

**FLEET AND INDUSTRIAL SUPPLY CENTER OAKLAND
ALAMEDA FACILITY/ALAMEDA ANNEX (FISCA)
RESTORATION ADVISORY BOARD
MEETING MINUTES**

JULY 12, 2006

These minutes summarize the discussions from the meeting of the Restoration Advisory Board (RAB) for the Fleet and Industrial Supply Center Oakland, Alameda Facility/Alameda Annex (FISCA). The meeting was held in the Alameda Point Main Office Building (Building 1) on July 12, 2006. The agenda and sign-in sheet are included as Attachment 1. The following participants attended the meeting:

Co-chairs:

Ken Hansen	RAB Community Co-chair
Thomas Macchiarella	Base Realignment and Closure (BRAC) Program Management Office (PMO) West, Navy Co-chair

Attendees:

Jamie Hamm	Sullivan International Group, Inc.
Judy Huang	Regional Water Quality Control Board (Water Board)
Joan Konrad	RAB Member
Lou Ocampo	BRAC PMO West
Mary Parker	BRAC PMO West
Mike Quillin	ERM
Peter Russell	City of Alameda/Russell Resources
Jean Sweeney	RAB Member
Jim Sweeney	RAB Member
Henry Wong	Department of Toxic Substances Control (DTSC)

1.0 WELCOME AND INTRODUCTIONS

The meeting began with introductions and a review of the agenda (see Attachment 1). Mr. Hansen welcomed the meeting participants and initiated a round of introductions.

2.0 APPROVAL OF MEETING MINUTES

Mr. Hansen requested comments and proposed changes to the RAB meeting minutes from April 12, 2006. Mr. Macchiarella provided the following comment:

- Page 6, Section 6.0, first paragraph, second to last sentence, “Navy RAB rules” will be changed to “Department of Defense RAB rules.”

There were no additional comments, and the minutes were approved as amended.

3.0 RAB MEMBER APPRECIATION

Mr. Macchiarella extended his appreciation to Alameda Annex RAB members Jim and Jean Sweeney, Ken Hansen, and Joan Konrad for their service and dedication to the RAB. He presented each of them with a certificate of appreciation, signed by Laura Duchnak, Director of the Navy BRAC Program Management West. Mr. Hansen thanked Mr. Macchiarella for the letter and the recognition.

4.0 UPDATE ON FS, BASEWIDE PAH, AND DRAFT SMP

Mr. Ocampo provided an update on the feasibility study (FS) for basewide polycyclic aromatic hydrocarbons (PAHs) in soil and noted that the Navy has received electronic copies of DTSC’s comments on the reports. The Navy will respond to the comments once written DTSC comments are received and plans to submit a draft final FS in September 2006.

Mr. Ocampo discussed the annual draft site management plan (SMP) update. He said that the SMP is a list of current and future projects, schedules and milestones. The SMP will be distributed to the agencies after this presentation of the draft SMP. The goal is to solicit comments from the BCT on the draft before the SMP is distributed. The projects include the FS for base wide polynuclear aromatic hydrocarbons (PAHs) in soil, proposed plan (PP), for base wide soil and groundwater, remedial action plan/record of decision (RAP/ROD), land use control remedial design (LUC RD) for Installation Restoration (IR) Site 02 and Marsh Crust, and the second 5-year review at FISCA. Mr. Hansen asked if a 5-year report had been completed previously. Mr. Macchiarella responded that one 5-year review report was completed in April 2006; the next is scheduled for 2011. Mr. Hansen asked if the second 5-year review would be for both Alameda Point and Alameda Annex. Mr. Macchiarella responded that the Navy plans one schedule for the 5-year review reports at each installation. Since the subject 5-year review report address two installations (the Former Alameda NAS and the former FISCA) each installation will have the same schedule. The first 5-year review report at an installation sets the schedule for all future 5-year reports at that installation. Therefore, any sites that will require a 5-year review will be evaluated in the 2011 report, even if the time elapsed may be less than 5 years. Mr. Russell asked Mr. Ocampo if he had received the comments from the City of Alameda on the basewide PAH FS. He replied that he had received the

document. Ms. Sweeney asked if the RAB would receive a copy of the draft SMP. Mr. Macchiarella responded that the SMP would be mailed to the RAB members.

