



DRAFT MEETING SUMMARY

**HANFORD ADVISORY BOARD (HAB)
Full Board Virtual Meeting – Teleconference and GoToMeeting
December 9-10, 2020**

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This is only a summary of issues and actions discussed at this meeting. It may not represent the fullness of represented ideas or opinions, and it should not be used as a substitute for actual public involvement or public comment on any particular topic unless specifically identified as such.

Executive Summary

Hanford Advisory Board (Board or HAB) Action

The HAB elected new leadership to serve from 2021 – 2023.

- The recommended HAB chair is Steve Wiegman.
- The returning vice chair is Shelley Cimon.
- The returning national liaison is Pam Larsen.

Public Comment

There were two public comment periods offered at the December meeting. There was no public comment made on either day.

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Opening and Announcements

Stan Branch, U.S. Department of Energy (DOE) and Deputy Designated Federal Officer (DDFO) for the Board, noted that the meeting was being held in accordance with the Federal Advisory Committee Act (FACA).

Susan Leckband, League of Women Voters and HAB chair, welcomed members to the Hanford Advisory Board (HAB) meeting.

Ruth Nicholson, HAB facilitator, reviewed the agenda and how the meeting was adapted to a virtual, online format.

The HAB approved the meeting summary for its October 2020 meeting.

On the second day of the meeting, Carrie Meyer, DOE, and the TPA agencies thanked Susan Leckband for her many years of service to the board as chair and vice chair.

Pam Larsen, City of Richland and HAB national liaison, announced that the HAB facilitator, Ruth Nicholson, had recently been inducted into the International Association of Facilitators Hall of Fame in recognition of her work in Africa, Asia, the Caribbean, Europe, and North America. She is the seventh facilitator from the United States and the 20th person from around the world to be inducted into the Hall of Fame for professional facilitators.

Tri-Party Agreement (TPA) Agency Updates

U.S. Department of Energy (DOE)

Brian Vance, DOE, provided an update on site activities for the HAB, including a short overview of Hanford for new HAB members.

Hanford was key in the production of plutonium for national defense during World War II and the Cold War. Its nine nuclear reactors produced 74 tons of plutonium between 1944 and 1991.

Since then, cleanup has been the mission with a workforce that works every day to safely make progress making the best use of the funding Hanford receives. Some of the key figures related to Hanford cleanup include:

- Six of the nine reactors are now cocooned, and one is preserved.
- All of the site's spent fuel has been moved to dry storage.
- 914 facilities have been demolished.
- 600 tons of contamination have been removed from groundwater.
- 26 billion gallons of groundwater have been treated.
- 18.7 million tons of soil and debris have been moved to an engineered landfill.
- 12,687 cubic meters of plutonium-contaminated waste have been treated.

The two DOE offices at Hanford - the Richland Operations Office and the Office of River Protection - are responsible for demolishing facilities, stabilizing aging structures, treating contaminated groundwater, and managing, treating and disposing of tank waste. The leadership at the Hanford DOE offices are dedicated to the concept of One Hanford which focuses on worker health and safety, quality operations

and project execution, and stakeholder engagement. Dealing with the COVID-19 virus and continuing to make cleanup progress has required change in how cleanup is done.

DOE is transitioning two multi-million dollar contracts to continue cleanup. One of the highest priority projects is the Direct-Feed Low-Activity Waste (DFLAW) which will support treatment of tank waste. Retrieval of waste from the tank farms is also an important component of risk reduction on the Hanford site. Another important part of risk reduction in both the River Corridor and on the Central Plateau is stabilization of aging underground structures.

Looking ahead, DOE plans continued progress in projects for groundwater treatment, K Basins, cesium and strontium capsules, tank retrievals, the 324 Building, the Plutonium Finishing Plant, and DFLAW. Major work focus is in developing and maintaining the infrastructure to support these projects, as well as looking for opportunities to accelerate the work. The Tank Integrity Program and risk reduction remain important priorities.

With regard to Hanford's budget, during the Office of Management and Budget (OMB) budget formulation phase, budget allocations and numbers for Hanford are not allowed to be released outside of the Administration. This typically occurs between October and February in the months prior to when the President submits a budget request to Congress. The Congressional phase of the annual budget process runs from the President's submission until the end of the fiscal year in September. It may be extended through a Continuing Resolution if Congress is unable to pass a complete budget by September 30.

