



PORTSMOUTH SITE SPECIFIC ADVISORY BOARD

Minutes of the August 6, 2009, SSAB Meeting • 6 p.m.

Location: The Ohio State University South Center's Auditorium in Piketon, Ohio

Site Specific Advisory Board (SSAB) Members Present: Shirley Bandy, Lee Blackburn, Cristy Boggs-Renner, Gene Brushart, Ed Charle, Andrew Feight, Val Francis, Bobby Graff, Frank Halstead, Sharon Manson, Dan Minter, Larry Parker, Michael Payton, Terri Ann Smith, Richard Snyder, and Lorry Swain

SSAB Members Absent: Steve Martin

Board Liaisons and Related Regulatory Agency Employees: Brian Blair, Craig Butler, Ken Dewey and Maria Galanti, Ohio EPA; Michael Rubadue, Ohio Dept of Health; David Snyder, Ohio Historic Preservation Office

DOE and Contractors: Jim Thompson and Del R. Baird, CDM; Rich Bonczek, Jud Lilly, Joel Bradburne, Dave Kozlowski, Bill Murphie, Melda Rafferty, Greg Simonton and Ted Theopolos, DOE; Julie Galloway, Brandy Moore and Eric Roberts, EHI; Paul Mohr, Fluor; Bill Childers, Innovative Solutions; Sandy Childers, Bill Franz, David Lee, and Frances Mullins, LATA/Parallax; Lesley Cusick and Mike Kopp, RSI; Josie Blackmon, Herman Potter and Don Ruggles, UDS; Marty Ross and David Simpson, USEC;

Facilitator: Jim King

Public: GR Beckett, Kathleen Boutis, SONG; Vina Colley, PRESS/NNWI; Sherron Courneen, Ervin Craft, Dawn George, Tressie Hall, SONG; Carl Hartley, USW; Connie Hammond, Brian Huber, Melissa Huber, Mark Johnson, Delores Kopp, Virginia Matis, CH2MHill; Ida Mckenney, Doug McGraw, Rebecca Mosher, Pat Marida, Sierra Club; Kerf Mullins, Eric O'Neil, Jean Puckstein, Frank Renner, Floyd Richardson, Geoffrey Sea, SONG; James Shalof, Leslie Sherman, Dan Shirey IBEW 575; Dorsey Stebbins, Bob Studzinski, Earl Todt, Patty Todt

Media: Loren Genson, Chillicothe Gazette; Matt Lucas, Pike County News Watchman; Sam Piatt, Portsmouth Daily Times

Call to Order:

Snyder calls the meeting to order.

Agenda:

King calls for any modifications or proposed changes to the agenda.

- *Swain* motions to allow more time during the public comment period. *King* states that we will allow the comments to four minutes unless the Board states otherwise.

June Minutes:

Swain motions to approve the June minutes, *Motion seconded*.

- *Motion carries*

Election of Co-chairs:

Manson nominated Val Francis and Richard Snyder again they have done a good job, learned a lot and they have a handle on what we are doing, *Motion seconded*.

- Call for vote
- *Feight* motioned to vote by secret ballot, *Motion seconded*.
 - *Minter* discussed that there was no need for secret ballot since there are no other members nominated.
- *Charle* brought up that the vote by secret ballot doesn't need to be voted on it would be a mandatory secret ballot vote.
- *King* stated *Roberts Rule of Order* is mandatory to run the meeting, he suggested moving on to the next item on the Agenda while he checked to see how this should be handled. He asked if this was agreeable and everyone agreed to move on to Public Comment Period.
 - *Halstead* motioned to move on to the next item, *Motion seconded*.
 - *Motion carries*

Public Comment:

Lee Blackburn, Andrew Feight, and Lorry Swain recued themselves to speak as members of the public during the comment period time.