5.0 UPDATE ON IR02 GROUNDWATER PROJECT

Ms. Parker commented that the PP for the groundwater plume at Operable Unit 5/IR Site 02 (OU5/IR02) was released to the public at the beginning of March 2006. The public meeting for the PP was held on March 15, 2006. The Navy awarded a contract to obtain additional pre-design data before the Navy develops the remedial design for the project. The pre-design data will provide additional information to help define the limits of the groundwater plume and support the remedial design. Mr. Hansen asked about the components of the remedial design. Ms. Parker responded that the remedial design and remedial action work plan would explain the treatment system components and process, how it will operate, and system monitoring. The Navy is preparing a pre-design work plan with field work before the remedial design is completed. The Navy met with DTSC to discuss the contents of the pre-design work plan on June 1, 2006. Ms. Sweeney asked about the intended use of the additional data. Ms. Parker responded that the data would be used to better define the plume boundary and support the remedial design. Mr. Macchiarella asked about the dates for the pre-design work plan and ROD. Ms. Parker responded that the draft pre-design workplan is scheduled to be issued in September 2006 and that the Navy is still working on the ROD, which will be issued later in 2006 or 2007. The remedial design is planned to be issued in summer 2007. Ms. Hansen asked if there would be more public involvement in the remedial design. Mr. Macchiarella responded that most of the public involvement was accomplished in the PP but that an additional fact sheet would be sent to the public. In addition, a notice will be published in the local newspaper that the ROD has been signed.

Ms. Sweeney asked if the bio-sparging would be conducted in areas near residences. Ms. Parker replied that bio-sparging would be implemented in some inhabited areas, but the Navy will take precautions to minimize noise or disturbance.

6.0 CITY UPDATE ON LATEST SOIL SAMPLING

Mr. Quillin provided an update on the city's latest round of soil sampling. He noted that field sampling results showed 21 of approximately 115 locations where DTSC's screening levels were exceeded at one or more depths for PAHs or the residential screening levels for cadmium or polychlorinated biphenyls (PCBs). Based on these results, 49 additional step-out locations were advanced. From the 49 sample locations, 91 samples from various depths will be analyzed for PAHs, 10 samples will be analyzed for naphthalene, and 12 samples will be analyzed for PCBs. Mr. Quillin noted that some data have not yet been received from the laboratory. The current data available, however, show only four additional locations where screening levels were exceeded for PAHs. The results have demonstrated that the average concentration of PAHs across the site is below the 0.62 parts per billion DTSC screening level. Ms. Konrad asked about the condition of the northeastern corner of the site. Mr. Quillin responded that this parcel was not evaluated as part of the current investigation; therefore, additional analysis of soil would be required if the City of Alameda were to propose the area for residential use. In the past, this area formerly contained IR

Sites 4 and 6, which were contaminated by petroleum products that restricted the property to commercial/industrial use.

Ms. Sweeney asked where the additional hot spots are located on the property. Mr. Quillin pointed out the position on a map of the areas where screening criteria were exceeded for PAHs. However, he believes the extent of the contamination has been delineated. Ms. Konrad asked about the source of the PAH contamination. Mr. Quillin responded that it is generally believed that the PAH contamination originated from the fill material brought onto the base. Mr. Quillin said he would submit a summary report for the RAB to review by October 2006. Mr. Hansen requested that a representative from Catellus, the developer, discuss the proposed use or plan for Alameda Annex at the next RAB meeting.

7.0 DISCUSSION ON RAB MEETING FREQUENCY AND DoD RAB RULE

Mr. Macchiarella distributed a copy of the Department of Defense (DoD) final RAB rule to the RAB members. Title 32 Code of Federal Regulations Part 202 governs the administrative practices and procedure for RABs. Part 202.10 defines the procedure and requirements on RAB adjournment and dissolution. Mr. Macchiarella explained that adjournment is the routine way to end a RAB; dissolution may apply in cases where members disagree about continuing the RAB. A merging of the FISCA RAB with the Alameda Point RAB would also probably fall under adjournment. RABs can adjourn if there is no longer a need for the board, a ROD has been signed for all the sites, the goals of the RAB have been achieved, if the installation has been transferred out of DoD control, or if the community is no longer interested in the RAB. Ms. Sweeney noted that an adjourned RAB can be reinstated if needed. Mr. Macchiarella noted that the web site for the Defense Environmental Network and Information Exchange both include chat rooms for RAB members to exchange information with other board members from across the country.