Despite the impacts of adapting work during the COVID-19 situation, cleanup progress has been made in Hanford cleanup due to the teamwork and quality communications within the Hanford workforce. In Fiscal Year 2021, DOE will be focused on remobilization of the workforce, transitioning major site contracts to continue work, and preparing for DFLAW operations. He also said that DOE is looking to add six new seats to the HAB.

Brian ended his presentation with a thank you to Susan Leckband for her many years of service to Hanford and her strong legacy of supporting cleanup.

Washington Department of Ecology (Ecology)

Stephanie Schleif, Ecology, provided an update from Ecology's Nuclear Waste Program.

Holistic negotiations are ongoing between the TPA agencies facilitated by mediators from the Federal Mediation and Conciliation Service. The participants include DOE, Ecology, the US Environmental Protection Agency, the US Department of Justice, and the state of Washington Attorney General's office. The initial proposal was to focus on tank waste retrieval and treatment. Under the mediation agreement, the parties have agreed not to discuss the status or progress of these negotiations while they are underway.

The TPA agencies have also been in negotiations regarding the M-91 milestone series that addresses transuranic mixed waste which is in storage at the Central Waste Complex or stored in burial grounds on the Central Plateau. The milestone adjustments were required due to the shutdown and slow downs at the Waste Isolation Pilot Plant (WIPP) in New Mexico which is the repository for transuranic waste. When tentative agreement is reached by all three TPA agencies on adjusting the milestones, there will be a public comment period for the proposed changes.

Stephanie then reviewed Ecology's compliance activities between October and November 2020 which included three inspections and 12 compliance reports. Ecology also continues work on permit modifications even though Ecology staff is currently working remotely. Draft and final permit modifications are available on the Ecology website. In addition, the public can request hard copies and DVDs of documents. She identified nine current permit modification projects and their associated public comment periods between now and April 2021.

Stephanie concluded by announcing that the new Nuclear Waste Program Manager is David Bowen who will start in his new position in mid-December. She also expressed her deep appreciation for the work of Susan Leckband as HAB chair over so many years.

US Environmental Protection Agency (EPA)

Dave Einan, EPA, did not have a formal presentation. He explained that EPA staff are still teleworking during the pandemic. He also echoed the sentiments of Brian Vance and Stephanie Schleif in his appreciation of the many years of work and dedication of Susan Leckband leading the HAB as chair.

Board Discussion

The first question from the HAB concerned COVID numbers on site and an update on the numbers that DOE shared with the HAB in September. There was interest in seeing the numbers of how many workers have tested positive. Brian Vance noted that there were about 6,000 people working on site, and those numbers increased in October. Much of the staff are still teleworking. He reviews the numbers daily. Brian indicated that if questions about positive case numbers are sent to Carrie Meyer, DOE, she will find the answers.

In response to a question about what is going on with the 324 Building, Brian Vance said it is high-risk work. Training of workers is going well, and they are preparing to begin work on the floor. Once the cutting of the floor begins, it really cannot stop. They are anticipating the work will begin in 2021. Pam Larsen requested that hard copies of the presentation slides be mailed to HAB members.

HAB members expressed surprise at Brian's announcement that DOE plans to add six new seats to the HAB. The HAB wanted to add time on this meeting's agenda to discuss this.

HAB members asked when the Hanford Site Five-Year Plan, also known as "the placemat" would be updated. Brian Vance believed that the update had already been shared with the HAB.

With regards to a question about keeping the DFLAW project on track, Brian Vance said that work is continuing on construction. He is confident that things will continue to progress well but because there are so many unknowns, he does not have target dates. Ecology and EPA staff agreed that because of COVID, some dates may slip but they all have confidence that progress will continue.

Public Comment

There were no public comments received on either the first or second day of the meeting.

HAB Leadership Selection

Susan Leckband opened this agenda topic with some thoughts that she asked to be included in the meeting summary.