Lorry Swain: read a letter to EM Assistant Secretary Ines Triay stating that when they accepted their appointments DOE told them that the Board would play a meaningful role in the decisions guiding the cleanup at the Piketon Site, but recent events have proven that DOE has failed to protect the Board from significant conflicts of interest and has hindered the role in the most important decisions impacting this Site and the larger community. With sadness and disillusionment we submit our resignations. The problem with conflicts of interests came particularly clear with the recent announcement that SODI, USEC and their other business partners plan to construct a nuclear reactor at the Piketon Site. The SSAB was never consulted regarding this matter. *Lee Blackburn*: The DOE conflict of interest guidance states that SSAB members are not to be employees of DOE contractors yet some Board members are employed by DOE contractor or hold positions with SODI. After one committee meeting during which SSAB members pressed DOE on this conflict of interest matter we requested a copy of the audio recording of that meeting and we were told by the DOE contractor responsible for the administration of the Board that the recording had been lost. *Andrew Feight*: Since the formation of the SSAB in summer 2008, we've continually requested the services of The Perspectives Group. The Perspectives Group has successfully assisted other SSAB Boards. We believe that DOE's inaction on our request violates the spirit of the Federal Advisory Committee Act, which governs the operation of the SSAB. Lastly, DOE has sanctioned violations of the SSAB's operational procedures, which require that each Board member must serve on at least one committee. For these and other reasons we submit our resignation immediately. And I'll close by saying we are turning this letter over to the DOE's Inspector General and will be demanding a complete investigation of the operation of the Portsmouth SSAB and the activities of SODI. Thank You.

Dorsey Stebens In May of this year, I submitted my application for membership. However I learned that this Board has not even been informed that planning was taking place to site a nuclear reactor at Piketon. The revelation about conflict of interest, overall lack of transparency and missing dialogue has lead me to withdraw my application of membership.

Connie Hammond A few months ago I learned about the opening on the SSAB. After much consideration I felt that it was my duty as a citizen to become informed and involved. The disregard for safeguards against conflict of interest on the Board and the fact that the proposal of the nuclear power plant violated recommendations of the current SSAB and was not discussed with them, I want to go on record and state that this is the reason for withdrawing my application for the Board.

Pat Marida I'm a member of the Nuclear Committee for the Ohio Sierra Club and a member of the Radiation Team of the National Sierra Club and the Sierra Club wishes to express its dismay. The three members that have resigned are members of the Sierra Club. The Sierra Club is promoting clean and safe jobs, but the DOE has bypassed the Piketon community as well as the environmental community and has not discussed any alternative to nuclear in their secretive development of nuclear parks. Clean up is badly needed and should be the first priority and if there are any news reporters I have the Sierra Club statements on the USEC loan and on the resignation of our members. Thank you.

Geoffrey Sea, SONG I commend the courage and integrity of the three SSAB Board members who resigned and the ones that withdrew their application for membership. When we petitioned for a CAB at Piketon with over 5000 names we demanded that the Citizens Advisory Board have jurisdiction over all parts and all DOE activities at Piketon, that it be governed by the Federal Advisory Committee Act, that it include all sectors of impacted communities of Piketon, and be free of conflicts of interest. There needs to be a new Board established, not with any of the individuals who are responsible for this Board. Thank you.

Snyder called Point of Order are we within the 20 minutes. **King** I think that the Board agreed to let everyone speak but keep it within the 4 minutes.

Carl Hartley I would like to withdraw my comment, thank you.

Vina Colley Wow, it took a year for some members of this Board to figure out what we have been saying that we don't have any representatives for the community residents. How many times have I been to these meetings and asked for an expert to come in and to review your documents and to let the citizens know what the problem is. I'm concerned they wanted a nuclear reactor here and they haven't even cleaned up the Site. If they do this clean up right, they will need union electricians, pipefitters, welders, and labor people to disassemble these buildings. I am proud of the Board members who have resigned. I hope we put another Board together that will represent the community. Thank you.

Brian Huber I'm a Pike County resident and I just would like to make three main comments. The first one is about Future Land Use. Decisions made here will affect this community for years to come. Let's clean up the process buildings and prepare them for non-nuclear development. My second comment is about the 340-acres and SODI. I am very disappointed in the process that has taken place which has left us with a proposal for a nuclear power plant. SODI has once again shown their true colors and strengthened my belief that the D in diversification stands mainly for the diversification of the nuclear industry. My last comment deals with conflicts of interest and the SSAB. It is evident that several members of the SSAB have serious conflicts of interest. DOE, the failure to dismiss these members' conflicts by trivializing their conflicts is a violation of FACA. Thank you.

Tressie Hall, SONG You guys make me sick. You're crooked; I don't even like to be associated with you people. You send guards out to arrest us if we try to attend the meeting for the nuclear power plant. We belong to this community and some of you don't. We don't want more nuclear power or waste here. Thank you.

