

## **9.0 DOCUMENTATION AND RECORDS**

This section categorizes the documents that are described in this action plan, and describes the processes for their review and comment and for their revision if required. In addition, this section identifies the distribution requirements for documents and the requirement for an administrative record.

### **9.1 CATEGORIZATION OF DOCUMENTS**

For purpose of the action plan, all documents will be categorized as either primary or secondary documents. Primary documents are those which represent the final documentation of key data and reflect decisions on how to proceed. Table 9-1 provides a listing of primary documents. Secondary documents are those which represent an interim step in a decision-making process, or are issued for information only and do not reflect key decisions. Table 9-2 provides a listing of secondary documents. Note that only primary documents are subjected to the dispute resolution process in accordance with the Agreement.

### **9.2 DOCUMENT REVIEW AND COMMENT PROCESS**

#### 9.2.1 Primary Documents (with exception of Part B Permit Applications and Closure/Postclosure plans)

Figure 9-1 provides the process flow for reviewing and commenting on primary documents. The flowchart reflects the multiple paths that a primary document may take depending on the type and extent of comments received. The time periods for specific actions are as noted on Figure 9-1. The process shown in Figure 9-1 does not preclude either the EPA or Ecology (whichever has authority regarding the primary document) from taking enforcement action at any point in the process for failure to perform. Comments may concern all aspects of the document (including completeness) and should include, but are not limited to, technical evaluation of any aspect of the document, and consistency with RCRA, CERCLA, the NCP, and any applicable regulations, pertinent guidance or written policy. Comments by the lead regulatory agency shall be provided with adequate specificity so that the DOE can make necessary changes to the document. Comments shall refer to any pertinent sources of authority or references upon which the comments are based and, upon request of the DOE, the commenting agency shall provide a copy of the cited authority or reference. The lead regulatory agency may extend the comment period for a specified period by written notice to the DOE prior to the end of the initial comment period.

Representatives of the DOE shall make themselves readily available to the lead regulatory agency during the comment period for the purposes of informally responding to questions and comments. Oral comments made during these discussions are generally not the subject of a written response by the DOE.

Upon receiving written comments from the lead regulatory agency, the DOE will update the document and/or respond to the comments (for closure plans, comments will be provided in the form of an NOD). The response will address all written comments and will include a schedule for obtaining additional information if required. The DOE may request an extension for a specified period for responding to the comments by providing a written request to the lead regulatory agency.

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**Table 9-1.** Primary Documents.

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Remedial investigation/feasibility study (RI/FS) work plan

Remedial investigation (RI) Phase II report

Feasibility study (FS) Phases I and II report

FS Phase III report

Preclosure Work Plan

Proposed plan

Remedial design (RD) report

Remedial action (RA) work plan

Operation and maintenance (O&M) plan

Closure plan

Part B permit application (for operation and/or postclosure)

RCRA facility assessment (RFA) report

RCRA facility investigation/corrective measures study (RFI/CMS) work plan

RCRA facility investigation (RFI) report (final)

Corrective measures study (CMS) report (preliminary and final)

Corrective measures implementation (CMI) work plan

Corrective measures design (CMD) report

Interim response action (IRA) proposal

Interim measure (IM) proposal

Waste/Material Stream Project Management (Work) Plans (see Action Plan Section 11.5).

Other work plans (as specified in Section 11.6)

Other documents as specified elsewhere in the Agreement

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**Table 9-2.** Secondary Documents.

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Hanford Operable Units Report (Currently titled "Preliminary Operable Units Designation Project")

RI Phase I report

RFI report (preliminary)