Mr. Hansen asked why the public meetings for the PPs are not held concurrently with RAB meetings. Mr. Macchiarella responded that the Alameda Point RAB decided to separate public meetings but present the PP to the RAB before the public meeting, so that more time is available to discuss the document before comments are submitted. Mr. Hansen said that it would be a more efficient use of time for the Navy to combine the public meetings with the RAB meeting. Mr. Hansen noted that involved community members often volunteer for several different organizations and this combination would be a benefit because they would attend fewer meetings. Mr. Hansen encouraged the RAB to review the adjournment sections of the RAB rule.

8.0 COMMUNITY AND RAB COMMENT PERIOD

Ms. Sweeney asked about the progress on flush mounting the monitoring wells that obstruct the bike path. Mr. Macchiarella noted that this property is no longer Navy-owned and rather is owned by the City of Alameda. If the City of Alameda plans to modify or abandon those wells, the Navy might need to grant permission. Ms. Sweeney asked if the City of Alameda would abandon the wells. Mr. Russell said that funding is not available for the City of Alameda to abandon the wells

and that the city prefers to include the expense in the redevelopment costs. However, he will look into the issue.

Ms. Konrad asked about the time required to complete sample collection for analysis of PAHs.

Mr. Quillin responded that field work is completed and he does not anticipate a need to return to the field before the city completes its FS. The FS should be completed in September or October 2006. He added that the City of Alameda's schedule depends on the Navy's schedule for completing its FS and PP. Ms. Sweeney asked if the PAH contamination continued along the old railroad tracks on the site. Mr. Quillin said that the source of the PAH contamination is believed to be fill material used on the base.

Mr. Hansen noted that agenda items for the next meeting will include an update on the OU5/IR02 groundwater plume and he hopes that a representative from Catellus will attend to discuss redevelopment. The RAB will also need to discuss adjournment. In addition, Mr. Quillin will give a presentation on the PAH sampling.

9.0 ADMINISTRATIVE ITEMS

The next RAB meeting is scheduled for 10:00 a.m., on Wednesday, October 11, 2006, in the first-floor conference room at Alameda Point, Building 1 (Main Office Building), 950 West Mall Square.

ATTACHMENT 1
AGENDA AND SIGN-IN SHEET

RESTORATION ADVISORY BOARD (RAB) AGENDA
For
INSTALLATION RESTORATION PROGRAM
At
FLEET INDUSTRIAL SUPPLY CENTER OAKLAND
ALAMEDA FACILITY/ALAMEDA ANNEX (FISCA)

July 12, 2006 (10:00 am – 11:30 am)
Alameda Point, Main Office Building (Building 1), Room 140
950 West Mall Square
Alameda, California

- I. WELCOME AND INTRODUCTION – Ken Hansen, Community RAB Co-Chair,
10:00 am to 10:05 am
- II. APPROVAL/REVIEW OF RAB MEETING MINUTES of April 12, 2006 -
Ken Hansen/Thomas Macchiarella, 10:05 am to 10:15 am
- III. RAB MEMBER APPRECIATION, 10:15 am to 10:30 am
- IV. UPDATE ON NAVY’S BASEWIDE PAH FEASIBILITY STUDY and
Draft Annual Site Management Plan Update
Lou Ocampo, Navy, 10:30 am to 10:40 am
- V. UPDATE ON IR02 GROUNDWATER PROJECT
Mary Parker, Navy, 10:40 am to 10:50 am
- VI. CITY UPDATE ON LATEST SOIL SAMPLING
Mike Quillin, ERM, 10:50 am to 11:00am
- VII. OPEN DISCUSSION ON RAB MEETING FREQUENCY AND DOD’S RAB RULE -
Thomas Macchiarella, Navy, 11:00 am to 11:15 am
- VIII. COMMUNITY AND RAB COMMENT PERIOD – Community and RAB
11:15 am to 11:30 am

