommunication, because it was not apparent to him that the trustees were to be involved in every step of the process; to him it was a standard DQO.

Susan asked how things are being coordinated with work in the 200 Areas (Bryan Foley). Ken said they are taking a similar approach (process).

Larry Goldstein stated the 100-N Aquatic Receptor Study will be done per the ROD, how will the B/C pilot work be factored into that study? John Price said he is unsure, there hasn't been any discussion with DOE about the scope for the 100 N Area. They (RL) are aware it needs to be completed by 2004, but there hasn't been any discussion.

Chris said they are trying to build in enough up-front information for the B/C so that it may be utilized in the 100N effort in whatever amount they can to assist and eliminate duplication of efforts.

Jamie Zeisloft (RL) said some of the assessment work that has been done at 100-N is being factored in to the 100 B/C Pilot Project.

Chris said there is a commitment to provide a DQO Summary Report briefing by the contractor to the NRTC. This will most likely occur in late January and it may be possible to be combine the presentation with another group (such as the HAB). Chris asked that the Council let him know what date is selected or whether it will be combined with the next HAB meeting or not. Jamie said the HAB asked to be briefed again in March 2003.

<u>River Corridor Cleanup Completion Strategy – J. Sands/A. Teimouri/J. Zeisloft</u>

John Sands discussed the portion of the completion strategy that everyone received. He said the scope only looks at the River Corridor, and not the Central Plateau. The flowchart was discussed

and John said if after completing risk assessment, it shows it is protective, they will then go forward with a ROD, if not, more fieldwork will be done. After the ROD then the NRDA process. (?)

Jamie Zeisloft conveyed information from Beth Bilson, and reiterated that this is a planning tool and only includes the River Corridor, not the Central Plateau. What's needed to achieve closure? Will contractor work be included in the contract? Beth said NRDA is part of this closure process. Jamie attempted to show where NRDA activities will take place and identify who will have what roles and responsibilities. Jamie said if we can show protectiveness – we can go to a "no action" ROD; if not, we may have to go back. The Trustees are included in the stakeholder category and will be included throughout the cleanup process, as well as where NRDA activities start. Steve Wisness said if they missed anything or if anyone has any comments, let them know.

Tom Zeilman referred to Page 5 of the policy and asked if restoration efforts are being done during cleanup or after? Jamie said it's not that specific, but they (RL) can provide copies of the policy for everyone to read. Jamie clarified and said injury is best addressed during cleanup and said the emphasis of the policy is the response action should remedy the injury.

Action: Connie Smith – Provide a copy of the policy to Tom Zeilman (also the Thomas Grumbly memo that was referenced).

Revegetation Information – Jamie Zeisloft

Jamie Zeisloft provided information on a revegetation project being conducted by the USFWS. The June 2000 fire provided funding to restore some of the sites and USFWS received funding to do extensive revegetation. They began with herbicide spraying to knock out cheatgrass and are now planting 700,000 sagebrush seedlings over 1600 acres. The planting is being done by volunteers.

Jamie also said part of the mitigation for ERDF Cells 1 and 2 is also taking place (as per the schedule). This information was shared with the NRTC earlier; three phases were to be done, one was sagebrush and that portion is being done. This will add 200+ acres to the 1600 being mitigated.

Summary of Comments on Chromium Integration Report & Next Steps – Jamie Zeisloft/ Dennis Dauble

Tom Zeilman said the Yakama Nation chose not to submit comments on the Integration Report because they were unsure of the value they would hold. Tom asked what is RL's perspective and what is the next step?

Steve Wisness said RL was surprised at the nature of the comments, they thought it was just one last round before finalizing the report. How do we move forward from here? The funding is basically depleted.

Larry Goldstein said it would help if we understood what the Council role is and agreed upon that understanding. The report was (is?) supposed to be a Council product and it is unclear if this is a product of the Council and something the Council can approve.

Susan Hughs stated that the latest version of the report identified the Council as a contributor, but an earlier version showed the Council as a driver ("under the direction of"). Susan said she is comfortable (uncomfortable?) with being a 'contributor.' She didn't realize how hard it would be to integrate the 2 studies and wishes we would have left them separate to stand on their own.

