PORTSMOUTH
SITE SPECIFIC ADVISORY BOARD

•OSU Endeavor Center • 1862 Shyville Road • Piketon, Ohio 45661 • (740) 289-5249 •

Proposed Agenda for the March 5, 2009 Board Meeting

6:00
Call to order, introductions
Review of agenda
Approval of February minutes

DDFO Comments	**-- 15 minutes**
Federal Coordinator Comments	**-- 5 minutes**
Liaison Comments	**-- 10 minutes**
Presentations	**-- 20 minutes**
Administrative Issues Committee Updates Motions	**-- 30 minutes**
Public Comments	**-- 20 minutes**

Final Comments from the Board

Adjourn

Co-Chairs
Val E. Francis
Richard H. Snyder

Board Members
Thomas D. Allen
Shirley Bandy
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
Thomas A. Martin
Daniel J. Minter
Larry A. Parker
Michael E. Payton
Cristy D. Renner
Terri Ann Smith
Billy R. Spencer
Lorry Swain

Deputy Designated Federal Official
Dave Kozlowski

DOE Federal Coordinator
Greg Simonton

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Piketon, Ohio
45661

ports-ssab.org

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Support provided by EHI Consultants

FULL BOARD MEETING MINUTES – March 5, 2009

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, Steve Martin, Sharon Manson, Dan Minter, Larry Parker, Michael Payton Terri Ann Smith, Dick Snyder, Billy Spencer, Lorry Swain

SSAB Members Absent: Thomas Allen

Board Liaisons and Related Regulatory Agency Employees: Brian Blair, OEPA; Craig Butler, OEPA; Ken Dewey, OEPA; Maria Galanti, OEPA; Michael Rubadue, ODH

Deputy Designated Federal Official (DDFO): David Kozlowski

Federal Coordinator: Greg Simonton

U.S. Department of Energy Employees: Rich Bonczek, Bill Murphie, Ted Theopolis

DOE-Related Employees: Roger Blum, URS/WSMS; Sandy Childers, LATA/Parallax; Janie Croswait, ETS; Julie Galloway, EHI; Rex Norton, Fluor; Jim Thomson, CDM; Jeff Pinkerton, LATA/Parallax

Public: Vina Colley, Brian Huber, Melissa Huber, David Manuta, Patricia Marida, Geoffrey Sea, Brad Sherman

Call to Order
Francis called the meeting to order. ***Heintz***, filling in for King, stated that those who are not board members to sign in. Introductions were conducted.

Agenda
Heintz called for modifications to the agenda. ***Snyder*** suggests that an initial public comment period be held immediately following the approval of the February Minutes at a suggested time of 2 minutes per person. ***Feight*** seconds. ***Swain*** would like to see that the community members would have up to 4 minutes to speak. ***Snyder*** amended the motion to allow the public four minutes to speak. ***Bandy*** seconds
Motion passed.

- ***An initial public comment period will be held immediately following the approval of the January Minutes at a suggested time of four (4) minutes per speaker.***

Francis makes motion to approve the agenda. ***Charle*** seconds, ***Motion passes.***

January Minutes
Halstead makes a motion to approve the January Minutes. ***Manson*** seconds. ***Motion passes.***

February Minutes
Halstead was confused about the motion on the "Top Issues," and the items that were listed on the board are not in the order that they were listed here. The issues were small and hard to read. Francis inquired if he felt they were out of order. Halstead doesn't think that the order in the minutes was accurate. Swain felt that the "public trust" issue was pulled out so that it was issue one, three and Halstead's issue. Feight recalls that in the committees, the third issue (historic preservation) was chosen by all the committees. Halstead doesn't think the issues were voted on as they are written in the issues. Snyder stated that the two co-chairs are taking the issues to Savannah for the chairs meeting, so issue has to be resolved by the end of the meeting. ***Minter*** made a motion to table the approval of the February minutes until later in the meeting. ***Renner*** seconded. ***Motion passes.***

- ***February minutes will be tabled until later in the meeting.***

Public Comment
Melissa Huber, member of SONG, is aware that tonight there will be votes on the two recommendations that were put forward. One to oppose putting spent nuclear fuel here and the other for accelerated D&D. Both of these are clearly in the community's best interest. I am very hopeful that they will both pass for the sake of the community.

