



PORTSMOUTH SITE SPECIFIC ADVISORY BOARD

•OSU Endeavor Center • 1862 Shyville Road • Piketon, Ohio 45661 • (866) 650-7437 •

The Portsmouth Site-Specific Advisory Board (SSAB) met at the Ohio State University South Center Auditorium in Piketon, Ohio, September 4, 2008 at 6 p.m.

Board members present: Lee Blackburn, Gene Brushart, Ed Charle, Andrew Feight, Val Francis, Bobby Graff, Sharon Manson, Franklin Halstead, Steve Martin, Tom Martin, Dan Minter, Larry Parker, Mike Payton, Cristy Renner, Billy Spencer, and Lorry Swain

Board members absent: Thomas Allen, Shirley Bandy, Terri Ann Smith and Dick Snyder

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

Deputy Designated Federal Official (DDFO): David Kozlowski

U.S. Department of Energy (DOE) related employees: Chris Anderson, Rich Bonczek, Yvette Cantrell, Ike Cobb, Steve Crace, Kim Crenshaw, Bill Franz, Steve Guthrie, Jim King, Judson Lilly, John McCoy, Bill Murphie, Chris Ondara, Eric Roberts, Sandy Childers, Eric Stein, Cristy Webb and Ed Young

Public: Tressie Hall, John McCoy, David Manuta, Eric O'Neil, Geoffrey Sea and Brad Sherman

Call to Order

Francis, on behalf of Snyder and the SSAB called the first meeting to order and turned the meeting over to facilitator, Jim King. Introductions were conducted.

Agenda

Three additional items were proposed for addition to the agenda; interest in DOE Fernald site tour, time limit for public comment, and whether the board wants to set a hard adjournment time for the meetings. King asked for additional modifications.

Feight proposed to move Operating Procedures to the beginning of the meeting to decide how the meetings should be conducted and discuss issuing an invitation to individuals that were associated with the Fernald site clean-up, specifically Lisa Crawford, SM Stoller Corporation Project Manager and Fernald Legacy Management Contractor; Jane Powell, Fernald Site Manager for DOE Office of Legacy Management; and Pam Dunn, Fernald SSAB. The SSAB should discuss an invitation to those individuals to speak at the November SSAB meeting. Authorizing payment and lodging expenses for these individuals should also be discussed. Feight believed twenty minutes is not enough time for public comments. Murphie said the sign in sheet allows the public to indicate if they wish to speak during the public comment period to help gauge the amount of time needed for public comment.

Swain proposed discussion of a replacement for Board member Nicholas Dinos. Kozlowski said Brushart was selected and accepted the appointment to fill Dinos' unexpired term. Swain said the operating procedures implied that the Board would have input on membership nominations. She planned to recommend Tressie Hall, Piketon plant neighbor to fill that position. Kozlowski said DOE discussed the appointment with the co-chairs and followed the appointing process outlined in the Federal Advisory Committee Act (FACA). The intent was to have full board capacity at the first meeting. There is a large membership pool of very qualified applicants. Francis said Brushart has lived in Piketon all his life and has a lot of knowledge to bring to the Board.

Feight motioned to move the operating procedures to the next item on the agenda. Blackburn seconded the motion. The motion passed by consensus.

Feight motioned to add to the agenda the subject of a Fernald site tour or getting input and assistance from past advisory board members as well as DOE officials. Martin seconded the motion. The motion passed by consensus.

Operating Procedures

Roberts explained that the operating procedures in the Board packet was very generic and was offered to the board by general counsel. The operating procedures for other SSAB's across the complex are very similar to the procedures provided. The Board has some leeway to make minor changes. This document was presented to the SSAB at the July meeting and is merely a starting point. The Board has the option of choosing no operating procedures and moving forward with FACA, DOE Guidance and the DOE Environmental Management (EM) Manual that has been laid out or the Board can choose to adopt more specific operating procedures such as these for additional structure and guidance. The process for adopting operating procedures requires reading at two Board meeting. DOE General Counsel must approve the procedures before the Board can vote on the document.

The Board discussed amendments regarding Robert's Rules of Order and facilitation of the meeting. Feight distributed revisions to the amendments that he had compiled.

Francis motioned for all Board members to study the operating procedures and email comments to him by September 19th. Roberts will compile the comments and provide to the Board by September 26th. The operating procedures would continue as an agenda topic for the October meeting. The motion was seconded and approved by consensus.

