



PORTSMOUTH SITE SPECIFIC ADVISORY BOARD

Minutes of the June 4, 2009, SSAB Meeting • 6 p.m.

Co-Chairs

Val E. Francis
Richard H. Snyder

Board Members

Lee A. Blackburn
Gene Brushart
Dr. Edwin G. Charle, Ph.D.
Dr. Andrew L. Feight, Ph.D.
Bobby E. Graff
Franklin H. Halstead
Sharon E. Manson
Stephen E. Martin
Daniel J. Minter
Larry A. Parker
Michael E. Payton
Cristy D. Renner
Terri Ann Smith
Lorry Swain

Deputy Designated

Federal Official
Dave Kozlowski

DOE Federal Coordinator

Greg Simonton

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

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

SSAB Members Absent: Shirley Bandy

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: Jud Lilly, DOE; Sandy Childers, LATA/Parallax; Bill Franz, LATA/Parallax; Janie Crowwait, RSI; Mike Kopp, RSI; Julie Galloway, EHI; Paul Mohr, Fluor; Bill Murphie, DOE; Ted Theopdus, DOE; Eric Roberts, EHI; Jim Thompson, CDM; Del R. Baird, CDM;

Facilitator: Jim King

Public: Frank Renner, Eric O'Neil, Brian Huber, Virginia Matis, CH2MHill; David Manuta, Mc2; Doug McGraw, Vina Colley

Call to Order:

Francis calls the meeting to order.

Agenda:

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

- *Swain* motions to take “Green Initiative” off the agenda due to the fact that the Waste Disposition Committee is going to handle this and then bring it up to the Board, **Motion seconded.**
 - **Motion carries**

April Minutes:

Manson motions to approve the minutes with the suggested changes, **Motion seconded.**

- Comments by Andrew Feight (pg 3), DOE response does not match the question.
 - **Motion carries**

May Minutes:

Francis motions to approve the May minutes, **Motion seconded.**

- **Motion carries**

Public Comment:

Huber, I would like to Thank the Department of Energy and the Future Land Use Committee for allowing me to attend the tour of the 340-acre with the members that wanted to attend. I did want to say that I found it hard to make a good opinion of the parcel of land and its possible uses due to our limited access. Thank you.

Manuta, Defers until the next public meeting.

DDFO Comments:

Murphie presentation:

The update included the following information:

- American Recovery and Reinvestment Act Update
- Quadrant II 7-Unit Groundwater Investigative Area
- X-740 TCE Groundwater Plume
- DOE Material Storage Areas (DMSA’s) 11&12 in X-326 Building
- X-746 Shipping and Receiving Building Removal
- Small Cylinders
- X-344C Deferred Unit Investigation
- DOE Public Open House/Information Exchange
- Question/Answer

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

Question/Comment:	Answer:
<p><i>Charle</i> Thank you Bill. In reference to the print out on the screen, the interest of the Board and the members of the public in possibly widening the scope to include USEC, is it possible for a Board like us to function as a reference to a site specific plan where part of that site is effectively separated and being used by an independent entity. It seems to me that the problems that we are considering, which are the past misuse of this piece of real estate and the future use, is intriguing tied to what USEC is doing. Whatever we do and whatever recommendations we make, if they only relate to half of the real estate and not the other half; doesn’t that impose an essential limit on our capability to do what we are set up to do?</p>	<p><i>Murphie</i> I think the perception of this Board is somehow more limited than others is a total misunderstanding. The other sites, such as Oak Ridge, are under an EM mission and they have SSAB’s that have been there for a long time. A vast majority of the work is going on could be independent and EM mission. A multi-million dollar site, such as Savannah River, wants to get into the Consolation Neutron Source (accelerated project) which is not an EM mission. Basically, an EM mission limits their role of that group with respect to that project. At PORTS we are a very big component; we are 50/50. The one point you made we are unique except for Paducah in having a lease and having an entity doing work outside of DOE. We are similar to other sites in our EM mission. There is a certain thing that USEC does that is in an EM scope. The Board recommendations need to fall under the EM mission.</p>