David Manuta the accelerated clean up ahs been successfully applied at two sites. My concern is that the concern seems to be on the spent nuclear fuel. I had mentioned that in the process of doing the D&D, realistically, everything will not be cleaned up. There will be sections of the plant that will be contaminated. These will be relatively small footprints. As long as you have done a survey, fundamentally bringing something in that has similar characteristics does not make things worse. All of that will be accounted for because the site has had characterization at one time or another. Any of the spent materials will have been characterized before they have left the sites. So I would ask that the board consider that there will be some jobs created, so it's not a complete zero or a complete negative.

Geoffrey Sea, Sargent's Station and SONG, brings to the board's attention that he has just received a copy an archeological report from 1980 by Dr. Christopher Linder. This report is rather relevant to this site because he reported a mound on the Atomic Energy Commission property. This mound has never been mentioned in any of the DOE reports. The fact that there has not been recent information that the DOE has not factored into it cultural resource assessment of the site, this raises the issue of the admission of consulting parties. I asked Mr. Kozlowski in December and at the last meeting in February, how I become a consulting party. Both times Mr. Kozlowski stated that he would look into it and get back with me. I have been asking DOE since 2004 how I become a consulting party. I asked Mr. Murphie in 2004 how I become a consulting party on a Historic Preservation Reviews. DOE has never gotten back with me. I've been told by Cristy Weihle, who supposedly is over the cultural resources for this site, that she was instructed by Mr. Murphie not to speak with me. That was in 2005. I am still waiting. Other consulting parties that are archeologists and American Indian tribes are also waiting to find out how we get admitted as consulting parties. Until we are admitted, DOE is out of compliance with preservation law. The agency cannot go

ahead and develop a cultural resource management plan until it involves us consulting parties. So I urge you to get things in order, get a process established, and get consulting parties, which is the first order of business. Until you do that, don't come out talking about any environmental assessments or any cultural resource plans.

Patricia Marida, Chair of the nuclear committee of the Ohio Sierra Club, came down here tonight to speak in favor of the two recommendations that are circulating this evening. Certainly the Ohio Sierra Club does not want spent nuclear fuel coming down to this site and moving through our towns across the country and coming here as an interim site. If it comes at an interim site, it is likely that it will be a permanent site. It is very difficult to find a site to put something as dangerous as high level spent nuclear fuel rods. I want to thank the people that wrote these two propositions. The other one is for accelerated cleanup to this site. This is certainly very critical, that will bring more jobs and bring them soon. I don't know if there is the possibility for stimulus money, but there could be that Piketon could qualify for that. The sooner the pollution and contamination gets cleaned up, I think the better off everyone will be.

Vina Colley, president of Portsmouth Piketon Residents for Environmental Safety and Security and co-chair for National Nuclear Workers for Justice, for 20+ years we've been fighting to get this site cleaned up. I want to say that this room is so noisy that when you're out here in the audience, we can't hear what is going on. If you could try to shut some of this stuff of, because some of my members come and they are hard of hearing and they couldn't hear anything. They were saying that we shouldn't come back because we couldn't hear. We have been pushing for accelerated cleanup for 20+ years. We do not want this site cleaned up like Fernald. You left 80% of the waste at Fernald, plus you put a cell underground that was lined with a liner that was leaking and had to be fixed. We want this site really cleaned up and we want the real jobs. I asked that in your resolution that you please put that no storage of low-level waste along with the spent fuel waste, because DOE in 1991 designated Ohio as a Midwest compact for low-level waste. We can't restore the site and we can't heal the people until we clean up the site. I came to a committee meeting this week and I was kind of appalled because the whole meeting was spent on a news article and spent on how you are going to do your e-mail. Then we had two contractors come in at the end of the meeting and said that we are going to disassemble the X-345 lab and we're going to do this under maintenance. We don't have to survey, we don't have to do anything because we going to do this under maintenance. And I never saw one person on that board ask the question about how come we can disassemble a lab that had high assay isotopes and not even have any community input on it. The other building where they had stored highly enriched uranium, we're allowed to have 30 days. Now if we're going to have these meetings, I think we need a movement to stop this now. We want a real cleanup. We want the real jobs. We don't want you to hurry in and disassemble things under maintenance and ship it off to Nevada. In the same breath, we don't want you shipping anything in here for storage. We don't want this facility, and this facility is not licensed to be a waste storage facility either. I remember when the workers were threatened that they wouldn't have a job if they didn't let them store this illegal waste that's been here for years. I am also asking that you put in that resolution now low-level waste.