Hanford Site waste management units report

Sampling and data results

Treatability investigation work plan\*

Treatability investigation evaluation report

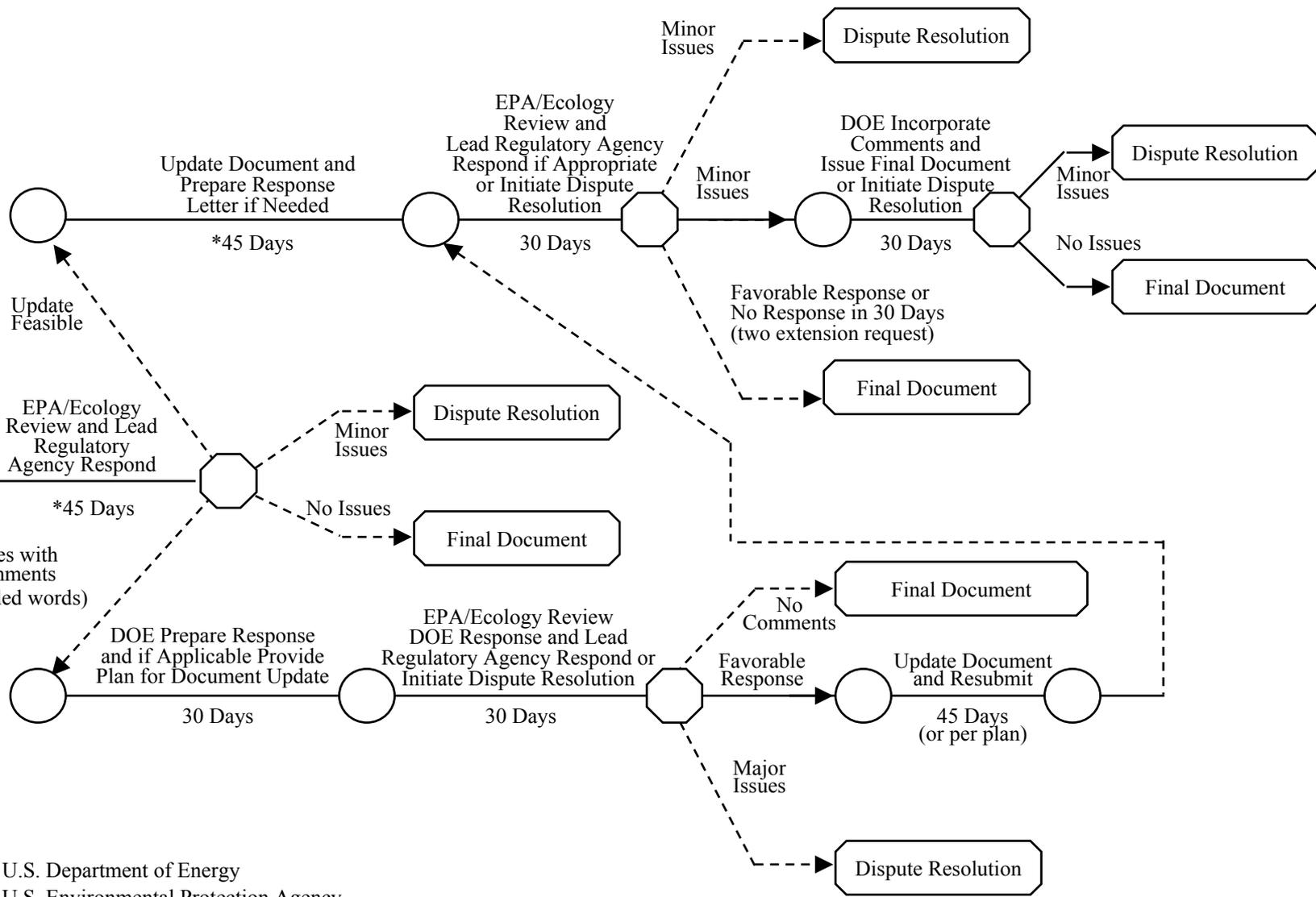
Supporting studies and analyses

Other related documents, plans, and reports not considered as primary

\*Per Section 7.3.6, selected treatability investigation work plans can be established as primary documents by the lead regulatory agency.