Larry Goldstein said he thought the report would be summarized so that an educated 'lay' reader could make sense of it. The objectives were good.

Susan said she would like to focus on where we go next and asked should we expect a response to our comments or was it just to document concerns? Astrid Larsen (RL) said there isn't any funding to do formal comment responses.

Don Steffeck (USFWS) said it would be useful to get comments from USGS since it includes one of their reports. Their comments should be sent by the middle of this month.

Jamie said today's discussion is more of a decision of whether the Council moves forward or backwards. There was discussion of the timeline of events (prepared by Dennis), with respect to who's report this is. Jamie said RL funded a contract for PNNL to prepare it. The document was revised based on comments received. The intent of the second review was to look at the revisions to the document and the comment responses and determine if they were acceptable. The second review was to focus on the revisions, instead we received 3 sets of comments that were brand new, taking us backwards. Jamie said in June 2001, at the request of the Council, went to the USGS and asked them to be involved, provided them with an outline, and asked for a proposal from them. The USGS decided not to stay involved for various reasons. RL thought that when the initial draft was released in January, the USFWS would coordinate with USGS on comments. No comments were received from either organization, and now they (USFWS) have requested that no further work be done on the document until comments are received from USGS. Jamie said we now have some old comments that can be addressed, some new comments that can be addressed, but we also have some new comments that would not allow the document to be finalized and would take us backwards. How does the Council want to handle this?

Don Steffeck said the USGS is interested in continuing to work on chromium stuff, but that there were problems with interactions between the contractor and contract manager. There was initial discussion as to whether to use PNNL or USGS, or both. Don said there was not good communication with the USGS whether they would work with PNNL. They were told by Jamie Zeisloft that it was too late for the USGS to be involved. There was a communication problem with the opportunity for them to be involved, and not enough time or manpower for them to do the initial review. However, they did have time to do the review during the second phase. (?)

Tom Zeilman asked if the document final right now? Astrid said no. There is some funding to respond to comments informally, but not enough to do a formal response. Steve Wisness asked if the comments can be sorted out and a "plan forward" list be developed today. Susan said she

is okay with that because some of their comments can't be addressed within this particular study but could be more of a placeholder for specific discussions. She does not expect a repeat of any of the studies. She suggested that you take what you can from the comments, complete the study (not as a Council product) and determine what we do next.

Larry Goldstein said Ecology agrees this is not a Council product, and is okay with being listed as a contributor.

Jamie said the recommendations are the starting point for future work. Everyone agreed that the recommendations should be discussed. Larry Goldstein said that Ecology feels the recommendations should be part of the report.

Astrid said she (RL?) does not want to leave USFWS hanging, but would like to move forward with the comments we have and finalize the document.

Don Steffeck said the comments from USGS should be coming, but they don't expect RL to wait forever. The USGS review is being done by Aaron DeLonay and Aida Farag, and their comments are due to Dennis Dauble by the end of January in order to be considered.

Dennis asked what do we do with the comments when we get them? Jamie said we could agree to list some things as "issues" to be addressed later. We can finalize the document and in some way identify unresolved issues. Should have something to present (update) by the March meeting. Jamie said the Integration Report was peer reviewed at the request of the Council, and does not see something that should stop finalization of the report.

There was a lengthy discussion concerning exposure vs. the effects of exposure. Chromium contamination has made its way to groundwater and has migrated to the river. There is monitoring data in groundwater wells and some pore water samples. Jamie said the last round of sampling just occurred and there is new data coming from shoreline. We should take that data as well as the knowledge that PNNL has of the site (just salmon) and put that together and look at the release and the migration of release (pathway study). Where is it going, what exposure does that migration result in, how significant is that to what we saw in the laboratory. We need to put things in perspective, there is no hard evidence of actual exposure of an adverse measurable effect resulting from exposure to an aquatic receptor. (?) We need to follow that pathway and see what is actually being exposed of in the river; may lead to injury studies, if necessary; we have very limited data to what is actually being exposed in the river. Larry Gadbois added that we don't have any actual sampling from this river to these critters, and we need to make that link.

One recommendation is to go into the river and sample salmon (kidneys), but it has to be a complete exposure to a pathway (chromium in a spawning area vs. non-spawning area), and we need to learn more about actual exposure times in the river. (????)