DDFO Comments

Kozlowski presented the board with a presentation entitled: *DDFO Presentation March 2009.* The update included the following information:

- X-326 Extraction Well Installation Project
- Status of X0740 Groundwater Plume area
- X-749/X-120 Optimization Project
- X-344C Deferred Unit Investigation
- 7-Unit Groundwater Plume Investigation
- X-770 Concrete Pad Removal/Investigation
- Small Cylinders Phase II Project
- Cleanout of DMSA's 11 and 12 in X-326 Building
- X-345 Building Cleanout
- X-746 Shipping and Receiving Building Removal

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

Question/Comment	Answer

Smith: What's in the X-749 landfill?	***Kozlowski***: The X-749 landfill was operated and we have some records that some solvents were disposed of in the landfill, trichloroethylene and other contaminates and debris that was disposed of. We have a document that we can provide you.
Smith: What is UDS doing on site? Are they converting the depleted liquid uranium into a solidified form? What does their operation consist of?	***Kozlowski:*** On the depleted uranium hexafluoride project, they are going through system operability tests for the conversion plant. The intent of that conversion plant is to do conversion of the depleted uranium hexafluoride material that re currently stored at the site and to go through an oxidation process with it to create uranium oxide. The uranium oxide is actually a solid and can be disposed of at an approved disposal site. Uranium hexafluoride, when it's stored in cylinders on site, is a solid. To form a liquid or a gas, we have to add heat to that. So the contents of all the cylinders are solids. So, it takes the uranium hexafluoride form, part of the conversion process is to heat that to form a gas, then send the gas into a reaction vessel, have it react in that vessel and then it forms the uranium oxide. We actually draw off hydrogen chloride that can be reclaimed and reused as hydrochloric acid.
Smith: So, it goes through this oxidation process, is that the same as verification?	***Kozlowski***: No.
Smith: So, right now, it's currently being stored as a solid?	***Kozlowski***: It is stored in cylinders. We have about 24,000 cylinders stored on this site and it's a solid in those cylinders. ***Murphie***: It's a chemical conversion plant. So we're changing it from a reactive UF6 with the fluorine, to the oxide, which is more stable.
Smith: Isn't it pyroflouric, though, the solid depleted uranium?	***Murphie***: Uranium metal is pyroflouric, it's reactive in its UF6 form, but it's not pyroflouric form.
Smith: Does any part of the depleted uranium on site going to be converted into metals on site?	***Murphie***: That is not our plan. That plant can't do it. We would have to modify the plant to convert it to metal. There are really two purposes for that material; to convert it for disposal in the oxide form or to re-enrich it, which we can't do here at the diffusion plant, we could potentially do it in a centrifuge plant we would leave in its current form. The depleted tails, which are called high assay, those would be pulled last and to see if they are economically recoverable, we would re-enrich those, then the tails that would come back from that would go through the conversion process, presumably for disposal.
Smith: Where is the depleted uranium munitions being produced in this country?	***Murphie***: Don't confuse the depleted uranium with the weapons.
Smith: I'm not even concerned with the weapons. I understand the metallic form of depleted uranium is pyroflouric which if it catches on fire; it would be a total and complete disaster. What I want to know is in what site it is being stored, what site is it being produced at.	***???***: When the DOE did have uranium metal, we did supply the Department of Defense with uranium metal, which I suspect all of their depleted uranium came from was Fernald was a big producer of depleted metal. Some of it we do have pyroflouric uranium disposed of and that's an issue with that site. I'm not aware of any that was disposed of at this site. We did have some depleted uranium metal which was stored in what was called Uranium Management Facility that is on the east side of the plant. We had quite a large inventory of depleted uranium metal, which I believe we just finished disposing of 1,300 tons of depleted uranium metal that was basically stored in that building. We had 4,400 tons of uranium in various forms that were stored in that building and we put out an RFP to see if anyone would take it and recycle it. We got one request for a specific inventory, depleted uranium fluoride (UF4). We are in ongoing discussions with people for some of the other forms. But, the metal, we basically sent it to the bottom for disposal.