**FLEET AND INDUSTRIAL SUPPLY CENTER, OAKLAND
ALAMEDA FACILITY/ ALAMEDA ANNEX**

Restoration Advisory Board Meeting / Base Realignment and Closure Team Meeting

July 12, 2006

NAME	ORGANIZATION	E-MAIL ADDRESS	TELEPHONE NO.	FAX NUMBER
Ken Hansen	Community Co-Chair		444-0515	444-0523
Thomas Macchiarella	Navy	thomas.macchiarella@navy.mil	619-532-0907	
Henry Wong	DSC		510-522-3789	
Lou Orampo	Navy	wuano.orampo@navy.mil	619-532-0967	
Judy Huang	SF BAY RWQCB	jehuang@waterboards.ca.gov	510-622-2368	510-622-2460
Peter Russell	FRI (for City)	peter@russellresources.com	415-492-0970	415-492-8000
Mike Quillin	ERM (for Programs/City)	MIKE.QUILLIN@ERM.COM	925-946-0444	925-946-9968
JIM SWANEY	MEMBER	JIMSWANEY@SUNCOA	510-550-1574	510-550-1574
Jean Swaney	Member	jean.swaney@alameda.net		
Jim Konrad	Member	jkonrad@ix.netcom.com	510-522-3789	510-522-3789

ATTACHMENT 2
DOD RAB RULE

and local governments, or the agency consults with state and local officials early in the process of developing the proposed regulation. Further, a Federal agency may issue a regulation that has federalism implications and preempts state law only if the agency consults with state and local officials early in the process of developing the proposed regulation.

The rule does not have federalism implications because it will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The statute authorizing the Department's environmental restoration program, 10 U.S.C. 2701, clearly defines the rule and responsibilities of the Department with respect to state and local governments.

List of Subjects in 32 CFR Part 202

Administrative practice and procedure, Environmental protection--restoration, Federal buildings and facilities, Organization and functions (government agencies).

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Title 32 of the Code of Federal Regulations, Chapter I, Subchapter M,
is

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amended by adding part 202 to read as follows:

PART 202--RESTORATION ADVISORY BOARDS

Subpart A--General Requirements

Sec.

202.1 Purpose, scope, definitions, and applicability.

202.2 Criteria for establishment.

202.3 Notification of formation of a restoration advisory board.

202.4 Composition of a RAB.

Subpart B--Operating Requirements

202.5 Creating a mission statement.

202.6 Selecting co-chairs.

202.7 Developing operating procedures.

202.8 Training RAB members.

202.9 Conducting RAB meetings.

202.10 RAB adjournment and dissolution.

202.11 Documenting RAB activities.

Subpart C--Administrative Support, Funding, and Reporting Requirements

202.12 Administrative support and eligible expenses.

202.13 Technical assistance for public participation.

202.14 Documenting and reporting activities and expenses.

Authority: 5 U.S.C. 551 et seq and 10 U.S.C. 2705

Subpart A--General Requirements

Sec. 202.1 Purpose, scope, definitions, and applicability.

(a) Purpose. The purpose of this part to establish regulations regarding the scope, characteristics, composition, funding, establishment, operation, adjournment, and dissolution of Restoration Advisory Boards (RABs).

(b) Purpose and scope of responsibilities of RABs. The purpose of a RAB is to provide:

(1) An opportunity for stakeholder involvement in the environmental restoration process at Department of Defense (DoD) installations. Stakeholders are those parties that may be affected by environmental restoration activities at the installation.

(2) A forum for the early discussion and continued exchange of environmental restoration program information between DoD installations, regulatory agencies, tribes, and the community.

(3) An opportunity for RAB members to review progress, participate in a dialogue with, and provide comments and advice to the installation's decision makers concerning environmental restoration matters. Installations shall give careful consideration to the comments provided by the RAB members.

(4) A forum for addressing issues associated with environmental restoration activities under the Defense Environmental Restoration Program (DERP) at DoD installations, including activities conducted under the Military Munitions Response program (MMRP) to address unexploded ordnance, discarded military munitions, and the chemical constituents of munitions. Environmental groups or advisory boards that address issues other than environmental restoration activities are not governed by this regulation.

(c) Definitions. In this section:

(1) Community RAB member shall mean those individuals identified by community members and appointed by the Installation Commander to participate in a RAB who live and/or work in the affected community or are affected by the installation's environmental restoration program.

(2) Environmental restoration shall include the identification, investigation, research and development, and cleanup of contamination from hazardous substances, including munitions and explosives of concern, and pollutants and contaminants.

(3) Installation shall include active and closing DoD installations and formerly used defense sites (FUDS).

(4) Installation Commander shall include the Commanding Officer or the equivalent of a Commanding Officer at active installations; the Installation Commander or other Military Department officials who close the facility and are responsible for its disposal at Base Realignment and Closure (BRAC) installations; or the U.S. Army Corps of Engineers Project Management District Commander at FUDS.

