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, October 2, 2008 at 6 p.m.

Board members present: Thomas Allen, Shirley Bandy, Lee Blackburn, Gene Brushart, Ed Charle, Andrew Feight, Sharon Manson, Frank Halstead, Tom Martin, Dan Minter, Larry Parker, Mike Payton, Cristy Renner, Terri Ann Smith, Dick Snyder, Billy Spencer, and Lorry Swain

Board members absent: Val Francis, Bobby Graff and Steve Martin

Board Liaisons and related regulatory agency employees: Ken Dewey, Ohio Environmental Protection Agency (OEPA)

Deputy Designated Federal Official (DDFO): David Kozlowski

U.S. Department of Energy (DOE) related employees: Kris Andersen, Jim Arelico, Rich Bonczek, Sandy Childers, Kim Crenshaw, Janie Creswait, Tim Echelard, Steve Guthrie, Wilson Horde, Wray Jordan, Jim King, Judson Lilly, Bill Murphie, Eric Roberts, Pam Sprouse, Ted Theopolos, Jim Thomson, and Cristy Webb

Public: Vina Colley, Tressie Hall, Brian Hulen, Eric O'Neil, Geoffrey Sea, Eric Stein, Brad Sherman and Larry Toake

Call to Order

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

Introductions

Feight said the public should not be required to identify themselves during introductions. Roberts said the public can sign the attendance sheet to be included on the record but will need to identify themselves before making a comment.

Agenda

King asked for modifications to the agenda.

Swain asked why approving the minutes from the prior meeting was not on the agenda. Roberts said under SSAB guidance, minutes are certified under the board chair and board approval is not required. He said Francis signed off and certified that the minutes were accurate. Swain said she would like to discuss a discrepancy in the minutes.

Snyder asked to reverse the operating procedures discussion and review of the EM SSAB chair meetings on the agenda and add a short presentation on committees.

Feight requested discussion on a phone call that he had received regarding a research group that was conducting a study on cleanup at Piketon.

Feight motioned to amend the agenda. The motion seconded and carried.

Meeting Minutes

King asked for approval of the meeting minutes.

Swain said the minutes only included one sentence that characterized a long discussion that the Board conducted regarding the hiring of a facilitator. That sentence did not reflect the concern and actual discussion and asked that the minutes be amended to reflect that discussion. Feight said the section regarding the operating procedures was incomplete. The minutes did not indicate all the votes that were taken and the amount of time spent on that discussion. Minter said the whole meeting was recorded if someone wanted to access the entire discussion and believed there is an accurate account of the detail in the minutes. Feight said there is a recording but it’s not the same as minutes. He said it was his understanding that by law all votes that are taken by the board must be indicated in the minutes. Manson said she understood that the minutes would be a summary of the meeting. Feight said a verbatim account of the meeting is not necessary but it would be difficult to review the minutes for the debates and discussion. Roberts said the direction from headquarters is audio and video copies of the meetings serve that purpose but if the board would like more in the minutes EHI can definitely do that. Swain said the minutes should include motions, proposals, discussion, and if a motion fails or carries to be complete.

Feight said what is lacking in the minutes is his explanation of the opposed changes in the operating procedures involving the facilitator, why it is important that the Board establish trust with the community and that the Board should be able to choose the facilitator. He would like that whole debate captured in the minutes. Feight made a motion to amend the minutes to include all motions during the operation

procedures debate. The motion was seconded and carried. King asked Roberts to circulate the minutes prior to the November meeting and asked if all future minutes could include the actions. Roberts said yes.

Deputy Designated Federal Official Comments

Kozlowski presented September Site accomplishments and ongoing projects, key future scope areas and an overview of the X-746 Removal Project Engineering Evaluation and Cost Analysis 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. Questions and answers (paraphrased) appear below.