	Kozlowski: That was finished this past summer.
Smith: So, it's that recently? I never heard anything about it.	***Kozlowski***: Yes, It was this past August. ***Galanti???***: There was a meeting with Paul and the board was there and he explained the 744 G Cleanup and converter shells and everything.
Smith: I didn't understand at that point that it was metallic DU (depleted uranium). Was it shipped in its metallic form?	***Kozlowski***: Yes.
Smith: Isn't that an unsafe thing to do?	***Kozlowksi***: No.
Smith: Why wouldn't it be? To ship it across the country in a pyroflouric state?	***Kozlowksi***: That's the qualifier. It was not pyroflouric. Uranium metal does exhibit pyroflouric characteristics in certain forms. In this particular metallic form, it is non-pyroflouric. Basically, you've got to get it down to a fine metal to have it rapidly oxidized. In this metal form, it was not pyroflouric. At Fernald, the uranium, both in depleted uranium and other uranium forms, were stored in a non-pyroflouric state. From a DOT stand point; it was completely compliant with shipping requirements for Nevada. The waste acceptance requirement was achieved for the material. ***Murphie***: I think Dave's point is that not all depleted uranium metal is pyroflouric.
Swain: I just wanted to add to what Bill said. Much of these discussions that Terri was bringing up occur in committee meetings. So I would just urge the committee members to show up for their meetings.	
Charle: David, this is for you and it's not related directly to what you were just talking about, but it is currently in the minds of a lot of people in this room, and it has to do with concerns about the identification and preservation of archeologically valuable sites in the area in which were represented here. It has been a veiled allegation that you have been slow in responding to concerns. Would you take a minute to address that for us?	***Kozlowski***: I understand that there is a commitment for the DOE to give a more in depth presentation on our efforts for historical preservation. But, to synopsize where we're at today, all actions that we take at our site are screened for historical preservation activities. We have done a phase I archeological study, as referenced in 1997, we also have done two phase II since that time. We do have a required historical preservation plan in place to establish our process. We have engaged consistently the State Historical Preservation Office in all of our determinations that prior to undertaking buildings, structures and any actions at the site. We believe we have a comprehensive program that is fully compliant with the requirements of the act. We believe we have implemented it appropriately for all of the actions we have undertaken at the site and we will continue to do so. We are committed to moving forward with finalizing efforts related to our architectural survey and then, eventually, our program plan associated with the actions at the site. Again, it will be in consultation with the State Historical Preservation Office. We'll expand in greater detail on the documents we have at the briefing that we intend to provide. Our plan is to do that by the April timeframe.
Feight: We had a gentleman who stood up in the public comment section about how somebody could become a consulting party to this. From what I understand, the consulting parties that haven't consulted were maybe consulted ten years ago or more. Are there on-going consultations? What's the process for establishing who the consulting parties are? I just would like to understand the process.	***Kozlowski***: What I would like to do is table getting into the specifics on that, but we do have consulting parties that we have continued to engage with since the formation of the plan. They were named in the plan. TH act does lay out how to go about identifying a consulting party, which is fairly broad. We are not prepared to get into the details on that tonight. Hopefully we can do this at a committee meeting where we can get into some details.
Halstead: On the 345 building cleanout, possibly you could reassure the board and other people	***Kozlowski***: Yes, all of the high assay from the 345 building will be removed. This was a laboratory that did high assay work. It

present that all the proper surveys have been made, things have characterized, and all of the high assay has been removed.	has been surveyed. It will receive additional surveys as work is implemented. Work will be conducted with appropriate controls in place as well as with appropriate personal protective equipment for the workers that will be used in this work effort. We do expect some contamination. It was a self-contained unit but it has some ventilation systems in it that we expect to have some residual radioactive contamination inside of it. It will be treated as such. It will be containerized; it will be isolated, and cut down in sections, moved in sections. We will have monitoring in place and workers will receive updates on the surveys as we progress through the job. As you begin cleaning up these areas, you have to go back and re-survey and make sure you haven't spread any contamination. All the surveys are going to be conducted prior to the work being implemented as well as work will conducted in a safe manner to ensure the workers will not be exposed to this material.

Federal Coordinator Comments
Simonton stated that this was his third board meeting. This is a new organization, new staff members and Simonton's new to the position as well. There have been some stumbles, but he sees a lot of improvement. He thinks that the committees electing chairs will be very helpful in the summaries. He knows the support staff will work close with the committee chairs in making sure the summaries are accurate. He wants the board to know that no one from the staff, the DOE, or the board members are completely satisfied with the summaries, but a lot of improvements are coming. We've had some technical and equipment issues that are being worked out. He thinks that with all things considered, the board is coming together and looking forward to learning more about his role with the board and appreciates everyone taking time to help everyone move forward.