(5) Public participants shall include anyone else who may want to attend the RAB meetings, including those individuals that may not live and/or work in the affected community or may not be affected by the installation's environmental restoration program but would like to attend and provide comments to the RAB.

(6) Stakeholders are those parties that may be affected by environmental restoration activities at an installation, including family members of military personnel and civilian workers, local and state governments and EPA for NPL properties, tribal community members and indigenous people, and current landowners, as appropriate.

(7) Tribes shall mean any Federally-recognized American Indian and Alaska Native governments as defined by the most current Department of Interior/Bureau of Indian Affairs list of tribal entities published in the Federal Register pursuant to Section 104 of the Federally Recognized Tribe Act.

(8) RAB adjournment shall mean when an Installation Commander, in consultation with the Environmental Protection Agency (EPA), state, tribes, RAB members, and the local community, as appropriate, close the RAB based on a determination that there is no longer a need for a RAB or when community interest in the RAB declines.

(9) RAB dissolution shall mean when an Installation Commander, with the appropriate Military Component's Environmental Deputy Assistant Secretary's approval, disbands a RAB that is no longer fulfilling the intended purpose of advising and providing community input to an Installation Commander and decision makers on environmental restoration projects. Installation Commanders are expected to make every reasonable

effort to ensure that a RAB performs its role as effectively as possible and a concerted attempt is made to resolve issues that affect the RAB's effectiveness. There are circumstances, however, that may prevent a RAB from operating effectively or fulfilling its intended purpose.

(d) Other public involvement activities. A RAB should complement other community involvement efforts occurring at an installation; however, it does not replace other types of community outreach and participation activities required by applicable laws and regulations.

(e) Applicability of regulations to existing RABs. The regulations in this part apply to all RABs regardless of when the RAB was established.

(f) Guidance. The Office of the Deputy Under Secretary of Defense for Environment shall issue guidance regarding the scope, characteristics, composition, funding, establishment, operation, adjournment, and dissolution of RABs pursuant to this rule. The issuance of any such guidance shall not be a precondition to the establishment of RABs of the implementation of this part.

Sec. 202.2 Criteria for establishment.

(a) Determining if sufficient interest warrants establishing a RAB. A RAB should be established when there is sufficient and sustained community interest, and any of the following criteria are met:

(1) The closure of an installation involves the transfer of property to the community,

(2) At least 50 local citizens petition the installation for creation of a RAB.

(3) Federal, state, tribal, or local government representatives request the formation of a RAB, or

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(4) The installation determines the need for a RAB. To determine the need for establishing a RAB, an installation should:

(i) Review correspondence files,

(ii) Review media coverage,

(iii) Consult local community members,

(iv) Consult relevant government officials, and

(v) Evaluate responses to communication efforts, such as notices placed in local newspapers and, if applicable, announced on the installations Web site.

(b) Responsibility for forming or operating a RAB. The installation shall have lead responsibility for forming and operating a RAB.

(c) Converting existing Technical Review Committees (TRCs) to RABs. In accordance with 10 U.S.C. 2705(d)(1), a RAB may fulfill the requirements of 10 U.S.C. 2705(c), which directs DoD to establish TRCs. DoD recommends that, where TRCs or similar advisory groups already exist, the TRC or similar advisory group be considered for conversion to a RAB, provided there is sufficient and sustained interest within the community.

Sec. 202.3 Notification of formation of a Restoration Advisory Board.

Prior to establishing a RAB, an installation shall notify potential stakeholders of its intent to form a RAB. In announcing the formation of a RAB, the installation should describe the purpose of a RAB and discuss opportunities for membership.

Sec. 202.4 Composition of a RAB.

(a) Membership. At a minimum, each RAB shall include representatives from DoD and the community. RAB community membership shall be well balanced and reflect the diverse interests within the local community.

(1) Government representation. The RAB may also include representatives from the EPA at the discretion of the Regional Administrator of the appropriate EPA Regional Office, and state, tribal, and local governments, as appropriate. At closing installations where BRAC Cleanup Teams (BCT) exist, representatives of the BCT may also serve as the government representative(s) of the RAB. The Department encourages individuals and agencies involved with BRAC to participate in RABs at closing installations.

(2) Community representation. Community RAB members should live and/or work in the affected community or be affected by the installation's environmental restoration program. While DoD encourages individual tribal members to participate on RABs, RABs in no way replace or serve as a substitute forum for the government-to-government relationship between DoD and Federally-recognized tribes.