<p>Swain USEC leases the whole site and then they have to de-lease the buildings for D&D. USEC has the ability to hinder accelerated cleanup and that is a concern of the D&D committee.</p>	<p>Murphie Those activities that USEC performs that are related to EM are a contract and it is clearly under the purview of the Board.</p>
<p>Feight I would like to make a request to have a copy of all the Future Use suggestions made at the May 28th Open House.</p> <p>Was our recommendation on Spent Nuclear Fuel out of line? This makes me wonder if any of our Future Use recommendations will be considered since none of this falls under the purview of the EM.</p> <p>Who decides Future Use?</p>	<p>Murphie The nature of that work is not under our purview but we can see how it is actually handled.</p> <p>In some cases it does it is like a cause and effect. It could in some cases where the pieces are connected somehow in the EM scope. It has to impact the EM project.</p> <p>Depends on the activity</p>
<p>Blackburn When will we get a response from DOE about our three recommendations that we have passed? Are we going to see a response to these?</p>	<p>Murphie Absolutely.</p>
<p>Minter Why isn't the statement of work done in DRAFT form as the other two were?</p>	<p>Lily The FSS was posted in DRAFT form. The scope of work was not a DRAFT RFP.</p>
<p>Feight DOE held a public hearing for the 2005 End State Vision in which the public, SODI, and Scioto Twp Trustees were invited to comment, yet EM doesn't determine the Future Use. Why would the End State Vision be controlled within the Perimeter Road? If EM has no role in establishing what the Future Use is then why was it proposed? The Future Use for the 340-acre that were stated were commercial, recreational, and industrial which has actually been posted to the <i>Federal Register</i>.</p>	<p>Murphie There are different categories on different types of cleanup. The Board decision on the process of the Future Use isn't part of their purview. The site is owned by DOE, and even if the land was transferred to the community, DOE still has the decision on what happens with the transferred land.</p>

Liaison Comments:

No comments

Dept of Health:

No comments

Administrative Issues:

ER Committee:

Renner stated that the committee met on May 12, 2009, Bill Franz presented the committee with an update on Environmental Remediation. There was a discussion on having a student or Studio Blue film and produce a DVD.

- On-going Remediation Activities
- History/Cleanups at other Environmental Restoration Sites (Not pertaining to Radiation)

The next meeting will be held on **June 9, 2009 @ 4:30 p.m.**

FLU Committee:

Feight stated that the committee met on May 12, 2009, at which time they made plans for the committee members and the public to have a tour of the 340-acre parcel. There will be a second tour on June 18,

2009, at 4:30 p.m. meeting at the OSU Endeavor Center. Andrew encouraged everyone to come to the meetings.

- Review of Previous Action Items
- 340-acre transfer
- Energy Parks Initiative
- Preliminary discussions of Future Use Principles

The next meeting would be **June 9, 2009 @ 5:30 p.m.**

Waste Disposition Committee:

Parker stated that the committee met on May 14, 2009, and all members were present. Mr. Murphie discussed Recycled Metals to the committee.

- Waste Disposition Project Updates
- Recycled Metals

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

D & D Committee:

Swain stated the committee met on April 9, 2009, and it was a lively meeting. A review of the agenda and topics from the meeting was presented. The committee discussed the importance on having Doug Sarno and John Applegate help the members become more effective. Bill Franz from LATA/Parallax gave a presentation of their budget summary. On June 11, 2009 we will be having our first of a series of workshops it will be a panel discussion which will include Fernald CAB members, OEPA, and DOE who managed the projects at Fernald.

- June 11th Workshop Details (Approval of Agenda for that Program)
- OEPA Comments and Discussions
- Ongoing D&D Project Status
- LPP Budget Schedule Overview

The next meeting will be held on **June 11, 2009 @ 5:30 p.m.**

Executive Committee:

Snyder stated the committee met on April 23, 2009. The committee discussed a fall planning of the 2010 work plan a tentative time of September 11th and 12th. The committee is very interested in the *Weapons Complex Monitor*. It was also discussed having Doug Sarno help the Board become more effective with problem solving; making recommendations and the different type of training that was available for the members. It was agreed that the Future Land Use Committee would develop the Future Use Principles and bring them back to the Executive Committee.