Comment	Response
Blackburn: Mr. Simonton made the comment of the election of chairs, and I was wondering if the co-chairs would identify whom the various committee chairs are.	***Francis***: I'll try to do that. Cristy Renner is one of our chairs. I'll let you identify your committee. ***Renner***: Environmental Restoration ***Francis***: Larry Parker ***Parker***: Waste Disposition ***Francis***: Lorry Swain ***Swain***: Decontamination and Decommissioning ***Francis***: Andrew Feight ***Feight***: Future Land Use ***Francis***: Thank you. Now that we have chairs on all of our committees, we will be forming an executive committee to be able to function and give some streamlined process as much as we can.

Liaison Comments
No comments from the liaisons.

Feight, as the chair of the Future Land Use Committee, wanted to recall that when we first discussed having liaisons, we did have a vote to ask the Ohio Historic Preservation Office to serve as a liaison on an as needed basis. It appears that we're getting to that "as needed" basis at this point, particularly as the Future Land Use Committee looks at the proposed transfer of the 340 acres, that there are historic preservation issues that we need some liaison help with understanding. He's not sure what the procedure is to invite an "as needed" liaison; his reflection is that there was a general vote that they would be on an "as needed" basis. How would a committee ask for such a liaison to begin attending committee meetings and even the full board? ***Roberts*** stated that the group that is associated with that was made up of volunteers, and to be a formal liaison, you have to be either a state or federal employee. The way the EM-SSAB is chartered with headquarters, they didn't really qualify as a formal liaison. We decided that when it was appropriate, we would contact them and invite them to any committee meetings. You just need to let us know when you're ready for them to start attending and we'll send a contact out. ***Feight*** asked that since

he's the chair of the Future Land Use Committee that he could make that request. ***Roberts*** stated that he could. ***Murphie*** added that the request from them that since this is a volunteer thing, to have an agenda submitted to them so the representative will have an idea of what will be going on at the meeting. ***Blackburn*** stated that there is a proposed presentation to a committee on historic preservation and requests that the Ohio Historic Preservation be present at that presentation. ***Kozlowski*** stated that they would be invited to the presentation.

Presentations
There were no presentations made at this meeting.

Administrative Issues
Decontamination and Decommissioning
Swain stated that at this month's meeting, they dealt with a lot of administrative issues on how to make our committee communicated better with each other, with the support staff and the community. Committee business is as follows:

- The committee passed a motion to ask the entire SSAB to approve the establishment of a membership committee because there are many questions that are arising on committee membership and members' adherence to operating procedures and even conflicting operating procedures.
- The committee will be formally be presenting this motion in a few minutes. We agreed to have all the D&D committee members be assigned an SSAB e-mail address and to work on revising our documents together in a Google program and hopefully these steps will help us work more efficiently.
- The D&D committee members will be meeting moved to the Thursday after the SSAB meeting starting April 9.
- We agreed to ask the entire SSAB to consider the issue of who is authorized to speak to the press on SSAB issues and to think about some guidelines.
- We reviewed the recommendation on accelerated clean up, which will be voted on in a few minutes.
- We discussed the letter that all the US Congress people and Senators from Ohio signed and sent to Sec. Steven Chu. The letter demanded accelerated clean up and for Piketon, rather than a 2044 timeline that is expressed in the draft RFP.
- We spoke in favor of community reinvestment provisions. It called the M/I model of a contract confusing, inefficient and costly to tax payers and questioned the DOE's preference for on-site waste disposal cells.
- Our committee discussed the letter and expressed appreciation to the elected officials who drafted and signed it. Our committee points out on the issue of on-site waste disposal cell that there needs to be dialog and study and community process on this to make an informed decision on this.
- Dave Sharp and Clyde Gaston discussed updates on 747 shipping and receiving building. This will be the first step in the CERCLA law; they are at the point of informing the legislators and the public about the project.
- The draft EE/CA has been discussed with the EPA and will be opened for public comment.
- The high assay lab project is to disable and dismantle the lab equipment and materials that are no longer needed. They are at the analysis step and the fieldwork is scheduled for later.

Payton inquired if there will be a meeting on Monday. ***Swain*** stated that the meeting is cancelled and will meet again on April 9 at 5:30.

Environmental Restoration
Renner stated that they did a review of the February summary, and followed with the election of the committee chair.