Kathleen Boutis First of all, I want to thank the Board members who served our community for all the right reasons and felt the need to step down. I also want to thank the remaining Board members who have integrity and are here hoping to make a difference for their community. Tonight, I see no less than five of the men most responsible for destroying the possibility of this being a true Community Advisory Board. I can think of few things more un-American than intentionally obstructing and corrupting democracy. Thank you.

Election of Co-chairs:

King states that if the motion is brought before the Board to have a secret ballot it has be made by motion

- Motion from Feight was brought back to the floor to vote by secret ballot for the nominees.
 - *Motion carries*
- Motion to re-elect Val Francis and Richard Snyder as Co-chairs held by secret ballot.
 - *Motion carries*

DDFO Comments:

Kozlowski presentation:

The update included the following information:

- American Recovery and Reinvestment Act (ARRA) Update
- DOE Material Storage Areas (DMSA's) 11&12 in X-326 Building
- X-746 Shipping and Receiving Building Removal
- Small Cylinders
- Lube Oil and Pyranol Shipments
- X-344C Deferred Unit Investigation
- Public Information Sessions
- Key DOE Initiatives for Future
- Accelerate Cleanup Work
- Question/Answer

A copy of the above-stated presentation can be viewed on the SSAB website at www.ports-ssab.org

D&D Comments:

Lilly presentation:

The update included the following information:

- What Does the Contract Include
- What are D&D and Environmental Remediation
- Equipment removal during D&D at Oak Ridge
- Building demolition during D&D at Oak Ridge
- Remediation
- Waste Management
- How long will D&D take and how much will it cost
- Comments from Community and RFP Provision
- Current Status
- Future Vision
- Question/Answer

A copy of the above-stated presentation can be viewed on the SSAB website at www.ports-ssab.org

Question/Comment:	Answer:
<i>Halstead</i> Any time frame on the cleanup and what will be expected?	<i>Lilly</i> The original time frame went out to 2044; the contract that we will be awarding is perhaps for a 10 yr period. We are thinking we can bring the project in ahead of schedule; we are not talking about anything like 2040 any longer. If we can get the funding at a sustained level we will make this thing happen much faster.
<i>Francis</i> The additional money that has just been talked about, I assume the projects have not yet been established for where that money will go?	<i>Lilly</i> The planning of the work will be an ongoing process. The additional money has been pledged and it will be applied to a project as we step forward.

<p>Manson Will you explain in more detail on your future vision? It says implement process to exchange excess uranium for services.</p>	<p>Lilly One of the proposals to enhance the projects was to exchange excess uranium in exchange for services, and the services would be applied to the cleanup that would create additional jobs. We will need to work out how we perform that.</p>
<p>Murphie I would just like to address the Board, particularly the Board members that just left and just say we regret they felt it necessary to resign. We feel we have made a lot of progress collectively and collaboratively since this Board has started. We appreciate many positive words that have been stated by members of the community regarding progress made by the Board in meetings we've had. We understand and have talked about on multiple occasions the frustration that people feel with respect to the FACA charter. We understand and clearly respect relative to the fact that decisions like the announcement of the proposal of nuclear energy was not brought to anybody's attention in advance. All I can say is that was outside the scope of the EM organization and there will be other activities going on such as the loan guarantee activities which have been a big public news announcement in the last couple weeks. Those are outside the EM purview. I know some of you will not accept this but we are not always involved in all things related to this site. These are the kind of things the Board will have to deal with whether it continues with or without the people who resigned. I would love to see the three members - who have been serving with us so diligently and I think with such great results - I would love to have them come back.</p>	
<p>Charle You have said that you appreciated our efforts. We have been here a year. Can you give us an example of something we have said or done that has been useful?</p>	<p>Murphie I think Jud's presentation was spot on with exactly the kind of thing you just asked. If you look at the most significant change within the EM cleanup program and you look at the pressure this committee and the community has brought on the Department's original plan for cleanup, we are light years different from where we started. There has been a huge impact and benefit to our plans from your work. We are directly working with this community. I know the letter talked about the 340-acres and the transfer. We have been reporting on the progress we are making and the process we have used to transfer the 340-acres. So there's an example of where in the past that process was done behind the scenes. As a result of this group, we are now putting that out on the table to the Board and community. One very important third one, the onsite waste disposal facility, when the Department was first looking at the assumption the preference was looking at onsite</p>

	disposal. The Department has made it extremely clear right now that we are not favoring onsite disposal. If the community doesn't support onsite disposal we will go off site.
--	--