(i) To support the objective selection of community RAB members, installations will use a selection panel comprised of community members to nominate community RAB members. The Installation Commander, in consultation with the state, tribal, and local governments and EPA, as appropriate, will identify community interests and solicit names of individuals who can represent these interests on the selection panel. The panel will establish the procedures for nominating community RAB members, the process for reviewing community interest, and criteria for selecting community RAB members. The panel will transmit the list of RAB nominees to the Installation Commander for appointment.

(ii) Following the panel nominations, the Installation Commander, in consultation with the state and EPA, as appropriate, will review the nominations to ensure the panel fairly represents the local community. The Installation Commander will accept or reject the entire list of RAB nominees for appointment.

(b) Chairmanship. Each RAB established shall have two co-chairs, one representing the DoD installation and the other the community. Co-chairs shall be responsible for directing and managing the RAB operations.

(c) Compensation for community members of the RAB. The community co-chair and community RAB members serve voluntarily. DoD will not compensate them for their participation.

Subpart B--Operating Requirements

Sec. 202.5 Creating a mission statement.

The installation and community co-chair, in conjunction with the RAB members, shall determine the RAB mission statement in accordance with guidance provided by the DoD Components.

Sec. 202.6 Selecting co-chairs.

(a) DoD installation co-chair. The DoD installation co-chair shall be selected by the Installation Commander or equivalent, or in accordance with Military Component-specific guidance.

b. Community co-chair. The community co-chair shall be selected by the community RAB members.

Sec. 202.7 Developing operating procedures.

Each RAB shall develop a set of operating procedures and the co-chairs are responsible for carrying them out. Areas that should be addressed in the procedures include:

- (a) Clearly defined goals and objectives for the RAB, as determined by the co-chairs in consultation with the RAB,
- (b) Meeting announcements,
- (c) Attendance requirements of members at meetings,
- (d) Development, approval and distribution procedures for the minutes of RAB meetings,
- (e) Meeting frequency and location,
- (f) Rules of order,
- (g) The frequency and procedures for conducting training,
- (h) Procedures for selecting or replacing co-chairs and selecting, replacing, or adding RAB members,
- (i) Specifics on the size of the RAB, periods of membership, and co-chair length of service,
- (j) Review of public comments and responses,
- (k) Participation of the general public,
- (l) Keeping the public informed about proceedings of the RAB,
- (m) Discussing the agenda for the next meeting and issues to be addressed, and
- (n) Methods for resolving disputes.

Sec. 202.8 Training RAB members.

Training is not required for RAB members. It may be advisable, however, to provide RAB members with some initial orientation training regarding the purpose and responsibilities of the RAB, familiarization on cleanup technologies, chemicals of concern, and sampling protocols, as well as informing them of the availability of independent technical advice and document review through EPA's Technical Assistant Grant program and DoD's Technical Assistance for Public Participation (TAPP) program, to enable them to fulfill their responsibilities. Training should be site-specific and beneficial to RAB members. The DoD installation may also provide in-house assistance to discuss technical issues. Funding for training activities must be within the scope of administrative support for RABs, as permitted in Sec. 202.12.

Sec. 202.9 Conducting RAB meetings.

- (a) Public participation. RAB meetings will be open to the public.
 - (1) The installation co-chair shall prepare and publish a timely public notice in a local newspaper of general circulation announcing each RAB meeting. If applicable, it is recommended that the meeting also be announced on the installation's Web site.
 - (2) Each RAB meeting shall be held at a reasonable time and in a manner or

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place reasonably accessible to and usable by all participants, including persons with disabilities.

- (3) Presentation materials and readable maps should be provided to all meeting participants as appropriate.
- (4) Interested persons shall be permitted to attend, appear before, or file statements with any RAB, subject to such reasonable rules or regulations as may be prescribed. Open solicitation of public comments shall be permitted and members of the public will have a designated time on the agenda to speak to the RAB committee as a whole.
- (b) Nature of discussions. The installation shall give careful consideration to all comments provided by individual RAB members. Group

consensus is not a prerequisite for RAB input. Each member of the RAB may provide advice as an individual; however, when a RAB decides to vote or poll for consensus, only community members should participate.

(c) Meeting minutes. The installation co-chair, in coordination with the community co-chair, shall prepare the minutes of each RAB meeting.