Jamie said during the study we went beyond conditions that we would see in the river, but we did it deliberately in the laboratory to begin to develop what we may see in the river and prepare for it. (??) Jamie said it is technically feasible to do this work along the shoreline, and learn

whether or not we have the kind of exposure he lab studies tell us we have, and whether or not there is a problem.

Susan asked about exposure vs. effects - - why not go straight to effects? One reason is to document the pathway. Jamie said there is the likelihood that we will not see the exposure that we saw in the laboratory.

There was discussion on the recommendations and Larry Goldstein said some of the information in the recommendations should be readily available, would provide us with the data we are lacking, and shouldn't take a lot of money. He would like to see the Council agree on the recommendations as they are not so that PNNL can finalize the report and move forward, realizing that there could be additional recommendations from the USGS review.

The USGS comments are due by January 15, 2003. Following their review, Tom Zeilman will setup a conference call to discuss their recommendations.

Action Item: Tom Zeilman – Set up a conference call after USGS submits their comments to discuss recommendations.

Action Item – Comments due from USFWS (USGS); finalize the document; identify unresolved issues; March agenda item.

Meeting adjourned.

Thursday, December 12, 2002

Several important dates were announced and/or established:

- John Price - 100N Explanation of Significant Difference – Week of January 13 (HAB Committee) Richland (Possibly January 9); Emphasis on Groundwater because of high interest.

- Entire HAB Meeting – February 6-7 in Richland; if you can't participate in the HAB meetings – you can get presentation material and call-in.

- BDAC 100N Briefing – Afternoon of February 5.

- BRMaP Working Group – ½ day on February 4 (afternoon).

- 100 B/C Pilot Project – DQO Briefing in February: issues will be identified; how they were addressed; mostly an introduction to the DQO; morning of February 5.

- Chromium Integration Report – Conference Call on Thursday, January 23 – 10:00 a.m.

The next NRTC Meeting is scheduled for March 12-13, 2003, in Richland, Washington.

Council Direction and Strategic Plan – Tom Zeilman

Tom Zeilman provided some history on this topic. At the Lowell meeting in September 2001 the Council decided would spend some time during the meetings to discus where we are going with the Council and begin developing a strategic plan. In November 2001, discussions were initiated, some issues that needed attention were identified as well as some of the Council's priorities. Two areas in which the Council needed to participate in the cleanup of Hanford; remedial action itself, and the other was the assessment of injuries to natural resources in a post-cleanup phase; the integration of remedial action with NRDA issues. It was also determined that ERDF Mitigation Action Plan was a priority. The 100 Area Remedial action Project became a priority for the Council.

During part of the post-remedial action NRDA assessment of the 100 Area PAS, the North Slope and the Riverlands were also identified as being priorities. It was determined that workgroups and committees need to be re-established to work on these issues. Tom said we also discussed how we would make decisions as a Council; how we would proceed to reach those decisions; via written resolutions or would a less formal decision-making process work? Tom said we were basically looking at changing the way the Council does business (such as quarterly meetings vs. bi-monthly meetings). Lauri said that it would work best if she could commit her time to something specific (such as a work group), but also said we should be realistic to what we can really do and what we can really focus on. Everyone was excited last year when discussions began about workgroups and then things just fissiled.

Larry Goldstein added that during the (2002?) Lowell meeting the Council determined not to proceed with a 100 Area PAS. Larry said it would send a clearer message to the Tri-Parties if we would engage in a more 'formal' decision-making process, not necessarily a Finding or a Resolution, but something similar to Roberts Rules of Order where there is a clear decision - - a motion is made, there is a discussion, and then a Council decision is made.

Dan Landeen added that there was a lengthy discussion in Lowell about how to document 'not to proceed with the PAS' and it was decided to capture it in the minutes.

Tom Zeilman said he recalls there was a difficult time reaching consensus in Lowell and needed to move forward with the meeting; there should be formal process for the Council to make decisions. The Trustees need to realize that formal decisions are the best way to go, whether that decision is prudent or not is another issue. The formality of putting things in writing as a separate Resolution or Finding is important. Larry Goldstein said how often we meet and where we meet is also a very important issue. It was determined last January to meet mostly in Richland, and now some Trustees are having second thoughts. Things are less than clear when they are not documented via consensus.