Questions/Comments	**Answers**
Charle: Where is the scrap from the converter Shell Shearing disposed?	**Kozlowski:** The scrap is taken to the Energy Solutions disposal facility in Utah.
Swain: It used to be Envirocare?	**Kozlowski:** Yes.
Feight: Is the X-744G the uranium management center?	**Kozlowski:** Yes.
Swain: Is Paducah building a conversion plant just like Portsmouth and is Paducah's facility further along?	**Kozlowski:** Paducah is building a conversion plant that has four processing lines. The Portsmouth conversion plant has three process lines. Portsmouth is slightly ahead of Paducah's construction. Portsmouth has completed its construction phase for the operational portion of the plant and is now going through the system operability tests. Paducah has not completed their operation construction.
Swain: Does Hanford or any other place in the country have a conversion facility that is functioning?	**Murphie:** There are fuel cycle facilities that use this process but no one in this country is taking tails for the purpose of converting them to a stable form. There is a fuel cycle facility in Hanford but it is not a tails conversion plant. Portsmouth and Paducah will be the only two plants and Portsmouth is about eight months ahead of Paducah.
Charle: The 15,000 metric tons of spent uranium material was sold for three billion dollars?	**Kozlowski:** The material was not sold; it was processed to be used in the commercial industry which originally could not be used. There was no value by going through this treatment process and removing the contamination in it and now it can be sold to the open market and it has a value of excess.
Charle: It the material still in Portsmouth?	**Kozlowski**: Primary, yes. Some of the material which is part of the processing is taken to the Paducah plant and processed at the operating gaseous diffusion plant there to recover the materials. **Murphie**: Just to clarify, the 15,000 tons include DOE and the United States Enrichment Corporation (USEC) inventory. USEC was given about 9,500 tons of DOE's inventory of natural uranium. It turned out, with some dispute, that it

	was contaminated with Technetium99 (Tc99) and it did not meet the specifications for fuel under the American Society of Testing and Materials. To settle a long standing dispute between DOE and USEC, DOE agreed to process the material at their expense. In addition to the 9,500 tons, DOE had 5,500 tons material that was also contaminated. DOE gave USEC this material as part of the privatization. DOE essentially replaced a bad asset with a good asset so that there was a net sum of zero to USEC and in exchange DOE got 5,500 tons cleaned up as well and now that is part of DOE's strategic inventory and combined it is worth about 3 billion dollars on the market today.
Charle: Do you see any role if this board had been in full operation could have been an assistance to DOE in those decisions?	**Kozlowski:** Any decisions made by DOE benefit by having board input. The key decisions are coming in the future f such as end use and site decisions regarding decontaminating and decommissioning of the site. **Murphie:** The Board's charter determines the topics that the board can make recommendations. The decisions made on the spent uranium were a settlement of legal dispute between DOE and USEC. There are certain things that this board cannot recommend such as settling a lawsuit with USEC. There are several examples of environmental reservation cleanup work and other waste management activities that are the subject purpose of this board including decisions under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) and Resource Conservation Recovery Act (RCRA) process for public participation.
Ed Charle: I appreciate that comment. Most of us don't have a clear focus on the kinds of things that are relevant to the board's mission.	
Swain: Board members will benefit from reviewing DOE documents. Does the Board go directly DOE to obtain a document?	**Kozlowski:** Requests should go through Roberts and he can copy me on the request. DOE will provide the Board information to access documents. Once the committees are formed, DOE will bring in subject experts with detailed presentations to walk the members through the expected activities in addition to providing the documentation. If the Board has specific requests, never hesitate to contact me and I will be happy to follow up but Roberts is available to provide direct logistics support.

Murphie said he had requested that the Office of Nuclear Energy provide a person discuss the Global Nuclear Energy Partnership (GNEP) status with the Board. Dan Stout, DOE, can provide a short

presentation if the Board would like to add that presentation on a future agenda. Blackburn made a motion for Stout to attend the next Board meeting to speak on GNEP. There was a second and the motion carried.