(1) The RAB meeting minutes shall contain a record of the persons present; a complete and accurate description of matters discussed and comments received; and copies of all reports received, issued, or approved by the RAB. The accuracy of all minutes shall be certified by the RAB co-chairs. RAB minutes should be kept in the information repository; however, if the RAB minutes reflect decision-making, copies should also be documented in the Administrative Record.

(2) The records, reports, minutes, appendixes, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by each RAB shall be available for public inspection and copying at a publicly accessible location, such as the information repositories established under the installation's Community Relations Plan, a public library, or in the offices of the installation to which the RAB reports, until the RAB ceases to exist.

Sec. 202.10 RAB adjournment and dissolution.

(a) RAB adjournment.--(1) Requirements for RAB adjournment. An Installation Commander may adjourn a RAB with input from the community when there is no longer a need for a RAB or when community interest in the RAB no longer exists. An Installation Commander may consider adjourning the RAB in the following situations:

(i) A record of decision has been signed for all DERP sites on the installation,

(ii) An installation has achieved response complete at all sites and no further environmental restoration decisions are required,

(iii) An installation has all remedies in place,

(iv) The RAB has achieved the desired end goal as defined in the RAB Operating Procedures,

(v) There is no longer sufficient, sustained community interest, as documented by the installation with RAB community members and community-at-large input, to sustain the RAB. The installation shall continue to monitor for any changes in community interest that could warrant reactivating or reestablishing the RAB, or

(vi) The installation has been transferred out of DoD control and day-to-day responsibility for making restoration response decisions has been assumed by the transferee.

(2) Adjournment procedures. If the Installation Commander is considering adjourning the RAB, the Installation Commander shall:

(i) Consult with EPA, state, tribes, RAB members, and the local community, as appropriate, regarding adjourning the RAB and consider all responses before making a final decision.

(ii) Document the rationale for adjournment in a memorandum in a memorandum for inclusion in the Administrative Record, notify the public of the decision through written notice to the RAB members and through publication of a notice in a local newspaper of general circulation, and describe other ongoing public involvement opportunities that are available if the Installation Commander decides to adjourn the RAB.

(b) RAB dissolution.--(1) Requirements for RAB dissolution. An Installation Commander may recommend dissolution of a RAB when a RAB is no longer fulfilling the intended purpose of advising and providing community input to an Installation Commander and decision makers on environmental restoration projects as described in Sec. 202.1(b).

(2) Dissolution procedures. If the Installation Commander is considering dissolving the RAB, the Installation Commander shall:

(i) Consult with EPA, state, tribal and local government representatives, as appropriate, regarding dissolving the RAB.

(ii) Notify the RAB community co-chair and members in writing of the intent to dissolve the RAB and the reasons for doing so and provide the RAB members 30 days to respond in writing. The Installation Commander shall consider RAB member responses, and in consultation with EPA, state, tribal and local government representatives, as appropriate, determine the appropriate actions.

(iii) Notify the public of the proposal to dissolve the RAB and provide a 30-day public comment period on the proposal, if the Installation Commander decides to proceed with dissolution. At the conclusion of the public comment period, the Installation Commander will review the public comments, consult with EPA, state, tribal and local government representatives, as appropriate, and, if the Installation Commander still believes dissolution is appropriate, render a recommendation to that effect.

(iv) Send the recommendation, responsiveness summary, and all supporting documentation via the chain-of-command to the Military Component's Environmental Deputy Assistant Secretary (or equivalent) for approval or disapproval. The Military Component's Environmental Deputy Assistant Secretary (or equivalent) shall notify the Office of the Deputy Under Secretary of Defense (Installations & Environment) (or equivalent) of the decision to approve or disapprove the request to dissolve the RAB and the rationale for that decision.

(v) Document the recommendation, responsiveness summary, and the rationale for dissolution in a memorandum for inclusion in the Administrative Record, notify the public of the decision through written notice to the RAB members and through publication of a notice in a local newspaper of general circulation and describe other ongoing public involvement opportunities that are available, once the Military Component's Environmental Deputy Assistant Secretary (or equivalent) makes a final decision.

