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DON'T SAY IT --- *Write It!*

DATE: January 27, 1994

TO: R. G. Holt A5-15

FROM: K. M. Leonard H6-22

Telephone: 376-7065

cc:

J. D. Bauer	A5-15
D. J. Carrell	H6-22
P. F. Dunigan	A5-15
R. H. Engleman	H6-26
J. K. Erickson	A5-19
R. D. Freeberg	A5-19
A. Foote	A5-20
G. W. Jackson	H6-21
R. J. Landon	H6-21
P. J. Mackey	B3-06
R. K. Stewart	A5-19
P. W. Willison	A4-52
T. M. Wintczak	H6-27
KLM File/LB	
Attendees	

SUBJECT: RECORD OF DISCUSSION - NATURAL RESOURCE FEASIBILITY STUDY WORKING GROUP MEETING, JANUARY 25, 1994

Attached is the Record of Discussion for the January 25, 1993, meeting of the Natural Resource Feasibility Study working group. If you have any questions or comments, please feel free to contact me.

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NATURAL RESOURCE FEASIBILITY STUDY WORKING GROUP

RECORD OF DISCUSSION

January 25, 1994

Attendees:

Gordon R. Bilyard, PNL	K8-03
Jean H. Dunkirk, WHC	B3-15
Stephen L. Friant, PNL	K6-52
Nancy K. Lane, WHC	H6-01
Robert P. Henckel, WHC	H6-02
Kathleen M. Leonard, WHC	H6-22
Frederic A. Morris, PNL	Seattle
Linda C. Tunnell, WHC	H6-22
Regan S. Weeks, WHC	H6-26
Steve Weiss	H6-02

cc:
Rich A. Carlson, WHC H6-03

INTRODUCTION
The group decided that they would put together a draft of the Feasibility Study. After a draft was prepared, the group would present a report to DOE describing the advantages and disadvantages of those options and make a recommendation to DOE.

MISSION STATEMENT
Kathy Leonard and Fred Morris presented a mission statement draft. It was discussed by the group, revised, and approved (see Attachment 1).

SCOPE
Jean Dunkirk and Fred Morris presented a work scope draft. It was discussed, revised, and approved (see Attachment 2).

PROCESS
Gordon Bilyard presented a process draft. It was discussed, revised, and approved (see Attachment 3).

OTHER ITEMS
The group discussed a draft DOE Order 5400.4 which makes some recommendations on NRDA activities. Fred Morris agreed to provide a copy to the group.

Part of the process discussion included a brainstorming session. The following items were discussed:

- How will the process proceed? We should define a process.
- Can we identify a game plan, action plan?
- Do we start by identifying releases and their effects? Or do we define the resources onsite and how they have been effected?
- In the realm of prior releases, what about injury which may be incurred during remediation?

As the brainstorming progressed, it was suggested that the product be defined. As a starting point, the product should contain: Issues, Outline, Definitions, and Time, not necessarily in that order.

The following items were brainstormed for possible inclusion in the final product:

Definitions:
- Legal definitions
- Hanford specific definitions
  - What we know for certain
  - What is fuzzy
- Natural Resources
  - Damage
    * Past/Present
    * Potential
    * Residual
  - Injury
- What is a CERCLA Release
- What isn't a CERCLA Release
- Who Has Jurisdiction Over What Resources
- Services
- Exclusions
- Natural Resources
- Releases
- Injuries from other sources

Issues:
- Pre/Post 1980
  - Exclusion
  - Baseline Issue
- Land use
- Geographic - Onsite/Offsite
- Timing
- DOI Regulations - Rebuttable Presumption
- Trustee Involvement/Coordination
- What is a Preassessment screen? How do you use it?
- Non-use Damages
- Native American Issues/NR/Treaty Rights/Cultural & Religious Issues
- Physical Effects vs Contamination Effects
- Resource Jurisdiction
- Exclusionary Clauses (EIS, NEPA, Permits)
- What is Background/Baseline?
- Issues associated with Risk Assessment
- Dual Roles
  - DOE organizations
  - Stakeholder interaction processes
  - DOE HQ Interactions
  - Ecology
    * Lead Clean-up Agency
    * Trustee
- CERCLA Reauthorization and Roles of DOE
- "Unit of Analysis" issue
- Site Access
- Unique vs Common Resources