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DOE = U.S. Department of Energy  
 EPA = U.S. Environmental Protection Agency  
 Ecology = State of Washington Department of Ecology

\*With exception of 60 days for RI/FS work plans and RFI/CMS work plans

Figure 9-1. Review and Comment on Primary Documents. (See Figure 9-2 for Part B Permit Application and Closure/Postclosure Plan Review)

Upon receiving responses to the comments on a primary document, the lead regulatory agency will evaluate the responses. In the event that the responses are inadequate, the matter will enter the dispute resolution process as set forth in the Agreement. However, dispute resolution related to NODs cannot be initiated until after two NODs have been issued by the lead regulatory agency, unless otherwise agreed to by the DOE and the lead regulatory agency. It is anticipated that the majority of the disputes will be resolved during the informal dispute resolution period. Within 21 days of completion of the dispute resolution, or within 30 days of receipt of the lead regulatory agency evaluation of the responses if there is no dispute, the DOE will incorporate the resolved comments into the document. The DOE may extend the period for revising the document by obtaining written approval of the lead regulatory agency.

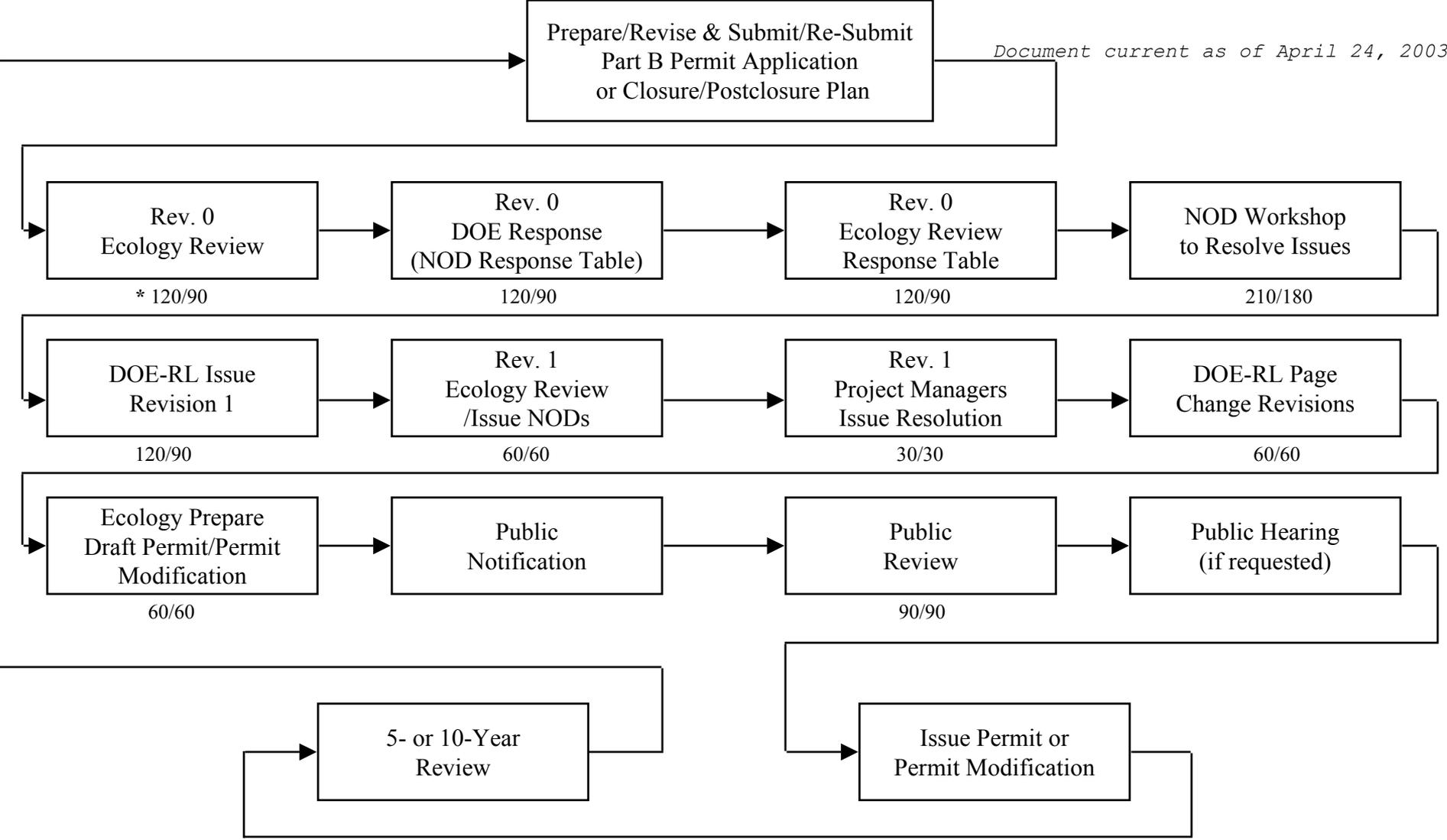
Upon receiving an updated document, the lead regulatory agency will determine if the document is complete. If major issues still exist, the dispute resolution process can be initiated. If the document is complete, or only minor modifications are necessary, the lead regulatory agency will so notify the DOE. If the lead regulatory agency does not respond and has not notified DOE of the need for an extension, the document becomes final at the end of the 30-day period.