(c) Reestablishing an adjourned or dissolved RAB. An Installation Commander may reestablish an adjourned or dissolved RAB if there is sufficient and sustained community interest in doing so, and there are environmental restoration activities still ongoing at the installation or that may start up again. Where a RAB is adjourned or dissolved and environmental restoration activities continue, the Installation Commander should reassess community interest at least every 24 months. When all environmental restoration decisions have been made and required remedies are in place and are properly operating

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at an installation, reassessment of the community interest for reestablishing the RAB is not necessary. When additional environmental restoration decisions have to be made resulting from subsequent actions, such as long-term management and five-year reviews, the installation will reassess community interest for reestablishing the RAB. Where the reassessment finds sufficient and sustained community interest at previously adjourned or dissolved RABs, the Installation Commander should reestablish a RAB. Where the reassessment does not find sufficient and sustained community interest in reestablishing the RAB, the Installation Commander shall document in a memorandum for the record the procedures followed in the reassessment and the findings of the reassessment. This document shall be included in the Administrative Record for the installation. If there is interest in reestablishment at a previously dissolved RAB, but the Installation Commander determines that the same conditions exist that required the original dissolution, he or she will request, through the chain-of-command to the Military Component's Deputy Assistant Secretary, an exception to reestablishing the RAB. If those conditions no longer exist at a previously dissolved RAB, and there is sufficient and sustained interest in reestablishment,

the Installation Commander should recommend to the Deputy Assistant Secretary that the RAB be reestablished. The Deputy Assistant Secretary will take the Installation Commander's recommendation under advisement and may approve that RAB for reestablishment.

(d) Public comment. If the Installation Commander intends to recommend dissolution of a RAB or reestablish a dissolved RAB, the Installation Commander shall notify the public of the proposal to dissolve or reestablish the RAB and provide a 30-day public comment period on the proposal. At the conclusion of the public comment period, the Installation Commander shall review public comments; consult with EPA and state, tribal, or local government representatives, as appropriate; prepare a responsiveness summary; and render a recommendation. The recommendation, responsiveness summary, and all supporting documentation should be sent via the chain-of-command to the Military Component's Environmental Deputy Assistant Secretary (or equivalent) for approval or disapproval. The Installation Commander shall notify the public of the decision.

Sec. 202.11 Documenting RAB activities.

(a) The installation shall document information on the activities of a RAB in the Information Repository. These activities shall include, but are not limited to:

(1) Installation's efforts to survey community interest in forming a RAB,

(2) Steps taken to establish a RAB where there is sufficient and sustained community interest,

(3) How the RAB related to the overall community involvement program, and

(4) Steps taken to adjourn, dissolve, or reestablish the RAB.

(b) When RAB input has been used in decision-making, it should be documented as part of the Administrative Record.

Subpart C--Administrative Support, Funding, and Reporting Requirements

Sec. 202.12 Administrative support and eligible expenses.

(a) Administrative support. Subject to the availability of funding, the installation shall provide administrative support to establish and operate a RAB.

(b) Eligible administrative expenses for a RAB. The following activities specifically and directly associated with establishing and operating a RAB shall qualify as an administrative expense of a RAB:

(1) RAB establishment.

(2) Membership selection.

(3) Training if it is:

(i) Site specific and benefits the establishment and operation of a RAB.

(ii) Relevant to the environmental restoration activities occurring at the installation.

(4) Meeting announcements.

(5) Meeting facilities.

(6) Meeting facilitators, including translators.

(7) Preparation of meeting agenda materials and minutes.

(8) RAB-member mailing list maintenance and RAB materials distribution.

(c) Funding. Subject to the availability of funds, administrative support to RABs may be funded as follows:

(1) At active installations, administrative expenses for a RAB shall be paid using funds from the Military Component's Environmental

Restoration accounts.

(2) At BRAC installations, administrative expenses for a RAB shall be paid using BRAC funds.

(3) At FUDS, administrative expenses for a RAB shall be paid using funds from the Environmental Restoration account for the Formerly Used Defense Sites program.

Sec. 202.13 Technical assistance for public participation.

Community members of a RAB or TRC may request technical assistance for interpreting scientific and engineering issues with regard to the nature of environmental hazards at the installation and environmental restoration activities conducted, or proposed to be conducted, at the installation in accordance with 10 U.S.C. 2705(e) and the TAPP regulations located in 32 CFR Part 203.

Sec. 202.14 Documenting and reporting activities and expenses.

The installation at which a RAB is established shall document the activities and meeting minutes and record the administrative expenses associated with the RAB in the information repository at a publicly accessible location. Installations shall use internal department and Military Component-specific reporting mechanisms to submit required information on RAB activities and expenditures.

Dated: May 1, 2006.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 06-4246 Filed 5-11-06; 8:45 am]

BILLING CODE 5001-06-M