Development of Top 3 Issues/Accomplishment for EM SSAB Chairs Meeting

Francis reported that Snyder and he would be representing the Portsmouth SSAB in Washington, D.C. on September 16-17 at the EM SSAB Chairs Meeting. An overview of the meeting will be presented to the Board.

Board Retreat

Roberts said a retreat would allow the Board to start with a basic overview of the site and establish key milestones for each of the projects. Most retreats are usually on a Friday night and all day Saturday. Developing a Work Plan allows the Board to look ahead for the upcoming year. Swain agreed that the Board needs a serious educational process about the issues and come to a shared understanding of the facts going on around and underneath the ground at the plant. She believed choosing participation on individual committees was premature because the Board does not know the facts.

Renner said a retreat is an excellent idea and suggested inviting Ken Dewey, OEPA and others to provide presentations on clean up of the site after the Board was educated on some of the background. Minter suggested a site tour and said there are two stages to the process. One is education and learning about the site the second is facilitation of the operating plan. Facilitators can be utilized to achieve consensus on developing not only a plan but also dates, deliverables, and establishing committees to look at issues and develop recommendations. Francis made a motion for Roberts to draft a retreat agenda including proposed agenda items and potential dates from all members for discussion at the October Board meeting. The motion was passed by majority.

Adjournment Time

Martin made a motion for the Board to set a hard adjournment time for two hours. The motion was seconded. Feight and Swain agreed there should be some flexibility and did not want to limit the public comment at the end of the meeting. Martin amended the motion to set the two hour time adjournment time as a goal. The second did not carry. Minter suggested considering the adjournment time in the operating procedures and reflect some consideration at a future time period.

Fernald Site Tour

Feight said the Associated Press recently ran a story about the success at the Fernald site and suggested that the board bring in the people mentioned in the article and some of the past SSAB members or visit Fernald for a tour and meet with the individuals there. He asked if the Board could authorize travel for these people to come here or if the Board visited Fernald. Minter said he shared the article not as a direction or a model but an example of a path forward but having knowledge of the Portsmouth site is a first priority before visiting another site. Minter suggesting the Fernald site tour as a retreat agenda topic. The Board agreed to finalize the discussion at the retreat.

DDFO Comments

Kozlowski announced he would have his presentation posted on the SSAB website rather than go through the slides to reduce the length of the meeting.

Liaison Recommendations

The Board can recommend that DOE name Federal, State or Tribal organizations as liaisons to the Board to provide information and represent their agency's interest at local Board meetings. Liaisons participate in discussion but do not vote and are not included in the quorum count. Feight said OEPA is one liaison that the Board should recommendation as a liaison. Swain made a motion to invite OEPA to serve as a liaison. The motion was seconded and approved by consensus.

Swain made a motion to request that a member of the Ohio Historic Preservation Office (OHPO) serve as a liaison. It was seconded and the motion tied. Murphie said this is not a one time nomination process. OEPA is involved at the site and obviously should be nominated and other groups can be invited on an "as needed" basis for special subjects or when their resources are needed for that meeting. Blackburn motioned for DOE to ask a member of the OHPO to attend certain meetings as needed. The motion was seconded and approved by consensus. The discussion of additional liaisons will be added to the October agenda.

Parker asked when the Board could expect a copy of the minutes. Roberts said the minutes which will be a summary of all the actions will be sent out to the Board after approval by the Co-Chair. A video of the meeting will be available on the SSAB website in a week.

Public Comment

King asked the public to introduce themselves, be precise and keep comments to four minutes. For future meetings, please indicate on the sign in sheet if you plan to speak to gauge the amount of time needed for public comment.

Manuta, President of Mantua Chemical Consulting and former research staff member at the Atomic Plant, said that he recommended small committees of three or four people to discuss key action areas. Those committees should meet between meetings and treat the Board meeting as an executive board meeting. He offered the Board his Nuclear Regulatory Commission presentation for the education process at the retreat. He said the budget is also a key issue especially since the Board discussed inviting the representatives from the clean up at Fernald. Right now there is a big mystery of where the budget is coming from and how much there is to spend.

Manuta said the problem with consensus procedures is that one negative vote kills the motion and the process has to start all over again. If someone is going to vote negative, other members of the Board need to speak to them privately and hash out the differences Email should be utilized between meetings, otherwise very little will get accomplished.