First, I want to thank Board members past and present for giving me the honor of being their chair. I have such admiration for what I consider to be true public servants - all of you who serve, without pay, working tirelessly to learn about all things Hanford and then creating values based, cogent advice on Hanford cleanup. The Hanford Advisory Board and its consensus process are the very best models of thoughtful, informed, civil discourse among caring, committed people with widely varying opinions who come together finding common ground to help achieve a shared goal - a better, safer, cost effective Hanford Site cleanup.

I believe the Chair of the HAB is the guardian of the processes that have served the HAB successfully for more than a quarter of a century - to the tune of more than 300 consensus advices and several white papers.

The DOE Site Manager, John Wagoner, opened the first HAB meeting in 1994 welcoming the HAB, "ensuring that contractors technical experts will be here to interact with you during your deliberations. DOE is committed to seeking your advice. We may not always be able to implement it, but we can't report back to you in writing the reasons why. Additionally, DOE cannot and will not control this Board - you are independent of DOE and its Hanford regulators. That is the only arrangement the people of this region will find credible."

Many thanks to the DOE, Ecology, and EPA staffs and contractors who have supported the Hanford Advisory Board.

Thank you all who are willing to be in leadership positions - it really is the best unpaid job ever, and I learned to really listen without spending that time forming my response! Doing the right thing because it is the right thing to do. Best wishes to the incoming chair.

In preparation for the HAB leadership election, each of the candidates submitted a statement of qualifications and interest which was distributed to HAB members with the agenda and other materials for this meeting. Susan Leckband asked if there were any others to be nominated for HAB chair. There were no additional nominations. Board members were then invited to ask questions of the two candidates for HAB chair: Jan Catrell and Steve Wiegman.

The first question was how would the candidates listen to everyone to make sure everyone has a voice?

Jan explained that although the HAB is unable to have in-person meetings currently, she has never failed to come to meetings due to weather. Although she lives in Bellingham, she looks forward to representing the HAB at any meetings that require travel which illustrates her commitment to the Board. Steve noted that one of the things he has learned is to start with a beginner's mind that can be filled with thoughts and input. Hanford is a fascinating place and representing the Board and its diversity of interests will be a challenge for whoever the Board selects.

With regards to a question about what initiatives each candidate wanted to bring to the job, Jan said she did not have any initiatives right now but is interested in hearing more about the additional six seats for the HAB. Steve explained that he wanted to have more collaboration with DOE to reduce surprises. In contrast, he said he thought the HAB should be a little bit more aggressive with Ecology.

Each candidate was asked to make a pitch for the importance and value of the HAB. Steve said that the importance of the Board is continuity through change. We have gone through many site managers, and the thing that stays in place is the HAB. Jan explained that she thinks the important role that the HAB chair has is to achieve consensus on pieces of advice. The HAB chair holds a position that is an important face for the public to help make sure the cleanup proceeds in the best way possible.

The next question concerned the scope of work for the HAB chair that is participation in the work of the national Environmental Management Site-Specific Advisory Board (EMSSAB). Jan explained that she has the ability to write statements and letters that can help the EMSSAB write advice. She noted that she understands what is at stake and would do her best to contribute to the EMSSAB mission as a whole. Steve said that there are a lot of dynamics so the main thing he sees is the need to be trained. He explained that he would carry on the history that Susan Leckband and Shelley Cimon have created as chair and vice chair of the HAB.

The question was asked of Susan Leckband with regards to how she manages different opinions among HAB members while having her own viewpoints. Susan responded by explaining that she always considers what the Board has said on any given topic. She always takes key HAB documents with her to meetings, such as the HAB values, as references. Steve then explained that he has a lot of opinions, so when he is quiet, he is listening to others. Jan noted that he has to learn as she goes. She really liked to engage people and has had many mentors on the HAB. Jan looks for a way to coordinate everyone's opinion.

The next question was how the candidates for HAB chair would handle a situation in which it becomes clear that a piece of advice will not be approved by the Board. Jan recalled a piece of advice that she thought did not have a chance of approval, but intelligent people started working together on it, and it did pass. Steve explained that he would try to see if there was a way to integrate the various and different views.

Voting was by email on the first day of the meeting. The final results were announced by the facilitator the morning of the second day. Many HAB members expressed their appreciation to both Jan and Steve for their willingness to step up to HAB leadership. The HAB selected Steve Wiegman as the recommended candidate to be the next HAB chair. Steve thanked everyone for their support and for giving him the purpose to serve the HAB. He said, "My purpose is your success."