#### **9.2.2 Part B Permit Applications and Closure/Postclosure Plans** (Operations and Postclosure)

The process for review of Part B Permit Applications and Closure/Postclosure Plans will be different than for other primary documents due to the size and complex nature of these documents. In addition, Part B Permit Applications do not receive final "approval" from the regulatory agencies. These documents, when complete, are used to form permit conditions. Portions of the applications will be incorporated into the permit along with permit conditions.

Figure 9-2 shows the process for review of Part B Permit Applications and Closure/Postclosure Plans except as provided for in Sections 5.5 and 7.4.2, or otherwise agreed. Upon receiving these documents from the DOE, the lead regulatory agency will provide comments as outlined in Figure 9-2. It is understood by the parties that in many cases the lead regulatory agency will extend the comment period for a specified period of time to accommodate the complexity and size of the document.

If the Part B Permit Application or Closure/Postclosure Plan is determined to be incomplete, comments will be transmitted by the lead regulatory agency in the form of an NOD. Upon receiving an NOD, the DOE will update the document as necessary by following the review/response process outlined in Figure 9-2. With concurrence of the lead regulatory agency, the update may be in the form of either supplemental information to, or a revised portion of, the previously submitted Part B Permit Application or Closure/Postclosure Plan. If the DOE is unable to comply with this timeline, it may request an extension within 30 days of receipt of the NOD. This request will include specific justification for granting an extension, a detailed description of actions to be taken, and the proposed date for resubmittal of the application.



\* Permit or Closure/Postclosure Days for Completion

DOE = U.S. Department of Energy  
Ecology = State of Washington Department of Ecology  
NOD = Notice of Deficiency

Figure 9-2. Part B Permit Application and Closure/Postclosure Plan Process Flowchart.

Dispute resolution for NODs cannot be initiated until two NODs have been issued by the lead regulatory agency, unless agreed to by the lead regulatory agency and DOE. Once an application or closure plan is determined by the lead regulatory agency to be complete, the agency will begin drafting the permitting document. The permitting actions are also shown in Figure 9-2. The process for development and maintenance of the Hanford Site permit is discussed in Section 6.2

In addition to standard public notification procedures, the public will be informed about proposed permit and closure actions in a Hanford newsletter. However, it is anticipated that in many cases, comments from the public will result in a public hearing on the draft document. All comments on the draft document, including those received during the public hearing will be addressed in a response summary and incorporated in accordance with 173-303-840(7) and (9) WAC. Public hearing opportunities are further discussed in Section 10.7.