- Jurisdictional
- Services/Damages
- Credits Issue

- Effects of Operations
- Restoration/Compensation Options
- Remediation Effects
- Effects from Other Sources
- Documentation, What, How, When, & to Whom
- Prioritization Issues/Timing Issues
- Balancing Risk (Ethics)
  - ECO
  - Human
    * Public
    * Worker
  - Costs
- Cumulative Releases in Time and Space
- What are Trustee Duties?
  - DOE Dual Role

Outline:

- Definitions - Purpose and Scope
- Intended Use of Document
- Background - Especially Uncertainty
- Working Assumptions
- What are Hanford Resources (appendix)
- Prepare One or More "Roadmaps" or Options
- What Would Be Most Useful to Users
- Recommended Steps
- Broken Down - Regulations, Statutes, Technical, Stakeholders
  - Considerations that Affect Issues

ACTION ITEMS

Work on Grouping Issues: Jean Dunkirk, Gordon Bilyard, Steve Friant, Kathy Leonard.

Work on Definitions: Jean Dunkirk, Fred Morris.

Distributions: Get revised documents to Linda Tunnell and she will distribute via cc:Mail.

Next Meeting: February 10, 1994, 10:00 a.m. to noon, Conference Room 1320, 2440 Stevens Center Place.

Gordon R. Bilyard, PNL	K8-03	372-4219	
Jean H. Dunkirk, WHC	B3-15	372-2330	372-3150 fax
Stephen L. Friant, PNL	K6-52	376-9799	
Nancy K. Lane, WHC	H6-01	372-3975	376-6476 fax
Robert P. Henckel, WHC	H6-02	376-2091	
Kathleen M. Leonard, WHC	H6-22	376-7065	376-2816 fax
Frederic A. Morris, PNL	Seattle	206-528-3332	206-528-3552 fax
Linda C. Tunnell, WHC	H6-22	372-3166	376-2816 fax
Regan S. Weeks, WHC	H6-26	376-4482	372-1090 fax
Steve Weiss	H6-02	376-1683	376-6476 fax

MISSION STATEMENT

NATURAL RESOURCES FEASIBILITY STUDY WORKING GROUP

The purpose of this working group is to develop and evaluate options for consideration by DOE to fulfill its natural resource trustee duties consistent with its owner/operator and lead agency obligations. The group will present a report to DOE discussing advantages and disadvantages of those options and make a recommendation to DOE.

Scope of Natural Resource Working Group's Analysis

I. Evaluate Options

Actions/programs/policies DOE may implement regarding natural resources

II. Goals (In hierarchical categories)

A. 1. Fulfill DOE's NR Trustee responsibilities

2. Minimize costs and liabilities

B. 1. Provide maximum benefit to Natural Resources consistent with other goals

2. Avoid negative impact on site cleanup

3. Maximize use of and integration with existing programs/information

C. 1. Gain concurrence of other Trustees

2. Gain concurrence of lead agencies (EPA, Ecology)

3. Gain public acceptance of actions/programs/policies

III. Scope of Evaluation

A. Legal

1. CERCLA Natural Resource Liability (Section 107(f)):

Trustee obligations
Owner/operator obligations
Lead Agency obligations

2. Statutes/Regulations closely connected to CERCLA NR, to the extent that they are related:

NEPA
SEPA
ESA
CERCLA Response Action Provisions
RCRA Corrective Action Provisions

B. Scientific

C. Economic

D. Stakeholder Acceptance (Values and Perceptions)

1. DOE

2. EPA

3. Other Trustees

4. Public

IV. Issues and Options to be Evaluated (To be prepared by next meeting)

DRAFT

OPERATING PROCESSES FOR THE NATURAL RESOURCES FEASIBILITY STUDY WORKING GROUP

INTERNAL WORKING PROCESSES

Assumptions

- NRDA is at the intersection of legal/statutory, economic/social, and technical issues. In most cases, issue resolution must consider two or three of these domains.