The morning of the second day, Susan Leckband checked to see if there were any additional nominations for HAB vice chair or national liaison. There were no additional nominations for either position. Since both nominations were unopposed, and there were no objections to these nominees continuing to serve, the Board affirmed that Shelley Cimon would remain HAB vice chair, and Pam Larsen would remain national liaison.

TPA and the Consent Decree

Michael Turner, Mission Support Alliance (MSA), provided the HAB with an overview of the TPA and the Consent Decree that guide Hanford cleanup.

The Tri-Party Agreement

The legal name of the TPA is the Hanford Federal Facility Agreement and Consent Order. It can be found at <https://www.hanford.gov/page.cfm/TriParty/TheAgreement>. The parties to the agreement are DOE, EPA, and Ecology. It was signed in 1989 and is the legal agreement for achieving compliance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA).

The TPA provides a basis for budgeting and establishes responsibilities for reporting, change management, and public involvement. It also contains dispute resolution processes. The TPA contains three major parts: a legal agreement, a letter from the US Department of Justice, and an action plan. The action plan is the part that contains the plans, procedures, and implementation schedules commonly called milestones. There are 10 appendices in the action plan. Part D contains the work schedule milestones and target dates.

Legal authority for regulatory oversight of DOE's may be EPA or Ecology or a combination of both in a dual lead. An August 1996 memorandum of understanding between Ecology and EPA explains the roles between a lead and non-lead regulatory agency.

Because the TPA is a legal agreement, each of the TPA agencies has the right to enforce the terms of the agreement. EPA and Ecology also have the right to bring enforcement actions against DOE contractors. Although there are penalties spelled out under CERCLA, RCRA, and the Washington Hazardous Waste Management Act, TPA-stipulated penalties, which are somewhat different, are outlined in Articles IX and of the TPA. In addition, any person can bring suit against the TPA agencies if the agencies fail to follow the terms and conditions of the TPA. Between 1992 and 2020, a dozen penalties have been levied under the TPA (see slide 14 of the presentation).

The work accomplished under the TPA as of November 17, 2020 has been completion of 1,365 milestones out of a total of 1,710 milestones. There are three levels of activities under milestones. A major milestone is an enforceable milestone that represents a longer-term scope of work, generally longer than five years. Major milestones are usually the basis for a series of interim milestones and target dates.

An interim milestone is an enforceable milestone that represents an intermediate term scope of work that supports a major milestone. These are generally shorter than five years in length. A target date is not enforceable and represents a near-term scope of work of about 6-18 months.

In the event a new milestone needs to be created, the DOE Office of Chief Counsel and Headquarters involvement is required. Milestones themselves can require the development of additional milestones, and public involvement activities may be required. Other drivers of new milestones can be TPA clauses regarding tank waste remediation, liquid effluent discharge, disposition documentation, and project management plans.

When a change to the TPA is needed, the TPA agencies need to determine the significance of the change, which could include such considerations as substantial adverse effects on the environment, impact on a major milestone, effects on interested parties, or a requirement for public involvement. All changes to the TPA are processed using a Change Control Form. Changes are categorized in three ways from a change to a major milestone (Class I), a change to an interim milestone (Class II), or a change to a target date (Class III). Class I and Class II changes may require public involvement.

EPA and Ecology have 14 calendar days to approve or disapprove a DOE Change Control Form. If the change is disapproved, DOE has seven calendar days to initiate dispute resolution.

When it comes to funding requests, DOE must request funding levels that support full compliance with TPA milestones, also referred to the “full compliance funding” case.

The TPA agencies are required to maintain Administrative Record (AR) files for each cleanup decision. The AR is housed on the AR website and are publicly available. All documents that provide the basis for a cleanup decision must be in the AR at the time the decision document is signed. DOE is responsible for the AR for CERCLA decisions. Ecology is responsible for maintaining the official RCRA records. Currently, the AR holds more than 100,000 records.

The TPA Public Involvement Plan (PIP) is the overall guidance document for public participation and outreach activities at Hanford. It is consistent with CERCLA and RCRA public participation requirements for public meetings, comment periods, email lists, public information repositories, and fact sheets. It was last updated in 2017. The TPA and the PIP also outline the TPA agencies’ responsibilities for engaging tribal nations in Hanford activities, including government-to-government consultation.