### **9.2.3 Secondary Documents**

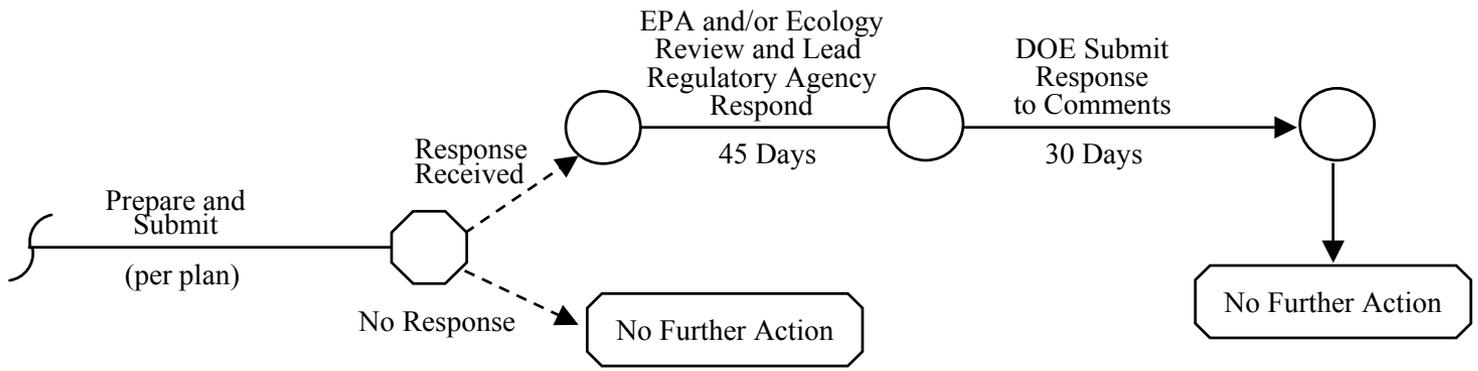
Figure 9-3 provides the process flow for reviewing and commenting on secondary documents. As shown, the lead regulatory agency has the option to provide comments or take no action. If comments are provided by the lead regulatory agency, then the DOE will respond in writing. The same criteria for review presented in Section 9.2.1 for primary documents will be used for secondary documents. Secondary documents are not subject to dispute resolution.

## **9.3 DOCUMENT REVISIONS**

Following finalization of a document, the lead regulatory agency, or the DOE may seek to modify the document. Such modifications may require additional field work, pilot studies, computer modeling, or other supporting technical work. This normally results from a determination, based on new information (i.e., information that became available or conditions that became known after the report was finalized), that the requested modification is necessary. The requesting party may seek such a modification by submitting a concise written request to the appropriate project manager(s).

In the event that a consensus on the need for a modification is not reached by the project managers, either the DOE or the lead regulatory agency may invoke dispute resolution, in accordance with the Agreement, to determine if such modification shall be made. Modification of a report shall be required only upon a showing that the requested modification could be of significant assistance in evaluating impacts on the public health or the environment, in evaluating the selection of remedial alternatives, or in protecting human health and the environment.

Nothing in this section shall alter the lead regulatory agency's ability to request the performance of additional work in accordance with the Agreement. If the additional work results in a modification to a final document, the review and comment process will be the same as for the original document. Minor changes to approved plans which do not qualify as minor field changes under Section 12.4 can be made through use of a change notice. Such plans include RI/FS work plans, remedial action work plans, RFI/CMS work plans, CMI work plans, and other work plans as described in Section 11.5. (Modifications to permits and closure plans will be made in accordance with



DOE = U.S. Department of Energy  
 EPA = U.S. Environmental Protection Agency  
 Ecology = State of Washington Department of Ecology

Figure 9-3. Review and Comment on Secondary Documents.

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applicable procedures specified in 173-303 WAC and 40 CFR 270.41). The change notice will not be used to modify schedules contained within these supporting plans. Such schedule changes will be made in accordance with Section 12.0, Changes to the Agreement.

Minor changes to approved plans include specific additions, deletions, or modifications to its scope and/or requirements which do not affect the overall intent of the plan or its schedule. The lead regulatory agency will evaluate the need to revise the plan. If the revision is determined to be necessary, the lead regulatory agency will decide whether it can be accomplished through use of the change notice, or if a full revision to the plan in accordance with this section is required.