Tom Zeilman recommended that we have more formal decisions. But that raises the question of what constitutes a "decision" and do we want to get bound up in paperwork? The administrative committee was established to decide if the By-Laws needed to be amended. Larry Goldstein said he would like us to engage in a more deliberate decision-making process. Susan voiced her

opinion and said she would like to see the Council remain flexible and not get bogged down. Lauri said the Council should vote more and have more things put on record.

Tom Zeilman said this raises the issue of are we going to try and reach consensus on both substance issues as well as procedural issues. For example, if we decided to memorialize each decision through a Finding or Resolution, the issue of whether we have a resolution for the 100 Area PAS would not have come up because it would have already been decided. Do we have to decide each time we make a decision, 'how' to make that decision? That would only cloud things even more. If we have a policy for making decisions already in place, then we don't have to worry about it.

Connie Smith suggested the Council may need at least two methods for making decisions. One for major decisions (project type) and one for administrative type decisions, such as where we meet. Those decisions could be decided 'on the spot' (less critical decisions); formal vs. informal.

Tom Zeilman partially agreed and said some decisions are more important to certain Trustees than others. Larry Goldstein said we need a clear requirement to reach consensus for real significant decisions, but could we also proceed with less than consensus (majority) vote on other issues. John Price stated that part of the problem with decision-making is that it is not clear 'when' you have to make a decision. The more you can schedule your work the more clear it will be as to 'when' a decision has to be made (such as with the Statute of Limitations).

Tom Zeilman suggested including whether a decision needs to be made or not when the agenda is established.

Connie made a motion that agenda items would have a reference with them (action, resolution, etc.), discussion would then proceed regarding that item during the meeting. Larry Goldstein seconded and said we then have an expectation and Council members will come to meetings better prepared. Agenda items that need discussion, action, or decisions can be established at the end of one meeting in preparation for the next meeting. Some Council members feel the agenda items need to be the responsibility of the Chair; items first need to be submitted to the Chair and then he/she will determine if it is to be on the agenda.

Steve Wisness said there will still be topics that come up during meetings that will require a decision to be made.

Connie Smith made a motion to develop the agenda at the end of the meeting; then as the agenda is developed we can also develop key decisions to be made and they will be identified on the agenda for the next meeting. Tom Zeilman asked if any Trustees were opposed; none were and consensus was reached.

Larry Goldstein said he would like to see decisions clearly documented and move forward. He also asked that it be documented in the minutes that a Council version of "Roberts Rules of Order" was adopted for administrative decisions.

There was a lengthy discussion on whether or not this would require revision to the Council By-Laws. Steve Wisness made a motion that the Administrative Work Group be re-established and develop a proposal for the Council on how to handle administrative items. Don Steffeck seconded the motion. Larry Goldstein will lead the group; he will set up a conference call, and an update will be provided at the March meeting. The work group members are Larry Goldstein, Connie Smith, Lauri Vigue, Susan Hughs, and Tom Zeilman.

Tom Zeilman closed the discussion.

CERCLA/NRDA Integration – John Price

John Price (Ecology) provided a presentation and a handout discussing CERCLA/NRDA Integration. He said it would help the Council if PAS work could be scheduled so that the Statute of Limitations don't play a problem. John discussed the benefits of a resource-loaded NRDA schedule and distributed a schedule he developed for the 100 B/C Pilot Project. He said he used the Statute of Limitations as a driver in developing the objective of the schedule.

Connie Smith said with the Statute of Limitations you have to start with the premise that 'people' can necessarily change (?). Generally speaking it is a legal concept. There is the ability for all parties involved to 'toll' the statute, but she wants to be sure that it is conveyed to the Council that DOE is not the decision-maker for the Statute of Limitations.

John Price said DOE (?) has to move forward with a data in order to develop a schedule. His proposal is to have a groundwater remedy in place and run that for 2 years and then say remedial action is complete (not sure if that is legal, just an idea).

