

October 2012

Excerpts from the Comment and Response Document on the Tri-Party Agreement Hanford Public Involvement Plan

Hanford Advisory Board Advice #251, submitted by Susan Leckband, Chair

Proposed Additions to the Plan

Comment A: The Board advises that because the Plan is used by the TPA staff for public involvement efforts and is a guide for the public, the Board advises the agencies revise the Plan with both audiences in mind. The Board advises that a statement of purpose be added to the Plan as a preface to explain the characteristics and the goals of the document. The Board advises the Plan should more fully explain the importance of public involvement (Plan, page 8). The document should expand on and further explore the statement "when the public is involved in the decision-making process, better long-term decisions are made" with specific examples of how this is the case. The Board advises the TPA agencies include an appendix to, and references within the text of, the Plan that clearly describe the specific, legal requirements for public involvement at Hanford. The Board advises that the decision making requirements in Section 2 ('Hanford Decision Making Process') of the Plan be more carefully defined so that public involvement requirements and expectations are clear. The Board advises the agencies include a statement on page 18 of the Plan under the heading 'email list' that reflects an intention to increase the number of interested citizens on the TPA Hanford Listserv and regular mailing list.

Comment H: The Board advises and urges the TPA agencies update the Plan with Hanford-specific elements on implementing the U.S. DOE's Open Government Plan as it relates to the Hanford Public Involvement Plan (Board Advice 240).

Response to Proposed Additions to the Plan Comments: The Parties have considered the suggested clarifications and additions to the Plan and have incorporated several of them. The Parties added a Preface that states the purpose of the Plan and the layout of the document. The Frequently Asked Questions (FAQ) about Hanford Public Involvement that includes a section on legal requirements for public involvement was added as an appendix to the Plan. The figures and text in Section 2, which describes regulatory decision-making processes at Hanford, were updated and clarified. The Hanford Natural Resource Trustee Council was added to Other Groups Involved in Hanford (Section 4).

The Parties agree that the principles of accessibility, accountability, and communication are important. These principles were considered and are reflected throughout the Plan.

Individuals who comment electronically on any document currently receive TPA Listserv notices. Their names are officially added to the listserv unless they request to be removed. The Parties are continuously working to increase the number of people on this email list.

Proposed Updates to Figures in the Plan

Comment F: The Board advises that the TPA agencies revise Figure 3 in the Plan (page 15), and add additional figures as necessary to align and coordinate the information with the Washington Dangerous Waste regulatory requirements.

Response to Proposed Updates to Figures in the Plan Comments: *Thank you for your suggestions. The Parties updated the existing figures in the Plan to make them more accurate and easier to understand, but did not add any additional figures. We did, however, add some information to Section 2 on the different classes of permit modifications and explain the differences between "meetings" and "hearings" in the Frequently Asked Questions found in Appendix A of the Plan.*

Meeting Locations, Requests, and Frequency

Comment E: The Board advises the TPA agencies that it is important to hold public meetings in diverse locations in order to reach an expanded public. This commitment to hold public meetings in diverse locations should be clarified in the Plan. This would ensure that the public in key locales which have had few or no meetings will have the opportunity for meetings in the future. Furthermore, language identifying how the public may request a public meeting, including specific contacts, should be included.

Response to Meeting Locations, Requests, and Frequency Comments: *The Parties agree on the need to better define the process to request a public meeting or hearing. That process is explained in the Frequently Asked Questions found in Appendix A of the Plan.*

The Tri-Party Agreement (Chapter 10.0 Community Relations/Public Involvement) states that public meetings on Hanford decision documents will be scheduled on an as-needed basis. This "as-needed basis" is assessed through interactions between the TPA agencies and stakeholders, interested members of the public, the HAB, and the State of Oregon. A Memorandum of Understanding (MOU) between DOE and the State of Oregon outlines how the agencies work together on Hanford-related public involvement activities held in Oregon. This MOU can be viewed at <http://www5.hanford.gov/arpir/?content=findpage&AKey=1104080335>. Washington and Oregon also have a separate Memorandum of Agreement that gives the Oregon Department of Energy the opportunity to review Ecology's correspondence with DOE, consult with Washington State regarding changes and progress at Hanford, and provide input before final decisions are made.

Input received through consultations with Tribal Nations is also considered. The Parties maintain a government-to-government relationship with the Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe. We meet regularly with tribal representatives and offer consultation on actions, decisions, and program implementation that may affect the tribes. The Parties also consult with the Wanapum Tribal Community that lives adjacent to the Hanford Site and with the Confederated Tribes of the Colville Reservation on cultural resource issues.

Other factors that are considered when determining the need for a public meeting are:

- *Public interest in the topic as expressed by public interest groups and other stakeholders;*
- *The number of public meetings that have been held in the past year or future meetings considered for that location;*
- *Other public involvement activities, such as workshops or open houses, scheduled on a given decision or issue.*

The Parties often receive input from stakeholders located downwind and downriver from the Hanford Site, such as those located in Spokane and Hood River, stating their interest in having public involvement activities conducted in their area. We also receive similar input from stakeholders not immediately located downwind or downriver from Hanford, such as Seattle. While proximity to Hanford is one factor that may be considered, it is not a deciding factor for where to hold public meetings since stakeholders across the region have demonstrated significant interest in Hanford cleanup issues.

