



# PORTSMOUTH SITE SPECIFIC ADVISORY BOARD

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The Portsmouth Site-Specific Advisory Board (SSAB) met at the Ohio State University South Center Auditorium in Piketon, Ohio, November 6, 2008 at 6 p.m.

**Board members present:** Shirley Bandy, Lee Blackburn, Gene Brushart, Ed Charle, Andrew Feight, Val Francis, Bobby Graff, Frank Halstead, Dan Minter, Larry Parker, Mike Payton, Dick Snyder, Terri Ann Smith, Billy Spencer, and Lorry Swain

**Board members absent:** Tom Allen, Sharon Manson, and Steve Martin, Tom Martin, Cristy Renner, and Lorry Swain

**Board Liaisons and related regulatory agency employees:** Ken Dewey, Maria Galanti and Stephen Wells, Ohio Environmental Protection Agency (OEPA) and Tim Walker, Ohio Department of Health

**Deputy Designated Federal Official (DDFO):** David Kozlowski

**U.S. Department of Energy (DOE) related employees:** Rich Bonczek, Sandy Childers, Bill Franz, Jim King, Bill Murphie, Eric Roberts, Greg Simonton, Pam Sprouse, Jim Thomson, Kate Timmons and

**Public:** Chuck Bernhard, Vina Colley, David Manuta, Paul Mohr and Tim Walker

## Call to Order

Snyder called the meeting to order and turned the meeting over to facilitator, Jim King. Introductions were conducted.

## Agenda

King asked for modifications to the agenda. Snyder motioned to include approval of the October minutes, add the Ohio Department of Health comments and discuss rescheduling the December and January meetings.

Blackburn said the proposed agenda includes public comments on the proposed agenda at two separate times. Snyder said an extra period of time was added due to an individual who was unable to speak at the last meeting. If there is time, the Board can allow additional public comments but if the Board is running short on time, that allotment will be dispensed. Snyder asked the public to please give comments during the twenty minute allotment on the agenda. Roberts requested a discussion on Co-Chair elections. The motions were seconded and carried.

King asked for modifications to the October minutes. Feight said the September minutes were revised and asked if those minutes require approval. King said he believed those minutes were approved subject to the recommended changes and those revisions were circulated. A motion was made to approve the October minutes as submitted. The motion was seconded and carried.

## Deputy Designated Federal Official Comments

Kozlowski presented project updates to the Board. The presentation will be included in the minutes as Attachment 1. All presentations are available on the CAB Website at [www.ports-ssab.org](http://www.ports-ssab.org). Questions and answers (paraphrased) appear below.

Questions/Comments	Answers
<b>Member:</b> Please explain what materials are included in the excess materials disposition.	<b>Kozlowski:</b> Some of these materials are plant equipment that has been set aside such as forklifts, cars, trucks, building materials, a variety of items that are no longer being used at the plant. A more detailed list can be provided in September.
<b>Feight:</b> Does the Annual Environmental Reports always run two years behind?	<b>Kozlowski:</b> The report ran a little behind schedule, typically it is released one year out. DOE's goal is to distribute the 2007 report early in fiscal year 2009.
<b>Feight:</b> What does the Southern Ohio Diversification Initiative (SODI) plan to do with the property on the north section of the site?	<b>Kozlowski:</b> A copy of the request from SODI will be placed on the Website. The request states that the land will be used for light industrial reuse activities and economic development for the community. Before DOE can transfer the property, SODI must provide consent with the terms of agreement.
<b>Smith:</b> This transfer has been stated as a done	<b>Kozlowski:</b> The board does have a Future Land