The Oregon Department of Energy (ODOE) is not a TPA agency but has a special relationship with DOE that is documented in a Memorandum of Understanding (MOU). The MOU covers communication, sharing of information, and expectations for interactions related to TPA negotiations, public involvement, nuclear waste issues, transportation of radioactive materials, and the Consent Decree.

The Consent Decree

Michael Turner explained that consent decrees are settlements issued by courts who retain enforcement authority for those settlement agreements. The Hanford Consent Decree was the result of a court matter regarding the inability of the TPA agencies to come to agreement following the realization that the original TPA milestones for the Waste Treatment Plant (WTP), single-shell tank retrieval, and tank waste treatment were in jeopardy of being missed. The suit was settled in 2010 and resulted in a court-enforceable consent decree.

The Consent Decree contained new milestones for WTP construction, single-shell tank retrieval, and waste treatment. It was amended twice in 2016 and again in 2018 to extend milestone dates. The four major Consent Decree milestones are:

- Retrieve at least five tanks by June 30, 2021 or the state may petition the court to order DOE to build new double-shell tanks.
- Retrieve all affected single-shell tanks by September 30, 2026.
- Complete Low-Activity Waste Facility hot commissioning by December 21, 2023.
- Initiate hot start of Pretreatment Facility – WTP by December 31, 2033.

DOE must submit monthly and quarterly progress reports under the Consent Decree. The consent Decree provides for informal dispute resolution, in addition to more formal petition of the court. Amendments to the Consent Decree can be made by mutual agreement of the TPA agencies, approval of the court, or through the dispute resolution process.

Board Discussion

In response to a question about funding and budget, John Price, Ecology, explained that Ecology does not see what the local DOE office sends into DOE Headquarters. The HAB concern was that the HAB does not have input until it is too late in the budget process. John noted that although there is not public comment available into a judge's decision regarding the Consent Decree, HAB input and public input on proposed milestone changes does have an impact.

Additional discussion included concerns from the Tank Waste Committee (TWC) regarding System Plan 9 and the amount of money needed to support its scenarios without delaying work, and concerns from the Budgets and Contracts Committee (BCC) about the development of draft advice on cleanup priorities that will be meaningful.

HAB Committee Reports

Budgets and Contracts Committee (BCC)

Tom Galioto, Public-at-Large and BCC chair, explained that the main item for the BCC is gearing up efforts to put an Issue Manager (IM) team together to draft advice on cleanup priorities for consideration at the March HAB meeting. Tom would like a representative from each HAB committee to be on the IM team. The BCC does not need a call in December and would like a call in January. Tom anticipates that there will be a number of IM team calls in the next few months.

Public Involvement and Communications Committee (PIC)

Jeff Burright, ODOE and PIC chair, thanked Emy Laija, EPA, for her presentation on community involvement at the recent PIC meeting. The PIC has identified the need for draft advice on an emerging issue that was triggered by a recent TPA change. The draft advice concerns public involvement on important documents that guide Hanford cleanup and is anticipated to go before the full Board in March. In addition, there is now a virtual tour of Hanford available. PIC is interested in learning more about the tour and who is using it.

River and Plateau Committee (RAP)

Jan Catrell, League of Women Voters and RAP chair, indicated that RAP had been asking for an update on the Hanford Site Five-Year Plan and just saw that the update had been sent out. The committee would like a December call to talk about its January meeting. Tom Sicilia, ODOE and RAP vice chair has volunteered to be on the Cleanup Priorities IM team. HAB members have asked for hard copies of the groundwater presentation from the November meeting be mailed to them. Jan asked if Gary Younger, DOE, would keep RAP updated on the status of that formal request. Gary indicated that DOE is still working through that request.

Health, Safety, and Environmental Protection (HSEP)

There was no update from the HSEP Committee.

Tank Waste Committee (TWC)

Bob Suyama, Benton County and TWC chair, gave a brief overview of the two topics from the November TWC meeting: Tank Farms Introduction and System Plan 9. Of particular note was the unescalated life-cycle cost profiles for the various scenarios under System Plan 9 that currently exceed the funding that Hanford receives. TWC has requested three topics for its next meeting: DFLAW critical path update, WTP commissioning phases, and Composite Analysis and Performance Assessments. TWC does not need a December call to prepare for its January meeting.