Parker requested a copy of the Consent Decree. Dewey said OEPA has been asked to provide a presentation at the retreat and hopes that might clear up some of the confusion relating to the Consent Decree.

Smith asked if there would be any independent scientists or subject matter experts brought in to provide an independent analysis of each unit other then governmental agencies such as DOE, OPEA or EPA. Snyder said that once committees are formed, each committee can invite these people with the expertise for advice.

Liaison Comments

Dewey said OPEA is responsible for the oversight of the investigation and cleanup of the facility and has been working along those lines since 1989 to investigate cleanup of various parts of the site. The Board requested OPEA participation in liaison capacity and subsequently DOE sent a letter to OPEA requesting participation as a liaison. Dewey and Maria Galanti will fill that role and invite subject experts when necessary to discuss certain agenda topics. In addition, Dewey suggested that the Board consider support from the Ohio Department of Health as a liaison.

Swain asked if the Ohio Historic Preservation Office was requested as a liaison to the Board. Kozlowski said the Ohio Historic Preservation Office would be invited on an “as needed” basis.

Feight made a motion to have the Ohio Department of Health to serve as liaison to the Board. The motion was seconded and carried.

Payton asked if possible liaisons could remain on the agenda. Murphie said the Board can request additional liaisons at any Board meeting.

Public Comments

King asked the public to introduce themselves for the record and please limit comments to four minutes. Further comments could be placed on the agenda for future meetings.

Geoffrey Sea, Southern Ohio Neighbors Group (SONG), said on the subject of the person from DOE headquarters that is going to come and discuss GNEP, the board might want to reconsider that decision for a couple of reasons. There is not a big turnout at these SSAB meetings and the community is intensely interested in GNEP. At the Semi-Annual Environment Review meeting, about a hundred people showed up to express the desire to ask questions of the person from DOE headquarters. From the community prospective, Sea thought it was much more important that the community get answers about GNEP when there were more people. There were 300 residents who showed up at the March 4, 2007 GNEP field hearing. He suggested that instead of the GNEP person coming to the SSAB meeting, he come to a community meeting that is scheduled publicly and advertised for a substantial turnout. The second reason is that the SSAB meeting is scheduled for the first Thursday of the month and the next meeting is going to be the Thursday after the election and the fact is GNEP is an intensely election issue and has created a lot of confusion in this community. He said many people including politicians don’t know if spent nuclear fuel storage and reprocessing are on the table or off the table so it would be very important to have that person from DOE come and speak before the election to address the community.

Sea said that there have been some misstatements that have been made about SONG. SONG has been called an obstructionist group but they are in fact in favor of site redevelopment and consistently favor things like the hexafluoride conversion plant. SONG favors a plan to redevelop the site as an enterprise of renewable energy and have consistently made jobs one of their leading causes. He said SONG resents being called an obstructionist group, and are also not an anti-nuclear group. Sea wanted to say for the record that many of its members are specifically pro-nuclear and have particular ideas about what's suitable for this site and what's suitable for the national energy policy is that can be very different from what's suitable for the Piketon site. He said many of them believe that a reprocessing plant is not suitable for the Piketon site but that doesn't mean that they are all are against reprocessing. Sea said it has been suggested that SONG is just a few individuals so Sea submitted a copy of the SONG petition which has been signed by over 5,000 residents of Southern Ohio. He said not all 5,000 are listed but there are additional pages that can be provided at some future time. The petition includes about 4,000 and this record indicates that SONG represents a lot of people in this community.

Pam Sprouse said she was born and raised a Ross County resident and is an employee that has worked at the plant for 17 years. She asked that future DOE presentations regarding projects list the responsible contractor. The presentation included projects that have been completed and the planned projects and requested that the presentation indicate which contractor is responsible.

Vina Colley, Piketon Residents for Environmental Safety and Security (PRESS), said she had not received notice for the past couple of meetings. She asked to see someone like a group out of New Mexico Dimensions come in and conduct a health physics survey of what is here on site before DOE start the decommission. She requested that Margret Methacall, radioactive waste, conduct an Environmental Impact Statement before the start of the decommissioning of the site.