<p>deal. Isn't the purpose of this board to have input on future land use of the site?</p>	<p>Use Committee but this land is not associated with DOE clean up efforts. DOE does not have a use for this property so it may be turned over for community reuse.</p> <p><b>Murphie:</b> The property transfer could take a year and the National Environmental Policy Act (NEPA) document for the environmental assessment of the transfer will be available for public comment. DOE does have obligations for reuse and is working directly with SODI on the land available for evaluation and transfer. A final decision has not made.</p>
<p><b>Feight:</b> Is there a map that indicates the boundaries of board responsibilities or what land the board can have input?</p>	<p><b>Murphie:</b> The board is not technically responsible; the Board makes recommendations regarding land use of the site. DOE will keep the board posted throughout the process including the NEPA process and the board can deliberate or make recommendations. Whether an issue remains a charter of this group, there isn't a map that indicates what sections of the site is part of the board scope. The Future Land Use Committee can have potential impact on the entire site.</p>
<p><b>Feight:</b> How was the decision made that this land transfer is not under the board's purview? I suggest that DOE develop criteria for establishing boundaries between what the areas the SSAB has oversight. It would benefit the Board to understand what it included in their purview.</p>	<p><b>Murphie:</b> The purview of the board is particularly the four areas in the environmental cleanup in which the board has set up committees. The board makes recommendations to DOE regarding the environmental cleanup management at the site. DOE has obligations at the site including several congressional directions to mitigate the adverse impact on communities and closure sites. Those issues may overlap. This information is presented to the SSAB with the respect of implications on future land use but other aspects of the environmental cleanup that would affect the board's purview; it's not a geographical destination. For example, the areas leased to the United States Enrichment Corporation (USEC) would not typically be under the purview of the board. The SODI initiative should be viewed as working together rather than a conflict.</p>
<p><b>Minter:</b> At the retreat, it was requested that SODI provide an overview of their mission and obligations with DOE. Roberts has the contact information and can coordinate a presentation to help answer some of these questions.</p>	

**Liaison Comments**

## **Ohio Department of Health**

Walker thanked the board for the opportunity for the Department of Health to participate as a Board liaison. Mike Rubadue is the prime contact from the Department of Health and for the Portsmouth site but was unable to attend. Steve Hummer and Walker are alternates. Walker thanked OEPA for their efforts and reminded the CAB that OEPA is the lead agency and the Department of Health has limited resources.

Charle asked Walker his chief concerns with the respect to the Portsmouth Plant. Walker said this was his first visit to the Portsmouth site but Rubadue could answer that question.

## **Ohio Environmental Protection Agency**

Dewey thanked the board for allowing him to give a presentation at the retreat and told the board to feel free to contact him outside of the meetings if necessary. If the board would like OEPA representation at any of the committee meetings, please send them a request in writing and a subject expert representative would be provided. Galanti introduced Steve Wells, OEPA Division of Surface Water.

Murphie asked if the Board would like to ask SODI to be a liaison member. Feight suggested a presentation from SODI before a extending a liaison invitation. Smith asked the purpose of a liaison. Roberts stated that liaisons provide technical support from a state or federal government regulatory agency in the decision making process.

Smith asked if other members had suggested independent entities as liaisons that are not government. She suggested having environmental assessments done by an independent group of scientists and her recommendation would be Marvin Revacough, a scientist with Environmental Dimensions. To eliminate the secrecy that goes on at the plant, Smith believes there is a need for independent oversight and independent testing done on the groundwater plumes. Smith will provide contact information to Roberts. Kozlowski said all of the samples that DOE collects are split with OEPA.

Feight said it was his understanding that independent advisors could be brought in on the committee level in lieu of an official liaison. That would be the case with SODI as well, especially with the Future Land Use Committee.

Roberts said DOE Headquarters considers liaisons either federal or state representatives. Other subject experts could not be considered a liaison. Murphie said SODI would not fit into that category but could be useful for the committee.

## **Pubic Comments**

Sprouse said she has worked for the USEC lab for 17 years. DOE has done competitive bids and work has been taken form the laboratory. Independent assessments have been achieved but a lot of jobs have been lost at this site. A lot of expertise including experienced chemists and engineers that are obligated to have a certain amount of ethics to not falsify data have been lost. The USEC lab is not doing a lot of work due to independent oversight and jobs have been lost.

Colley, Piketon Residents for Environmental Safety and Security President, said she has been fighting at this facility for 20 plus years. She thinks that the site does need an independent person for assessments because she does not trust many people that are on this board, DOE, or EPA. She said as a community person she represents this community for 20 plus years and has brought in independent people that found plutonium on the northeast of this plant specifically the area that is now being considered for some type of industry. She also has a DOE document called the Needs Assessment that was developed when

Portsmouth was being considered a Superfund list which did not happen. She would like this document given to the Board so they will know what is in and under those buildings before decommissioning is started. She said plutonium and neptunium are in these buildings and there is a lot of inventory that is missing that could be inside the system or out in the community. She wants an independent study and said her independent study person read DOE's documents and found offsite contamination offsite from these documents. Colley said Marvin Revacough read DOE documents and found offsite contamination, 340 acres of plutonium on the northeast side of the site. She said the wind usually doesn't blow that way so she has no idea how much plutonium may be on the south side. She said she knows that there is plutonium in the creeks, trichloroethylene and if that is found, there must be other stuff. She said she has never been to a meeting behind closed doors and sold this community out, not with DOE, the union, or anybody. Colley said she was invited to a meeting at the Holiday Inn in Portsmouth and was asked to find community leaders to attend. She tried to contact the fire chief and called somebody from Southern Ohio Neighbors Group to tell them about the meeting. She said she did not go to any meeting and sell this community out and is probably the only one in this room that won't sell this community out.