Ruth Nicholson, HAB facilitator reviewed the upcoming requests for committee calls and meetings.

- December 2020
 - RAP call to plan its January meeting on December 16 at 11:00 am Pacific.
 - IM team call to work on draft advice from PIC on public involvement for key documents on December 14 at 9:00 am Pacific.
- January 2021
 - RAP meeting on January 12
 - TWC meeting on January 13
 - EIC meeting on January 14
 - BCC call on January 26
 - HSEP call on January 26
 - PIC call on January 27 to work on agenda for March PIC meeting
 - Schedule an IM team call to work on the HAB Process Manual (EIC sponsor)
 - Schedule an IM team call to work on draft advice on Cleanup Priorities (BCC sponsor)
- February 2021
 - PIC call on February 24 to work on agenda for March PIC meeting
 - HSEP has requested a meeting

Environmental Management Site-Specific Advisory Board (EM SSAB)

The time set aside for the EMSSAB update was used to discuss DOE's announcement of the addition of six seats to the HAB. Stan Branch, DOE, explained that the Hanford DOE office have had some requests from national DOE leadership to expand the HAB board. DOE thinks it is a good thing to look at more cross pollination of ideas.

Some HAB members expressed dismay at the manner in which the addition of six new seats was being handled. They wanted dialogue about the need for additional members and the process of adding them. Others wanted to know what problem or issue was being addressed by adding six more seats, and if adding seats was the most appropriate solution to the identified problem. The question was asked how the number six was identified. Stan Branch said there had been interest from potential stakeholders but declined to identify them.

Other HAB members expressed mixed feelings in light of the challenges of existing public involvement efforts. One concern was the ability to get a quorum with a larger number of seats since there is sometimes difficulty in getting a quorum with the existing HAB. Another concern was if the HAB budget would be increased to accommodate an almost 20% increase in HAB membership.

A question was asked if part of the addition of the six seats also included cutting alternates from the existing seats. Gary Younger replied that DOE does not plan to cut alternates from the Board.

The request was made that a DOE provide the EIC with a clear proposal for the six new seats so the EIC can gain a clear sense of what is being proposed. Stan Branch agreed to get a response to that question for the EIC.

Another question concerned the ability to make appointments in between normal Board membership packets since there are three current vacancies on the Board. In the course of the explanation of the appointment process, it seemed unlikely that these vacancies would be filled before the next formal HAB packet in 2021.

Federal Advisory Committee Act (FACA)

Kelly Snyder, DOE, gave an overview of FACA and the EMSSAB. She is the Designated Federal Officer (DFO) for the EMSSAB at the national level.

Kelly explained that the EMSSAB was chartered under FACA in 1994 to involve local citizens more directly in DOE site cleanup. Currently, there is one national charter for the EMSSAB with eight local boards underneath it for Portsmouth, Oak Ridge, Nevada, Savannah River, Paducah, Idaho, New Mexico, and Hanford.

The purpose of FACA is to ensure that advice from advisory boards and committees is objective and accessible to the public. It formalizes the process for establishing and operating advisory boards. The benefits of FACA include improving citizen trust in government through participation and transparency. There are about 1,000 federal advisory committee in existence at any one time.

For DOE, there are a number of key players in the EMSSAB including:

- The General Services Administration Committee Management Secretariat,
- DOE Headquarters through the Committee Management Officer and the Designated Federal Officer (DFO),
- DOE field sites through Deputy Designated Federal Officers (DDFOs), federal coordinators, and local board staff,
- Board members, and
- Liaisons through state and local representatives.

The basic FACA requirements include a charter that outlines a board's specific purpose, open access to meetings and documents, a "fairly balanced" membership, and opportunity for public comment. While there are no criminal, civil, or monetary penalties for a violation of FACA, litigation can be time consuming, prohibit meetings or use of advice, and undermine credibility and trust.