The change notice will be prepared by the appropriate DOE project manager and approved by the assigned project manager from the lead regulatory agency. The approved change notice will be distributed as part of the next issuance of the applicable project managers' meeting minutes. The change notice will thereby become part of the Administrative Record. The change notice form shall, as a minimum, include the following:

- Number and title of document affected
- Date document last issued
- Date of this change notice
- Change notice number
- Description of change
- Justification and impact of change (to include affect on completed or ongoing activities)
- Signature blocks for the DOE and lead regulatory agency project managers

#### **9.4 ADMINISTRATIVE RECORD**

The administrative record serves basically the same purpose in the CERCLA, RCRA, and State dangerous waste programs. The administrative record is the body of documents and information that is considered or relied upon in order to arrive at a final decision for remedial action or hazardous waste management.

The requirements governing the administrative record for a CERCLA response action are found in Section 113(k) of the CERCLA. Executive Order 12580 and CERCLA guidance documents provide that the administrative record is to be maintained by the regulated Federal facility (i.e., the DOE). The RCRA requirements pertaining to the record are found in 40 CFR 124.9 and 124.18. The State dangerous waste program requirements for the record are found in 173-303-840 WAC.

An administrative record will be established for each operable unit and TSD group and will contain all of the documents containing information considered in arriving at a record of decision or permit. When the

investigation process begins at each operable unit or when a permit action for a TSD unit (or group of units) is initiated, the administrative record file will be available to the public for review during normal business hours at the following location:

- Environmental Data Management Center  
2440 Stevens Center  
Room 1101  
Mail Stop: H6-08  
Richland, Washington 99352

Two additional indexes of the file will also be available to the public, during normal business hours, located as follows:

- EPA Region 10  
Superfund Administrative Record Center  
1200 Sixth Avenue  
Park Place Building  
Mail Stop: HW-113  
Seattle, Washington 98101
- Washington State Department of Ecology  
300 Desmond Drive  
P.O. Box 47600  
Lacey, Washington 98503

The DOE will compile and maintain the administrative record file at Richland, Washington, and provide an index of the documents to the EPA and Ecology for their respective files. At the time when the decisional document is signed, all documents forming the basis for selection of the final action(s) must have been placed in the administrative record file. All applicable documents will be available at the Administrative Record locations through one of the following methods: (1) Microfilm, (2) indexes listing documents available by request from the Richland Administrative Record office, (3) Internet access or (4) paper copies.

A hard copy of the administrative records will be maintained in the Richland administrative record file. After one year following the CERCLA record of decision or RCRA permit determination, the hard copies of administrative record documents issued up to those decision points may be removed from the administrative record file. Retrievable copies will be kept on file for a minimum of 10 years. The final decision documentation (i.e., CERCLA proposed plan and record of decision, and RCRA permit) will be maintained in hard copy through completion of all remedial actions or the term of the permit. Current versions of all general documents (e.g., guidance and applicable procedures) will be maintained in hard copy throughout the RI/FS process or through the term of the permit.

Certain types of documents will be included in the administrative record in all cases when considered applicable to one or more operable units or TSD groupings. These documents are shown in Table 9-3.

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**Table 9-3.** Administrative Record Documents. (sheet 1 of 2)

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Factual Information/Data (CERCLA)

Remedial investigation/feasibility study work plan  
Remedial investigation Phase I report  
Feasibility study Phase I and II report  
Feasibility study Phase III report  
Proposed plan  
Abatement proposal  
Interim response action proposal  
Documentation of preliminary assessment/site investigation  
Treatability study work plan and characterization plan  
ATSDR health assessment  
Preliminary natural resource survey (by natural resource trustee)  
Procedures as specified in work plans  
Supplemental work plan  
Health assessment  
Work plan change notice  
Sample data results

Factual Information/Data (RCRA)

Closure Plan  
Permit application (Part A and Part B)  
Draft permit (or permit modification) or notice of intent to deny  
Statement of basis or fact sheet, including all resources to documentation  
RCRA facility assessment report  
RCRA facility investigation/corrective measures study work plan  
RCRA facility investigation report (preliminary and final)  
Corrective measures study report (preliminary and final)  
Interim measure proposals  
Procedures as specified in work plans  
Work plan change notice  
Sample data results

Policy and Guidance

Memoranda on policy decision  
Guidance documents  
Supporting technical literature