- **Renner** motioned that the Board members who resigned withdraw their resignation and come back tonight and serve on the board, **Motioned seconded.**
- **Minter** stated it's a benefit to have diversity among the Board
 - **Motion carries**

Graff stated what has DOE and this Board done in the last year I think we can blame ourselves also. We sat here for two months on Robert's Rule of Order and we have set no goals for ourselves. We have to step up to play. We are here for this community and there are different agendas. I'm a Union President. I represent my union and also my community as a whole.

Federal Comments:

No comments

Liaison Comments:

No comments

Dept of Health:

No comments

Administrative Issues:

Snyder would like to take time to thank Ken Dewey for his time this last year. He will be retiring at the end of this month.

ER Committee:

Renner stated that the committee met on June 9, 2009, @ 4:30 p.m.

- On-going Action Items
- Planning a workshop in September/October with Maria from Ohio EPA (Sampling and Background Presentation)
- History/Cleanups at other Environmental Restoration Sites (Not pertaining to Radiation)

The next meeting will be held on **August 11, 2009, @ 4:30 p.m.**

FLU Committee:

Minter Stated that the committee met on June 9, 2009, @ 5:30 p.m.

Review of Previous Action Items

- 340-acre transfer
- Energy Parks Initiative
- Preliminary Discussions of Future Use Principles

The next meeting would be **August 11 @ 5:30 p.m.**

Waste Disposition Committee:

Parker stated that the committee met on June 11, 2009, @ 4:30 p.m. I would like to say first that Lorry Swain and Lee Blackburn were members of this committee. They were very dedicated in the work that they did and they are surely going to be missed. We were given the task to review the Green Initiative Letter for Recyclable Metals. We discussed and started to put together a recommendation. Our recommendation was not to sign the letter. The recommendation has gone to the Executive Committee.

- Waste Disposition Project Updates
- Recycled Metals

The next meeting will be held on **August 13, 2009 @ 4:30 p.m.**

D & D Committee:

Payton stated the committee met on June 11, 2009, @ 5:30 p.m. and hosted a waste disposal workshop learning from lessons from the Fernald SSAB, DOE and Ohio EPA. It went very well. I'm proud of Lorry Swain for organizing this event.

The next meeting will be held on **August 13, 2009 @ 5:30 p.m.**

Executive Committee:

Snyder stated the committee met on August 4, 2009. There wasn't a quorum present but they did discuss the following items.

- Discussed top three issues and one accomplishment
 - Critical Decision on path forward for Waste Disposal options including the potential siting of onsite CERCLA cell.
 - Develop the overall remediation site strategy.
 - SSAB involvement with the community and developing a broad future plan for the site.
 - Transition to new contractor at the site for the D&D Project.

Parker motioned to accept the top three issues and one accomplishment, ***Motion seconded***

- ***Motion carries***
 - Discussion on 3-4 members attending the Idaho Falls All-chairs meeting
 - Update from Ad/Hoc Committee
 - Nevada Trip (7 members will be able to attend)
 - Fall Retreat Update (look into dates for Retreat in October)
 - Risk Assessment Presentation Discussion
 - The next meeting will be held **August 4, 2009 @ 4:30 p.m.**

Motions:

Second Reading of the amendment to the Operating Procedures: Section V. Board Structure IV.

Membership Responsibilities proposed by Ad/hoc committee

Proposed amendment:

1. To attend regular meetings and receive training, members missing three consecutive Board or Committee meetings or having three unexcused absences in a given calendar year are subject to removal from the Board.

Manson motioned to adopt the amendment to the operating procedure ***Motion seconded.***

- ***Motion carries (needed 2/3 vote – 9 yes, 0 no, 1 abstained and 1 not present)***

Second Reading of the amendment to the Operating Procedures: Section V. Board Structure proposed by Ad/hoc committee

Proposed amendment:

1. Committee members may develop additional operating procedures consistent with these.

Parker motioned to adopt the amendment to the operating procedure ***Motion seconded.***

- ***Motion carries (needed 2/3 vote – 9 yes, 0 no, 1 abstained and 1 not present)***

Second Reading of the amendment to the Operating Procedures: Section V. Board Structure III.