Under the EMSSAB charter, Boards may provide advice and recommendations at the request of the Assistant Secretary or Field Managers on these EM site-specific issues:

- Cleanup activities,
- Environmental restoration,
- Waste management and disposition,
- Excess facilities,
- Future land use,
- Long-term stewardship,
- Risk assessment, and
- Communications.

DOE has a number of responsibilities under FACA, including approving meeting agendas, call and adjourn every board and subcommittee meeting, maintain records, nominate members for appointment, and ensure compliance with FACA, federal regulations, and DOE guidance and policies.

Board member responsibilities include attending meetings, providing recommendations at the request of EM management, and working collaboratively to establish a work plan that focuses on the board's mission. Although EMSSAB members are not subject to the same federal ethics regulations as federal employees, they are asked to refrain from using their membership on the EMSSAB for personal gain and to act impartially and avoid the appearance of impropriety.

Regulatory Perspectives

Dave Einan, EPA, expressed appreciation for the presentation. Randy Bradbury, Ecology asked about how

Randy Bradbury, Ecology, observed that Kelly Snyder's presentation was clearly designed for FACA boards in general, but that the HAB was different. It operates under a different kind of charter and advises the three TPA agencies. He asked in what ways does that change the points Kelly made about FACA boards with respect to the HAB.

Kelly responded that the charter under which the HAB operates is the same as all the other EMSSABS because it is a single FACA charter. It changes at the next level where the HAB MOU and operating procedures are. Both levels of guidance must be met, and they all must align at the top with FACA. That is why updates of the HAB bylaws must be reviewed by DOE Headquarters. Kelly notes that although the HAB is different than the other boards, the overall mission is the same.

Randy further noted that this is a different approach and creates a contentious relationship with the other TPA agencies. Ecology assumed that the HAB MOU created a different relationship with DOE. Years ago, Ecology had its own advisory board for Hanford that was subsumed into the HAB based on the assurance that the HAB equally advised EPA and Ecology. What Kelly presented is a different perspective and one that Ecology will have to look at from a legal standpoint.

Kelly clarified that she was speaking from a DOE Headquarters FACA perspective. Each EMSSAB is set up with its own bylaws. If there are specific questions about the HAB, she suggested that people sent them to the Hanford DDFO or federal coordinator at DOE.

Randy noted that at Hanford, we have always operated on the premise that questions go to all three TPA agencies, not just DOE. If legally, the HAB is bound by some of what Kelly has outlined, Randy

expressed concern that is a difference that may not serve the purposes of the HAB. The TPA agencies have not always seen eye-to-eye on what governs the HAB in recent years.

Board discussion

Steve Wiegman, Public-at-Large asked what the board's involvement was in a local determination for adding or subtracting seats from a board. Kelly responded that new seats could be added in instances where there is an interest that is impacted and not being met at the local level. It is not appropriate to use representation for entities that are not from the area near the site. Just because an organization is interested in site does not mean they are impacted, so simply being interested does not qualify an organization to be represented. The HAB is the outlier on the EMSSAB because it is set up differently than the other boards.

Susan Leckband noted that the HAB is a regional board of organizations and interests. She observed that the HAB is 100% in compliance with the MOU. She explained that the HAB struggles with the changing interpretations of DOE guidelines and orders that affect the HAB. The HAB believes in collaboration with all three TPA agencies. Kelly clarified that most of the eight SSABs have members from their local communities. No other SSAB is set up the way the HAB is in which organizations are represented, not individual community members.

Jeff Burreight, Oregon Office of Energy, asked about something DOE has said that threatens to change how the HAB does business. Specifically, he asked for the FACA citation that requires that a DOE representative must be at all Issue Manager (IM) meetings or calls. He explained that IM teams are subgroups of HAB committees, not formal committees. They historically have not been supported by the facilitation team, and there has been no need for the TPA agencies to be present in order for IM teams to meet. At the last Public Involvement and Communications (PIC) Committee meeting, DOE indicated that it had not been enforcing the IM team oversight function appropriately. Specifically, PIC was informed that now, any time two people on the HAB get together to talk about a piece of draft advice, that is effectively a meeting of a subcommittee under FACA.