Decision Documents

Record of Decision  
Responsiveness summary  
Letters of approval  
Action memoranda  
Waiver requests and regulatory agency responses  
Final determination pursuant to dispute resolution

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**Table 9-3.** Administrative Record Documents. (sheet 2 of 2)

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Enforcement Documents

Hanford Federal Facility Agreement and Consent Order including Action Plan  
Administrative orders  
Consent decrees  
Affidavits

Tribal Participation

Correspondence to or from the Tribes  
Tribal comments  
Responses to Tribal comments

Public Participation

Community relations plan  
Correspondence to or from the public  
Public notices  
Public comments  
Public meeting minutes  
Public hearing transcripts  
Responses to public comments  
Fact sheets (public information bulletins)

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For those which are designated as primary documents (see Table 9-1) the administrative record will include:

- All drafts submitted to the regulatory agencies for review and/or approval
- Any documents submitted by the non lead regulatory agency to the lead regulatory agency for inclusion in the Administrative Record
- Written comments from the lead regulatory agency to DOE (to include Notice of Deficiency on a Permit Application)
- DOE written responses to comments received from the lead regulatory agency
- Final document and any subsequent revisions
- Drafts which are submitted for public comment
- For public comment documents, the public comments and lead regulatory agency responses (if no comments are received, a letter from the lead regulatory agency shall be included documenting that fact).

For those which are designated as secondary documents (see Table 9-2), the administrative record will include:

- Final document and any subsequent revisions
- Any documents submitted by the non lead regulatory agency to the lead regulatory agency for inclusion in the Administrative Record
- Written comments from the lead regulatory agency to DOE, if provided
- DOE written responses to comments received from the lead regulatory agency.

Drafts of documents which are undergoing internal review within any party will not be included in the administrative record.

In addition to those documents listed in Table 9-3, the project managers for each party will determine which additional documents should be included in the administrative record. This may include:

- Validated sampling and analysis results
- Supporting technical studies and analyses
- Inspection reports and follow up responses.

The project managers will meet at least monthly, as described in Section 4.1. During these meetings, the project managers will decide which documents are appropriate for inclusion in the record. The DOE project

manager will then notify the administrative record staff of these documents to be added to the record.

For public participation documents listed on Table 9-3 the community relations staff for any party may transmit any document which they generate or receive directly to the administrative record staff, with a copy to each affected project manager.

Any documents that the regulatory agency has determined to be subject to an applicable privilege, and that are part of the administrative record, shall be maintained exclusively in confidential administrative record files of the appropriate parties until such time as enforcement action has been taken or the privilege has been waived.

The DOE will maintain an index of all documents entered into the administrative record. A current copy of the index will be distributed at least quarterly to each administrative record file and each public information repository, and will be available for inspection by any of the parties.

## **9.5 DISTRIBUTION OF DOCUMENTS AND CORRESPONDENCE**

Documents and correspondence shall be sent to affected project managers, and the administrative record files as appropriate. Final primary and secondary documents and draft primary documents are sent to the affected project managers from DOE and the lead regulatory agency and the administrative record files, as appropriate.

Note: Documents distributed to the public information repositories are specified in the Community Relations Plan.

## **9.6 DATA ACCESS AND DELIVERY REQUIREMENTS**

### **9.6.1 Data Reporting Requirements**

The project managers will provide a list of the nonlaboratory data collected at each operable unit, and TSD group/unit on behalf of their respective parties at the monthly unit managers meetings. This will allow each party to determine its data needs and to establish the format, quality, and timing for submitting the data.

### **9.6.2 Agreement Data**

Ecology and EPA shall be granted access to all data that is relevant to work performed, or to be performed, under the Agreement. Access to Agreement related databases will be documented in the Agreement Appendix F document "Agreement Databases, Access Mechanisms, and Procedures" (includes all databases and the method of accessing each database). This document will also describe method(s) for regulatory access to DOE communications networks and system configurations to meet electronic transfer of data.