Don Steffeck added that in Superfund sites, the final ROD is where you start planning a damage assessment (?). Tom Zeilman said you cannot file a damage assessment resource claim until the ROD is final. John Price, the final ROD could be a mechanism to use.

Tom Zeilman said there is the issue of institutional controls. If a ROD has institutional controls that are long-term, do we really have to do a PAS? We presume that because there are institutional controls it is likely there has been injury to resources. Why not go directly to an injury assessment and save time and effort?

Don Steffeck said a damage assessment is usually done on a larger area, rather than an operable unit by operable unit basis.

Larry Goldstein asked if the larger cleanup occurs over a 6-8 year period, how do you work the statute of limitations? Don suggested doing a cooperative tolling agreement (NPL site by NPL site?). Connie asked for clarification, a tolling agreement for 4 areas? Yes.

Larry Goldstein requested a response from Connie on a potential tolling agreement on an NPL basis. Connie said yes, there is the potential of that. Steve agreed and said it would be easier to organize and a better use of resources.

Connie said there are a variety of things that can be done, a tolling agreement is only a partial step. There could be an agreement that would involve a "consensus not to sue," and could (would?) mean additional funding would be set aside.

Larry Gadbois said if the Council would lay out a schedule of what needs to be done along side the remedial program, when you get to the end there shouldn't be anything that needs damages.

Don Steffeck said it would be hard for the USFWS to sign a covet not to sue up front.

Connie asked everyone to keep in mind this is not an average site; it is a site with longer cleanup and it may be the average solutions aren't a good fit here.

Susan asked if we have covenants not to sue, and tolling agreements, then how do we resolve issues we may have?

Tom Zeilman said we would have to have something substantial that is not just procedural. We have to come to some agreement of yes or no we are going to do restoration.

John Price suggested the Council pick some sort of schedule model as a starting point, and prepare a proposal for DOE to go along with the funding request.

Larry Goldstein pointed out that the key issue is the NRDA process begins a full 5 years before completion of the remedial action. (?)

John Price said the next step is to identify what the NRDA projects are going to be and they can then be tied to TPA Milestones to drive the schedule.

Steve Wisness asked what would go into this proposal to DOE? John said a schedule, WBS dictionary, resources, and scope. Connie said if DOE receives a proposal saying we would like "such and such" (utilizing existing DOE staff), that may go a long way; however, if it states, for example, that USFWS needs two additional FTE's, paid for by DOE, that won't go very far.

John said at least you would have a basis for discussion, whereas right now you don't even have that.

Tom Zeilman suggested we look at John's schedule and also agreed that we need to address these things as soon as possible and develop a more expedited schedule. Yes, we should adopt the idea, but we should work through what we really think is a realistic schedule based on how long we think it will take to do certain things.

Larry Goldstein agreed with Tom. The Council should take a look at what John provided and come back with a more refined approach; then develop a schedule that is more tailored to Council expectations, as well as tie it in with our resources and our capabilities.

Larry Goldstein offered his time to work with John Price and develop a schedule for the 100 Area; using the accelerated cleanup plan (2012). Susan made a motion that we (the Council)

accept John Price's proposal and offer as a tool to schedule our work and that a work group be developed to look into this and bring a proposal to the next meeting. Steve Wisness and Dan Landeen seconded. The work group will consist of Larry Goldstein, Astrid Larsen, Larry Gadbois, and John Price. Their product will be a 100 Area Schedule and they will report back to the Council on the assumptions and how they may change based on looking at a CERCLA/ NRDA integrated schedule.

Council Priorities:

River Corridor: 100 B/C pilot, 100-NR-2, 300-FF-5, 100 Area RDR/RAWP, Chromium Integration

200 Plateau – 200 Area RI/FS, 200 Area Ecological Evaluation, 200-CW-1

Plateau – John Prices said he thinks DOE is going to write the 200 Area Ecological Evaluation Report and identify data gaps; doesn't know for sure when, but thinks the Council should review it.

200-CW-1 – draft Ecological Study should be issued in March 2003 (check with John Price).

Larry Goldstein asked, do we want to go in the 200 Area?

Connie said it would be a mistake not to. The 200 Area Plateau is in the beginning stages and it is really the time for the Council to get involved. Tom Zeilman said the 100 Area is more of a priority at this time.