Manuta said Fernald was part of the weapons complex but wasn't involved with uranium enrichment so discussions that Fernald had from the mid 80's with their SSAB will be a lot different than what is going on in Portsmouth but Paducah had very similar functions and could benefit this SSAB.

Sea, Southern Ohio Neighbor's Group, said this is a historic occasion. He just wanted to bring to everyone's attention that this is the first time in 56 years that DOE, previously the Atomic Energy Commission (AEC), has established a formal body for communicating and allowing the community of

this area to have any input into what goes on at this site. His organization petitioned to create an SSAB and is very pleased to see it happen. Sea commended the Board on their work and the fact that they are all willing to volunteer their time and thanked DOE for creating the Board.

Sea wanted to clear up the confusion about the OHPO. There are two bodies of federal law that are the main bodies that govern environmental and cultural protection of the site and those are the National Environmental Protection Act (NEPA) and National Historic Preservation Act (NHPA) and they were written into federal law as companion pieces of legislation. NEPA governs environmental protection and OEPA enforces NEPA. The other body of law is the NHPA which parallels NEPA and governs protection of cultural resources at the site. The importance of involving OHPO is because OEPA and USEPA do not have the expertise to get involved in cultural resource protection. Sea wanted to make clear that OHPO is structured differently so it is not a state agency. OHPO is a private organization, a division of the Ohio Historic Society; however, OHPO exercises federal responsibility under NHPA and are answerable and funded by the National Park Service so NHPA is actually more of a federal arm than a state arm. OHPO is charged with administering the national register of historic places for the National Park Service.

Sea said there are two specific reasons to involve OHPO. OHPO has general jurisdiction of cultural resources, not just Indian sites. For example, there are historic buildings and historic homes that may be impacted on the perimeter of the site. Another impact is on prehistoric and Indian cultural sites. This site sits on top of a prehistoric archeological site of great importance that has been neglected over the years. There are designated archeological areas around the site but there are a lot of other parts of the site that are still archeologically significant but have not been investigated. A third area that OHPO has jurisdiction over is the gaseous diffusion plant itself that has been designated as eligible for the National Register of Historic Places. It is not listed on the National Register yet but Murphie communicates with OHPO regularly and there is an informal agreement between OHPO and DOE that the site will be treated as if it is eligible for the National Register and has been recognized by the American Nuclear Society as a national nuclear landmark. OHPO is involved in making sure that the gaseous diffusion site is protected as a national historic site. That doesn't mean that the buildings can't be torn down but that the OHPO will be included in the discussion. OHPO and other consulting parties have to be involved in making those decisions because when a building that has national historic status is torn down, there are many procedures to go through.

Sea said the Board can immediately help the community and help relations with the community. The Board can help serve as a conduit for information from DOE to the community. The community has had a tough time getting information about this site. One of the things the Board can do is to circumvent the Freedom of Information Act which is supposed to provide information in two weeks but anyone who has tried knows it takes more like two years. The Board can help circumvent that process and request information from DOE that can then be made available to the community and help open things up at Piketon. Now that the plant is closed, opening up about the cleanup process is important.

Sea said there are three specific areas where the Board can request information to be provided. One is the archeology; in 1952 when this site was built, the Ohio Historical Society, which was then in charge of archeology created an emergency committee to persuade AEC to choose a different site because this site was so important archeologically. When the site was built, the Ohio Historical Society asked for permission to salvage archeology and put archeologists onsite when the buildings were built to see what was taken out of the ground. That permission was denied. The records of what was found have never been disclosed. The files may still exist or could have been destroyed. The Board could request that DOE release all of that information about the archeology of the site that was found in 1952 and afterwards, that it all be disclosed and made public. This information is very important in future decisions about site cleanup.

Sea said the Board could ask DOE to de-classify the information on a classified waste burial ground at Piketon. There is probably not much reason why that information is classified; it is material that was buried thirty or forty years ago. This information is particularly important to people who live on the south side because that is where the dump sites are located. There are a lot of houses in that area and those residents have an interest in knowing what's buried there. The Board could also ask DOE why there is so much beryllium at this site. The people who have studied this know the answer but technically it's a classified subject. There is probably not a reason to keep that classified. The literature about medical effects of Beryllium are identified from studies conducted on Piketon workers. The public wants to know why there is so much beryllium at the site, why was it used there and where does it come from.

King thanked the public for their comments.

The meeting adjourned at 8:50.