Manuta asked if there was a website for this organization. Roberts said the Portsmouth SSAB Website is [www.ports-ssab.org](http://www.ports-ssab.org). Manuta asked if Roberts had received any of his emails. Roberts said yes. Manuta said that he worked as an independent consultant and could speak to the board on some of the testing that has been described. He said his company has had government contracts but is not government in any way. He said he would like to stay informed on the Board.

Colley asked if she could be Smith's substitute when she was unable to attend as Walker has done for his agency. Francis said Walker is a liaison, not a member of the Board.

Sprouse said the website lists a few of the prime contractors such as Theta Pro2Serve Management Company, LLC, LATA/Parallax Portsmouth and Uranium Disposition Services. She would like to see all sub-contractors listed on the website.

## **Operating Procedures**

Roberts said General Counsel had reviewed the operating procedures and recommended the following minor changes:

- Portsmouth Gaseous Diffusion Plant was removed from the mission line.
- A clearer explanation of the chartering process was added. The EM SSAB is one board and this board is a chapter to that board.
- Chair and vice chair is listed as co-chairs.
- General Counsel had a question with the board removing the word consensus. Does the Board want 50 plus one or unanimity?
- The Board had agreed to allow five minutes for every member to the public to speak and General Counsel's concern is if 200 people show up and want to speak, by law you have to allow each one five minutes. The recommendation was to set a goal of five minutes to work towards but not put that in writing.

Robert said if the Board chooses to accept these operating procedures with these recommendations; an approval letter has been issued stating that the Board is in compliance with headquarters. If the Board disagrees, the procedures will be resubmitted to Headquarters for review and approval.

Feight motioned to incorporate the recommendation regarding consensus and also apply that rule to the subcommittees. If a 2/3 majority is reached a minority/majority report is necessary, if there is more than a 2/3 majority, only a single report is necessary. The motion was seconded and passed by consensus.

## **Work Plan Approval**

Feight said the Board had a discussion at the retreat about the work of the Decontamination and Decommissioning (D&D) Subcommittee. This subcommittee is looking at accelerating the clean up for completion before the 40 year time schedule. The level of employment at the site could be increased by speeding up the cleanup. He motioned to add this topic under the D&D Subcommittee. The motion was seconded. The motion passed. Minter said the work plan can be amended if needed.

### **December and January Board Meeting**

Snyder motioned due to the holidays and the proximity of the Global Nuclear Energy Partnership meeting; it would be in the Board's best interest to cancel the December meeting. The motion was seconded and carried.

Snyder motioned to move the January 1 meeting which falls on New Year's Day to January 8. The motion was seconded and passed.

### **Co-Chair Election**

Frances and Snyder were elected Co-chairs at the July meeting for a six-month term. The decision needs to be made whether to allow Francis and Snyder to continue as Co-chairs for a full term or elect new Co-chairs. Feight said there are Board members not present tonight that were unaware of the vote and the vote should be conducted in January.

Roberts said the election is announced at this meeting and voting should take place in January. Murphie suggested staggering the Co-Chairs for six months to have consistency instead of losing both of the Co-Chairs at the same time. Minter motioned to add this discussion to the January agenda. The motion was seconded and carried.

### **Public Comments**

Colley suggested rearranging the seating so the Board did not have their backs to the public. She said she never received notice of the meeting through email or mail. She asked that the public receive notification of the SSAB meetings.

Roberts said notification of the Board meetings is placed in four local papers. Feight asked if an email or mailing list can be created for notification purposes. Spencer said the meeting is the first Thursday of every month. Roberts said the calendar and agenda are located on the SSAB Website.

### **Final Comments from the Board**

Minter thanked DOE and OPEA for the excellent overview that was provided at the retreat. Roberts said retreat binders are available for the Board members that were unable to attend the retreat. Kate Timmons, EHI was introduced. Timmons will staff the office full time at the Endeavor Center beginning November 17.

Colley said she had received a memo about the Nuclear Regulatory Commission withholding information about the plant secret stuff and the public will never know what is on this plant site as long as information is being withheld from the workers and the community. King suggested that Colley speak with the Board member after the meeting. Colley said she would bring the letter to the next meeting.

The motion was made to adjourn at 8:00. The motion was seconded and carried.