- Most potential solutions to NRDA issues will have both positive and negative attributes. The difficult decisions will lie in determining which negative attributes one wishes to manage.

Procedural Steps

A basic organizational tenet is that the Working Group will periodically divide into smaller subgroups on an as needed bases, and that these subgroups will address specific issues or groups of issues. Subgroups will disband after they have addressed the issues they were charged with, and after they have worked with the full Working Group to decide on a course of action or recommendation. As needed, subgroups having different compositions will be formed and disbanded throughout the process. Subgroups will have the responsibility of researching specific issues and developing recommended courses of action. The full Working Group will make the ultimate decisions, however.

1) Draft a proposed scope of NR considerations on the Hanford Site, on which this committee should be focussed. The subgroup already charged with this activity will make an initial recommendation and provides a rationale for that recommendation. The scope of the NR issues will be open to discussion and refinement during the course of the group's activities.

2) Identify all relevant issues. This is a Working Group activity.

3) Group all issues into logical larger sets of issues. Given that many issues will be related to greater or lesser degrees technically, legally, and economically, it should be possible to group issues into related subsets, and then work to develop options and recommendations for the defined sets of issues. Hence, the third step will be to group the full set of issues into logical, highly related groups of issues. This is a Working Group activity.

4) Prioritize groups of issues for action. This is a Working Group activity.

5) Act on highest priority sets of issues. Having defined and prioritized the sets of issues, subgroups from among the staff of the full Working Group will be formed. Each subgroup will be assigned a top priority issue group. Subgroups will work in parallel to develop options, recommendations, and rationales. This is an iterative process, whereby results of the first set of options, recommendations, and rationales are open to modification later as subsequent issue groups are addressed.

6) The products of the subgroups are discussed and modified/agreed to by the larger working group before proceeding on to the next set of issues.

7) When all issue groups have been addressed, the total Working Group will hold a 1-2 day workshop to draft logical sets of policy options for DOE-RL. Each of these sets of options will include recommendations and rationales for those recommendations that hold together for the set.

8) Prepare draft report and submit to DOE-RL for comments. Group activity.

9) Prepare final report. Group activity.

COMMUNICATIONS

Internal Communications

- Periodic meetings: at the close of each meeting, the date of the following meeting will be determined. The facilitator of the next meeting will be designated at the close of each prior meeting, when the date is set.

- Phone, fax, and cc:mail, as per usual. A master list of the Working Group's phone and fax numbers, as well as mail stops, will be generated. When subgroups are formed, the names and phone numbers of the members of that group will be distributed. Additionally, the name and phone number of the support secretary of each subgroup and Working Group member will be distributed.

External Communications

- Meeting minutes will be prepared within 2 days of the meeting, and will be distributed to group members, plus R.G. Holt, J.D. Bauer, D.J. Carrell, P.F. Dunigan, R.H. Engleman, J.K. Erickson, R.D. Freeberg, A. Foote, G.W. Jackson, R.J. Landon, P.J. Mackey, K.K. Stewart, P.W. Willison, and T.M. Wintczak. Other site personnel (e.g., DOE-ER staff) may receive minutes of meetings on a case by case basis, as agreed to by members of the working group. Linda Tunnell will attend all meetings to take notes and prepare the minutes.

- Bob Holt and other site staff will be briefed periodically on progress and recommendations of the working group, as appropriate (Bob Holt will be briefed on all occasions, to maintain continuity). Briefings will occur at logical points in the process of developing recommended options.

- Deliverables to DOE-RL will include: a draft annotated outline of the report; a draft report; and a final report (that includes and responds to DOE-RL and WHC comments).