Review of EM SSAB Chairs Meeting

Snyder presented highlights of the SSAB Chair's Meeting:

- The meeting was held in Washington D.C. on September 16 and 17. Francis and Snyder attended.
- Several of the other Boards that have been in existence for over ten years. All the Boards have dealt with the same things that Portsmouth is going through to get started and now they are operating very effectively with annual reports full of activities.
- The presentations from the Chairs Meeting are located on the DOE EM website at www.em.doe.gov.
- One of the presentations was from a Washington insider, Martin Schneider, who is the editor of Weapons Complex Monitor, a very interesting periodical that comes out 50 times a year for $1295. It has good information and a sample copy is available on their website. Both Portsmouth and Paducah are mentioned in one of the copies. Schneider recommended that the Boards and DOE look for ways to reduce the DOE cleanup footprint at each site. He also recommended that DOE and the Boards relay their success stories to the public so that they will know that DOE is doing something for the stakeholders.

Snyder said there is a letter in the Board packet that was developed at the Chairs meeting thanking James Rispoli, Assistant Secretary for Environmental Management, for his work and recommending that his four key points carry over into the new administration. The Board can approve whether the Portsmouth Co-Chairs signatures can be added to the letter. The letter cannot be edited.

Swain said since the Board is just getting started and doesn't have a relationship with the Assistant Secretary, she felt their signatures didn't have a whole lot of a meaning since they haven't been functioning. Minter said Rispoli was instrumental in helping to form this board. Smith said it is a waste of time to thank someone for doing his job. The Board was long overdue and this Board has spent the last three meetings arguing over procedures. Spencer said the Board is wasting time on a common courtesy. Spencer made a motion to approve the letter and allow the Co-Chairs to sign. The motion was seconded and carried.

Operating Procedures

The draft operating procedures were presented for approval. Parker requested that future comment response summaries were developed by section. King said the request was noted.

Feight asked who has the responsibility of selecting and hiring the support contractor. Kozlowski said DOE provides the contract for support. EHI was selected based on their performance providing similar support to the Paducah board. Murphie said DOE does consider Board input and the Board can comment on the Request for Proposal (RFP) but the selection of contractors is not subject to review. Swain asked if that had changed because the Fernald SSAB chose their staff. DOE paid for the services but the Board made the decision. Murphie said the Board may have made the recommendation and DOE agreed. He said some of the Boards hire technical expertise to work for them and that is a slightly different contract then this support services contract. Kozlowski said the Fernald contract was executed by DOE. The Board may have had a say in establishing their expectations but it is a selection by DOE. Murphie said there are opportunities for Board input if DOE re-competes this contract and there are some rules to allow certain people to participate in the procurement with certain restrictions and non-disclosure agreements. The actual selection process is still a federal process.

Swain asked if the salary of the contractor and facilitator would be communicated to the Board periodically. Murphie said there is a difference between personal information and contract information. Kozlowski said there is an accounting for all SSAB budgets across the complex. DOE provides the information on what is spent for this board and other activities on an annual basis.

Feight asked for clarification on the response to one of the comment responses: "The contractor will openly seek Board input as to how best to fill these position(s) so as to maximize value to the Board." He asked if that meant that the Board could pass a resolution to make a motion to change the facilitator. Murphie said if the Board is not happy with the services of the facilitator and wants a replacement that is between the Board and EHI. Murphie said he is sure that EHI would be more than happy to get input from the board with the respect to what they are looking for in a facilitator and is sure EHI would be more than happy to accommodate the Board because that is their job to view the Board as their customer. Roberts said EHI will routinely look for feedback from the board on support services. If the board is disgruntled and goes to DOE, EHI will not get a renewed contract so it behooves EHI to keep the Board happy and that is what EHI will make every effort to do. Murphie said if the Board is not happy with EHI due to failing to provide services and it's not personal, DOE will consider the complaint and make alternative arrangements.