Membership C. Vacancies proposed by Ad/hoc committee.

Proposed amendment:

1. A vacancy may occur by completion of a Site-Specific Advisory Board's (Board) member term, resignation, removal or other circumstances such as illness.
2. As soon as a vacancy exists, the DDFO may advertise the need for applicants if a sufficient pool of applicants is not available.
3. SSAB members may also nominate possible applicants.
4. Nominees should meet, as far as possible, the Board's existing stakeholder balance, diversity, and geographical distribution.
5. All applicants shall submit an approved DOE application form with sufficient information.
6. The DDFO shall screen applications and interview applicants, if necessary, to establish the applicant pool.
7. The DDFO shall select from the applicant pool the person(s) necessary to fill the vacancies and forward the recommendations to the Office of Environmental Management in DOE Headquarters for approval.

8. When a vacancy exists due to resignation, removal, illness, or death, the DDFO shall fill the position with an interim appointment for the remainder of the unexpired term.
 9. Efforts should be made to stagger appointments so that all term completions will not have to be filled at the same time.
 10. All procedures for filling SSAB vacancies shall be in accordance with the latest "U.S. Department of Energy Environmental Management Site-Specific Advisory Board Guidance."
- **Minter** motioned to have the wording changed in # 8 to read no more than 3 and at the next meeting have a second reading. **Motion seconded.**
 - **Motion carries**

*Second Reading of the amendment to the Operating Procedures: **Section V. Board Structure II. Functions, Scope and Accountability C. Accountability proposed by the Ad/hoc committee***

Proposed amendment:

7. Board members will send through Board Co-Chairs all requests for documents, reports and other similar information to the EM Deputy Designated Federal Officer to ensure a prompt response. The Deputy Designated Federal Officer is responsible for tracking DOE responses to requests from the Board and ensuring the completeness of those responses.

Parker motions to adopt the amendment to the operating procedure **Motion seconded.**

- **Motion carries (needed 2/3 vote – 9 yes, 0 no, 1 abstained and 1 not present)**
 - **Motion carries**

Public Comment:

Lee Blackburn I would like to thank the Board for the motion and want to relay a story from Henry David Thoreau & Ralph Waldo Emerson. Also I have resigned from the Board why have you not.

Geoffrey Sea, SONG There has been some mischaracterization of FACA, constraining the application of conflict of interest rules. The Federal Advisory Committee Act is very explicit about conflict of interest on Federal Advisory Boards. Now the implementing regulations defining what that means are left to the individual agencies. The operation on this Board on which contractor personnel serve and have failed to recuse themselves is an example of DOE failure to implement the conflict of interest regulations. That is the problem that is being brought to your attention. No one has yet said where the nuclear reactor is going to go. Secondly, SODI is one of the partners in the consortium proposing the reactor. Thank you.

Andrew Feight I would like to thank the Board members and there is no way until after the report is finished and after the Board is cleaned up. I would like to mention something that Dan Minter said to me after a board meeting. If the SSAB did not get together and make things happen, then SODI and other power players would go around the Board, and then he served on my committee while he was working on the nuclear reactor deal. He went around the Board. He really is the ultimate example of conflict of interest on the Board. Also Mr. Simonton was put on the Board. He was hired by SODI. This is why I cannot work with this Board because DOE is responsible for protecting this Board from conflict of interest. I have given a lot of time and energy and it was not easy for me to resign but I concluded that my voice was not being heard. Thank you.

Sharon Kornean I am really disappointed right now that this Advisory Board has fallen apart. I do believe that the people in this community and the broader area deserve clean energy, jobs and resources and I expect that there will be more activity outside the Board than what is happening. Thank you.

Carl Hartley I'm a 35-year employee of the site. Employees have been asking for at least that many years why we don't have a Nuclear Site. They have been discussing for years this would be the ideal hub. Sorry this is the first opportunity I have had to attend a meeting, being a swing shift worker. I'm pro-nuclear. I suggest you do everything you can to site a nuclear power plant at this site - not one but two. Thank you.

Graff motioned to adjourn, **Motion seconded.**

- **Motion carries**
 - Meeting adjourned at 8:55 p.m.

Next Meeting September 3, 2009 at 6:00 p.m.