Kelly acknowledged that the HAB was created before the EMSSAB. She clarified that for each advisory board, the DDFO must call and attend the meeting if the group of people meeting are a part of a FACA board. The DDFO can delegate this responsibility to another federal employee or contractor. The reason is that FACA requires this. She cited 41 CFR 102-3.120. In addition, the federal official can be a resource and ensure transparency. Kelly explained that minutes are not required for subcommittees. However, DOE needs to be able to explain the process of work and how recommendations were developed and approved, including what dialogue took place, so it is important to have notes from subcommittee meetings. Kelly emphasized that it was not DOE's goal to slow progress and the work of a board, but it is important that communication among board members is within the approved scope of the board's work plan.

Action Item: Kelly Snyder will provide the HAB with the written citation that requires that a DOE person be present for IM team meetings or any conversations between two members of the HAB regarding Board work.

HAB members expressed concern that every year, the review of the HAB membership and appointment packet takes longer and longer at DOE Headquarters. Kelly responded that each site does its membership packet differently. There is a pre-review, after which the packet is sent back to the sites to respond to questions. Each site then sends the packet back to DOE Headquarters. There are multiple steps and multiple people who have to sign off on the membership package.

Board Business

Board members identified topics and potential products for the March HAB meeting:

- Draft advice from PIC on public involvement for key documents guiding cleanup,
- Draft advice from BCC on cleanup priorities,
- Proposed revisions from the IM team on the HAB Process Manual (EIC is the sponsoring committee),
- Discussion or an IM team to work on draft advice on Hanford end states, and
- A transition update on new site contracts, the new presidential administration, and COVID implications and impacts.

Attachments

Attachment 1: [Meeting Agenda](#)

Attachment 2: [DOE Update](#)

Attachment 3: [Ecology Update](#)

Attachment 4: [Tri-Party Agreement and the Consent Decree](#)

Attachment 5: [Introduction to the Environmental Management Site-Specific Advisory Board](#)

Attendees

Board Members and Alternates:

Steve Anderson, Primary	Phil Lemley, Primary	Larry Haler, Alternate
Kristie Baptiste-Eke, Primary	Liz Mattson, Primary	Phil Lemley, Alternate
Richard Bloom, Primary	Gerry Pollet, Primary	Steve March, Alternate
Shelley Cimon, Primary	Jacob Reynolds, Primary	Michael Mays, Alternate
Susan Coleman, Primary	Susan Leckband, Primary	Marissa Merker, Alternate
Shannon Cram, Primary	Dan Solitz, Primary	Mason Murphy, Alternate
Robert Davis, Primary	Bob Suyama, Primary	David Reeploeg, Alternate
Tom Galioto, Primary	Steve Wiegman, Primary	Tom Sicilia, Alternate
Becky Holland, Primary	Jeff Burrigh, Alternate	Dan Strom, Alternate
Emmitt Jackson, Primary	Jan Catrell, Alternate	Chris Sutton, Alternate
Pam Larsen, Primary	Angela Day, Alternate	Amber Waldref, Alternate

Others:

Stan Branch, DOE	Maxwell Woods, ODOE	Laura
Linda Maiden, DOE	Earl Fordham, WDOH	Theresa
Carrie Meyer, DOE	Tom Rogers, WDOH	David B
Kelly Snyder, DOE	Lindsay Strasser, AttainX	Padraic Fox
Brian Vance, DOE	David Swale, BWX	Kelly Houston
Gary Younger, DOE	Dieter Bohrmann, CHPRC	Joan Lucas
Randy Bradbury, Ecology	Stephanie Brasher, MSA	Steve Olson
Suzanne Dahl, Ecology	Dana Cowley, MSA	Michael Sobotta
Ryan Miller, Ecology	Coleen Drinkard, MSA	John Stang
Stephanie Schleif, Ecology	Tyler Oats, MSA	Scott W
Ginger Wireman, Ecology	Michael Turner, MSA	Teresa Wright
Dave Einan, EPA	Jasmine Martinez, ProSidian	
Emy Laija, EPA	Ruth Nicholson, HAB facilitator	
	Annette Cary, Tri-City Herald	
	Peter Bengtson, WRPS	
	Wayne Barber, Weapons Complex Monitor	

Note: Participants for this virtual meeting were asked to sign in with their name and affiliation in the CHAT box of GoToMeeting. Not all attendees shared this information, so the attendance list reflects what information was collected at the meeting.