Parker said the committee section of the operating procedures states that non board members are allowed to vote. Roberts said the SSAB guidance states that members of the public who are not voting members of the board may serve as members of the committees so that people outside of the chartered board member may serve on the committee buy must be appointed by the Board Co-chairs and approved by the DDFO. Feight asked if committees have chairs or co-chairs. Roberts said the each committee can have its own structure and decide how it wants to operate. The chairs are selected by the committee.

Charle made a motion to allow the facilitator to proceed with each revised amendment to the operating procedures one by one and the Board vote each amendment up or down without further discussion.

Article I: Change Lexington to Portsmouth/Paducah Project Office and change last sentence to Portsmouth Gaseous Diffusion Plant. Motion Carried.
Article II: Motion Carried.
Article III: Motion Carried.
Article IV: Motion Carried.
Article V: Motion Carried.
Article VI C1: Motion Tied. Revised to read 2/3 majority in both sentences. Motion Carried.
Article VII: Motion Carried.
Article VIII: Motion Carried.
No revision in Article IX or Article X.
Staff will renumber articles due to Article XI left out on original procedures.
Article XII: Motion Carried.
Article XIII: Motion Carried.
Article XIV: Motion Carried.

The DRAFT Revised Operating Procedures are included as Attachment 2 to the minutes.

Minter motioned for the Board to approve the minutes at the next meeting with the adopted changes. The motion was seconded and carried. Roberts said the Draft procedures must be approved by DOE Headquarters and General Counsel before the procedures can be adopted.

Committee Presentation

Snyder provided a short presentation on committee structure.

- Role of Subcommittees
  - Function – Work with DOE, contractors and regulators to fully understand technical issues and EM projects
  - Composition – SSAB members, DOE representative, subject matter experts, regulators, members of the public
  - Goal – Preparation for future meetings and documents and to produce recommendation and advice to DOE
- Recommendation Process
  - Administrative process will be laid out in the Operating Procedures
  - Typical Process Flow – Gaining consensus can be very time intensive
- Path Forward
  - Orientation/Education- Includes Fall Retreat, committee meetings and other educational opportunities
  - Election of Committee Chairs – Elected by the committees once work plans are established
  - Contact with DOE Representatives – DDFO appoints DOE contact for each committee

Board Retreat

Roberts provided a timeline for the retreat tentatively scheduled for October 24 and 25 at the Shawnee State Park. The timeline identifies the main topics that need to be discussed including a Work Plan for the Board and committees. Murphie suggested a weekday and a Saturday tour prior to the retreat. Roberts will send out the available days via email and the Board can decide which day works best for their schedule. Dewey asked the Board what OPEA should present at the retreat. Renner suggested that OPEA present the environmental issues at the site and how long the OPEA has been working to address the issues. Dewey said the presentation would include the Consent Decree.

Other Issues

Feight said he received a call from a woman who was working with a company called Qfact representing a group doing a study of the cleanup of the Portsmouth site. She asked if he was willing to come to a focus group meeting that Friday at the Holiday Inn at Portsmouth. Feight was unable to attend but asked who would be conducting the study but the woman did not know. A couple of public officials had agreed to attend. Feight asked if anyone knew anything about the study or had been contacted. Minter said SONG may be able to answer the question or it could have been one of the bidding contractors on the pending Request for Proposal (RFP). Murphie said several companies are trying to gain input and an advantage for the RFP procurement. He said the study is not endorsed by DOE.

Charle moved to adjourn the meeting. The motion was seconded. A member of the public asked if there was a final comment period. King said the comment period had already taken place. Public member asked for two minutes. King said there would need to be an amendment to the agenda. Feight moved to vote that the Board hear the public comment. Charle said there was already a motion on the floor. King said there is a motion on the floor for the meeting to adjourn and it has been seconded. The motion to adjourn carried.

The meeting adjourned at 8:40.