Once a city is selected, the Parties work with the organizations and interest groups in that area to select a specific meeting location. We take into consideration factors such as access to public transportation and parking, facility availability and resource constraints. Since the Parties weigh a number of factors in determining the location and number of public meetings to hold on a given cleanup decision or issue, we do not believe a public meeting requirement tied to a specific number of requests (e.g., 10 or 20 requests) is an effective or balanced way to base the number of public meetings or selection of locations. It is important for the Parties to first gauge the level of public interest in a cleanup issue before deciding to have a public meeting on that issue.

The Parties conduct Quarterly Public Involvement Planning meetings where agency representatives discuss upcoming public involvement activities and solicit feedback from stakeholders and members of the public on issues of interest. These meetings are advertised through Hanford Listserv notices, and call-in numbers are provided for those who cannot attend in person. If you would like to participate in these TPA quarterly meetings, please join the listserv at <http://listserv.wa.gov/> to be notified of upcoming meetings and other Hanford public involvement activities.

We continuously work to balance our public involvement commitment with resources – both time and money. In this time of constrained budgets, the Parties must work with the cleanup projects and the stakeholders to determine how and where to spend limited public involvement dollars.

Annual Updated Goals and Action Plan

Comment C: The Board advises the agencies develop an annual updated public involvement action plan that is referenced in the Plan. This action document should identify upcoming events, public involvement goals (e.g. increasing the number of people on the TPA Hanford Listserv), public involvement strategies, and decisions for the calendar year. Ideally, this action document will serve as a blueprint for TPA agencies public involvement activities.

Response to Annual Updated Goals and Action Plan Comments: *The Parties acknowledge some commenters have asked that a public involvement strategic plan, updated annually, be included as part of the Hanford Public Involvement Plan. The Parties do not agree with the inclusion of such a*

document in the Plan. The document would require frequent updating and the Plan is not updated on a frequent or annual basis. The Plan identifies the overarching public involvement goals in Section 1. These goals provide the basis for more detailed communication plans that may be developed for key decisions. These communication plans vary from a few paragraphs to several pages and reflect feedback received from stakeholders and/or the public.

The Parties developed and use another tool, the "TPA Public Involvement Calendar" (http://www.ecy.wa.gov/programs/nwp/PI/pdf/TPA_PI_Calendar.pdf) to identify upcoming decisions and public involvement activities. It is updated frequently as information is revised or becomes available. The calendar is discussed at the TPA Quarterly Public Involvement Planning meetings. As stated previously, the Parties plan to do an annual evaluation that will be based on goals identified in the Plan.

As noted earlier, we are adding to the listserv names of individuals who electronically comment on documents and encouraging individuals to sign up for the listserv at outreach activities (e.g., Speakers Bureau).

The Hanford workforce, including contractors, makes up a large part of the Tri-Cities public. Many of those individuals use their work email to receive Hanford cleanup information. The Parties do not believe this public can or should be ignored or discounted.

Responding to Public Comments

Comment G: The Board advises the TPA agencies add language to the Plan to reflect how public input was incorporated into decisions as a response to the public comment process. Furthermore, the Board reiterates the point in Board Advice 225 that the TPA agencies provide their responses to public comment two weeks prior to formal decisions.

Response to Comments on Responding to Public Comments: The Parties agree. It is important to complete the communication loop and let the public know how their input did, or in some cases did not, affect a decision.

All public comments received during a formal public comment period (e.g., CERCLA action, Hanford Site Dangerous Waste Permit action, proposed changes to the TPA) are responded to and considered before finalizing a cleanup decision. CERCLA decisions (referred to as a Record of Decision) include a Responsiveness Summary that summarizes public comments received on a proposed cleanup plan and provides the Parties' responses. The Responsiveness Summary also identifies what changes were made based on public comments. Public comments received on other documents such as significant proposed changes to the TPA or Hanford Site Dangerous Waste Permit actions, are addressed in a Comment and Response document.

Anyone who submits an electronic comment, makes a comment at a public meeting or submits a written comment and provides an address is notified when the Comment and Response document is issued and how to access it in the TPA Administrative Record. Individuals who submit comments in writing or electronically are notified and provided a link to the document. Also, listserv notices

announce the availability and access to comment and response documents. We encourage those who provide formal public comment to join the Hanford Listserv or provide their contact information so that we can notify them that a Hanford decision had been made.

The Parties acknowledge the HAB's advice to provide responses to public comment for public review two weeks prior to issuing formal decisions. However, we do not agree with the need to add an additional review period. We carefully weigh all comments received before formal decisions are finalized.

Records Accessibility

Comment D: The Board advises the agencies add language to the "Public Comment Periods" segment of Section 1 of the Plan to clarify how documents may be found on the Hanford Website and in related information repositories. The added language also needs to clarify how comment periods shall be extended when key documents are unavailable.

Response to Records Accessibility Comments: The Parties agree that decision documents out for public review should be publically available for the duration of the comment period. The Parties work to ensure documents out for public comment are accessible prior to the start of a comment period. The documents are sent to the TPA Administrative Record (<http://www2.hanford.gov/arpir/>) for that particular action and Public Information Repositories (PIRs) in Richland, Seattle, Spokane and Portland. The contact information for all the PIRs is found in Section 3 of the Plan.

Links to the documents can also be found on the Hanford Events Calendar at www.hanford.gov/pageAction.cfm/calendar during the comment period. These links also provide access to other supporting documents.

Regarding Ecology's policy, the agency's Nuclear Waste Program did change its policy on how it deals with security-sensitive materials it receives from the Department of Energy at Hanford. The policy includes an explanation of when and how Ecology comment periods may be extended when potentially sensitive materials may be involved.