John Price said if the Council has an interest in getting involved 'pre-remedial,' they can do that in the 200 Area. He would guess that the 200 Area Scoping Report will be out in the next 3-4 months, it will then go into the DQO phase. Larry Gadbois said if you are interested in seeing the document, send a request to Bryan Foley.

NRDA - 100 Area PAS, BRMaP/BRMiS

Chromium Studies (Integration Report) Recommendations/Steps

Action: Astrid Larsen – Follow up on the 100-NR-2 discussion and see what is going on; provide the Council with e-mail message.

Continue Discussion on Funding Agreement – Tom Zeilman

Based on an action item from the meeting in September, the Council was asked to review Tom Zeilman's "Draft Funding and Participation Agreement for the Hanford Site 100 Area Natural Resource Damage Assessment and Restoration Process," and provide feedback during this meeting.

Larry Goldstein said the Funding Agreement should be used as a tool to assist the Council. Tom Zeilman agreed and said the purpose of the agreement would be to allow the Council to work on big projects and allow DOE to budget appropriately; however, realizes that the Council will need to determine what "big" projects needs to be done and prioritize. Connie Smith asked if anyone else (other than DOE) would be funding this agreement and what are the parameters of the agreement? She said she can't see this type of funding agreement ever being applied anywhere; possibility of funding for a specific proposal (such as a 'cooperative agreement' – which is how the Tribes are funded), then DOE may have a means to consider it.

Steve Wisness said that's what you have to do, plan right now for at least two years down the road, but be as specific as possible. DOE couldn't do a blanket funding agreement up front because it is too general, needs to be more specific.

Larry Gadbois cited the Ecology Grant as an example. He said an agreement (without funding) was established to fund tasks as they are defined. Steve Wisness clarified and said "funding Ecology is regulatorily required." Connie said DOE looks at each Trustee individually, and some are already funded. If that funding needed to be extended it would be done under existing funding for that trust agency (??).

Larry Goldstein suggested taking advantage of existing agreements rather than funding something new. Ecology could enter into additional inter-agency agreements to get additional funding through CERCLA grants (?).

Steve Wisness said a more appropriate approach to funding the Trustees could be through 'grants' and through the normal budget process. If a specific study needs to be funded, it could be done through the strategic schedule we are developing. Astrid said there is no concrete proposal of priorities and what the Council wants to do. Funding should not be the focus, the proposal should be, however we should be careful of making commitments ahead of the budget process. Tom Zeilman said DOE is ultimately legally responsible for costs associated to do the work.

Steve Wisness suggested the Council to define a scope, schedule it out, determine what resources are needed to complete the work and then let it play out through the budget process. It also has to fit with the DOE-HQ guidance. Connie added that if there is a very specific proposal identified that would assist DOE in completing projects ahead of schedule, that would be seen as very helpful.

Steve Wisness offered to explain the budget process and how DOE-RL formulates a budget if that would help the Council. But also said the "what" and the "why" needs to be identified first, the how can come later. If it is something the Trustees should be doing anyway, DOE has a hard time giving additional funding to do something they are already supposed to be doing. The Chromium Study was a good example of additional funding being given to the Council.

Action: Steve Wisness – Look into where the funding came from for the Chromium Study; also be prepared to talk about funding process in general and how it works for the next meeting.

Dates:

- January 2003 - 300 Area Sampling and Analysis Plan; Trustees most likely not on automatic distribution; contact Mike Goldstein (EPA) if you want to receive copies.

- February 4, 2003 – BRMaP/BRMiS Meeting.

- March 13, 2003 - Chromium Study – Determine if path forward or not (full Council).

- March 2003 - 100 Area RDR/RAWP.

- 100 Area PAS – March 2003 (Work group – Larry Goldstein, Dan Landeen, Tom Zeilman, Lauri Vigue, and Susan Hughs).

- 100 B/C Pilot Project – Larry Gadbois, Dan Landeen, Dirk Dunning, John Price, Astrid Larsen (review of DQO Summary Report and the Sampling and Analysis Plan); anyone reviewing these documents should provide copies of comments to the Council.

- 200 Area Plateau – April 2003

- Lower Priority as of today: 300-FF-5