- Working session with Fernald DOE, OEPA and F.R.E.S.H on June 11, 2009
- Update from ad/Hoc Committee on Membership/Operating Procedures
- Educational trip out west on August 24 – August 26 2009
- Educational tour of the 340-acre parcel – June 18 2009
- Thoughts on Fall Planning Retreat and establishment of FY 2010 Work Plan
- Board Member Development

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

Discussion on Board Development:

It was discussed that there be some type of training for the whole Board to benefit from. It was suggested that Doug Sarno and John Applegate be involved in this training development because they were very effective at Fernald.

Minter motions to have the Executive Committee look into different training tools that will help the Board with problem solving, consensus building, and conflict resolution which will be provided as soon as possible, **Motion seconded.**

- **Motions carries**

Motions:

Second Reading of the amendment to the Operating Procedures: Section V. Board Structure proposed by the Ad Hoc Committee.

Anyone that is on the SSAB can attend or serve on a committee and have voting rights and therefore you can stand a committee depending on the recommendation. It was discussed that as of right now the amendment will not allow stacking of any committee. Ad hoc committee addressed the number of non-member "experts" allowed to sit on the committee.

Halstead motions to adopt the amendment to the operating procedure

V. Board Structure D. Structure of Committees, Ad/hoc Committees and Task Forces (Proposed changes: Membership on Committees will be on a volunteer basis, and Board members must serve on at least one Committee; A Board member may serve on as many Committees as approved by the Co-Chairs of the SSAB per section V.A.6.). Motion seconded.

- o ***Motion failed (needed 2/3 vote – 10 yes, 1 no, 2 abstained and 2 not present)***

Minter motions to amend the amendment to the ***V. Board Structure, D. Structure of Committees, Ad Hoc Committee and Task Force:***

8.) Non-Board members shall not be allowed to vote in Committee meetings and shall not hold Committee leadership positions. Any Non-Board member may be removed by a majority vote of the SSAB. Motion seconded.

- o ***Motion carries***

First Reading of the amendment to the Operating Procedures: Section V. Board Structure II. Functions, Scope and Accountability C. Accountability proposed by the Ad/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 to completeness of those responses.

First 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."

First 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.

First Reading of the amendment of 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.

Public Comment:

David Manuta, Manuta Chemical Consultants; Pointed out the inappropriate use of the phrase “misuse of the facilities”. That phrase implies deliberate acts. When we look back in hind sight, we know that there are ways to do things better and being part of the lessons learned are to identify what those problems were. I want to hit upon that this is a multi-mission site here with not only ACP, but DOE’s effort in clean-up along with UDS which is the work to reclaim what is in the tail cylinders. When I speak to clients I suggest we look for one miracle at a time. I think it would be very important for the committees to learn from the Libby, Montana DVD even though it is not a DOE site. Also private entity firm does not have to show their employees’ salaries.

Additional Comments:

- Using Google Docs was discussed to help staff keep track of the proposed changes in any documents.
- Senator Brown introduced, co-sponsored with Rep. Ed Whitfield (KY), a bill that had 3 or 4 parts but one part is very important to us. It calls for the re-certification of the D&D fund which expired in 2007. **Swain** would like to see more of this language so we can learn how to promote it since the utility companies may lobby against it. **Swain** encourages Bobby Graff to attend the committee meetings so the Board is fully aware of these situations.
- **Graff** stated that Senator Brown, Local Elected Officials, USW, and members of the public showed support for Energy Parks, Recycling and Worker Training. USW is sending letters to Bill Murphie and Legislators.
- **Brushart** stated that Pike County is 3rd in the state in unemployment and the surrounding counties are no better. We need safe and good paying jobs for this area.

Martin motions to adjourn, **Motion seconded.**

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

Next Meeting August 6, 2009 at 6:00 p.m.