### **9.6.3 Validation**

Data validation shall be performed in accordance with approved sampling and analysis plans and quality assurance project plans (QUAPjPs). Laboratory analytical data validation procedure shall incorporate Data Validation Guidelines for Contract Laboratory Program Organic Analyses and Data

Validation Guidelines for Contract Laboratory Program Inorganic Analyses. The DOE shall make available to EPA and Ecology validated and unvalidated laboratory analytical data. Any document produced by any of the three parties which contains unvalidated or otherwise caveated data shall be marked as such.

The lead regulatory agency shall be notified of the availability of laboratory analytical data via electronic mail, facsimile transmission, or other means as agreed by the parties involved. Notification shall occur within one week of data entry and shall include the following information:

- date(s) of collection
- unit(s) where data collected
- type of data, e.g., ground water
- location of where data is stored, e.g., database
- unique identifier given to each piece of data, e.g., sample ID.

#### **9.6.4 Non-Electronic Data Reporting**

For data not available in electronic format, DOE shall meet the data reporting requirements by providing a summary list of new data at the project managers meetings, or as otherwise requested by the lead regulatory agency. This list will include, at a minimum, the information described in the preceding paragraph addressing notification. The lead regulatory agency shall determine on a case-by-case basis if data warrants a more detailed presentation or analysis. This reporting method shall also be used for field screening data. Field screening data shall be accompanied by maps or sketches with sufficient detail to determine where the data was obtained.

The information shall be submitted to the requesting party within ten days of receipt of the lead regulatory agency's written request, or as otherwise agreed to by the parties involved. In addition, other reporting requirements may be specifically required by the RCRA permit, RCRA closure plans or work plans.

#### **9.6.5 Electronic Data Access Requirements**

EPA and Ecology shall have direct read, retrieve, and transfer access to all relevant electronic data and databases. All validated data will be entered into the selected database in accordance with the Data Delivery Schedules in Section 9.6.6. Unvalidated data will be available within 7 days after receipt from the laboratories. Electronic access to Hanford data will be provided to EPA, Ecology and their respective contractor staff when:

- The computer network infrastructure is available to support user access (for systems that cannot support direct access data shall be provided through redundant systems or through copies of data stored in other systems), and
- The database system is accessible and utilized by Hanford personnel doing Agreement related work.

#### **9.6.6 Data Delivery Schedules**

The level of quality assurance for each characterization sample shall

meet the requirements of Agreement Article XXXI (Quality Assurance) and shall depend on the specified Data Quality Objectives (DQO) as stated in the specific sampling and analysis plans and quality assurance project plans (QAPjPs). Laboratory analysis and quality assurance documentation, including validation, and transmittal to the regulators, shall be limited to the following schedule:

- Transuranic and hot cell samples - 136 days annual average, but not to exceed 176 days
- Single-shell tank samples - 216 days
- Low-level and mixed waste (up to 10 mr/hour) samples - 111 days annual average, but not to exceed 126 days
- Nonradioactive waste samples - 86 days.

All schedules in this section are effective beginning with the date of individual sampling activities. For unique circumstances, a schedule other than that specified in this section can be agreed to by DOE and the lead regulatory agency. The DOE will integrate all of the data discussed in this section into the appropriate databases and reports.

#### **9.6.7 Other Data Reporting Requirements**

The Tri-Party Agreement Strategic Data Management Plan (reference M-35-02) will identify what types of information the DOE will index and a schedule to accomplish the indexing. The indexes will be available to all parties. Depending on the information, the regulators may request the information either electronically and/or by hardcopy. The hardcopy information shall be provided by DOE within 10 days after receipt of written request.

#### **9.6.8 EPA and Ecology Data**

Analytical data that is developed by EPA and/or Ecology and is of value to the three parties will be made available in the appropriate media to the three parties. The regulator(s) developing the analytical data shall provide the data in a format suitable for data storage and retrieval. Other data or information requests will be reviewed and handled on a 'case-by-case' basis directly by the parties involved.

#### **9.6.9 Data Management Agreements**

The Data Management project manager meeting will provide the forum for addressing data management needs and issues. Meetings will be held with EPA and Ecology at a frequency agreed to by the parties.