- The committee discussed updates and Sharp gave an update on the environmental projects, which were outlined in the ER agenda.
- We discussed an ad hoc committee to handle membership and operating issues. She wanted to address the X-345 analysis. She worked with the group that did the analysis. There were at least seven different types of analyses done. Mr. Blume is here and he's worked on the analysis. Every building has to have these analyses done every two years.

Charle asked for a reminder of the next committee meeting. ***Renner*** was set for March 10, though it was postponed. We have also changed our time to 4 p.m. The next meeting will be April 7 at 4:30 p.m. ***Snyder*** inquired if the meeting cancellation has been finalized. ***Timmons*** stated that she would send an e-mail out the committee in the morning. ***Swain*** inquired how the community would know of the changes to the committee calendar. It was mentioned that it would be posted to the website.

Future Land Use

Feight stated that they last met on February 24, and we did elect a chairman for that committee.

- The committee passed a motion to make a recommendation to the full SSAB that an ad hoc membership committee be formed to make recommendations on membership. We also spent some time discussing the proposed transfer of the 340 acres to SODI, and in the midst of this we did request copies of any and all archeological studies be made available to the committee as well as the rest of the board. We had Brian Blair, from the Ohio EPA serve as a liaison there. He discussed environmental issues related to the 340 acres. ***Feight*** quoted ***Blair*** in the committee minutes as follows:

  > "He [Blair] stated that the EPA is in very preliminary discussions with the DOE about the natural resource damages that have occurred at the site and that there is a provision in CERCLA that allows the trustee of natural resources to recover the value or to mitigate the damage of the natural resources at a facility. ***Blair*** continued that one idea they had was the protection of some of the habitat that is currently owned by DOE as mitigation for some of the lost habitat due to site development, and get some credit for the mitigation."

- The committee would keep the 340-acre transfer on the agenda as the DOE is developing an environmental assessment of the 340 acres and it will be kept on the committee agenda as long as the transfer of this property is under consideration.
- The committee passed a recommendation on interim storage of spent nuclear fuel. This was returned to our committee after the first reading at our last board meeting. There were some comments submitted, and the committee looked at the comments, but decided to retain the original wording of the recommendation, which will be voted on tonight.
- The committee also recommended that the EM arrange for two committee members to attend an upcoming workshop on the DOE's Energy Parks Initiative, held in Oakridge, TN, on March 12, and board members Larry Parker and Lee Blackburn have volunteered to attend and report back on what they have learned about the possibilities of an Energy Park Initiative at our site here.
- ***Blackburn*** inquired if quote by ***Blair*** that ***Feight*** read was an accurate quote. ***Blair*** confirmed the accuracy.

Comment	Response
Blackburn inquired if it is the Ohio EPA's thought that the 340 acres should be preserved as a wilderness to offset damages done to the property.	***Blair*** responded that one idea that they've had to mitigate some of the natural resource damages by preserving some of the habitats, woodlands and wetlands, was to take some of the DOE's lands. This is the type of thing that has been done at DOE sites throughout the country that have large areas of undeveloped land. I don't think that any land would qualify as a wilderness land, but does have some important wildlife habitat components. So one idea is to look at the reservation's undeveloped areas to preserve habitat in that area. That's not the only idea or the only area that can be conserved.
Blackburn understands that there is an environmental assessment being done on the 340 acres.	***Kozlowski*** stated that there is.
Blackburn inquired when that would be available.	***Kozlowski*** stated that there isn't a date yet, as the document is still being. The goal is to get it out this spring, though there isn't a specific date. A meeting

	is scheduled for March 16 to talk to the US EPA and the Ohio EPA to discuss the status of this effort prior to finalizing the document.
Blackburn inquired if the assessment would be out before the next board meeting.	***Kozlowski*** stated that it isn't likely for the document to be ready by then.
Blackburn has reviewed the request and a marketing report that is 10 years old; they don't seem to have a specific use for it. Is DOE certain they don't intend to use it for the Energy Parks Initiative? Have these issues been looked at?	***Kozlowski*** stated that one of the requirements of the environmental assessment is to identify a specific use, so that will be included in as part of the environmental assessment.
Blackburn asked if it is expected that there will be a specific entity to use the land before it is transferred.	***Kozlowski*** what is being looked for is a use for the land, and will be as specific as "light industrial," and that could evolve into a number of industries that could fit in that same category. That is the type of categorization and explanation that will be included in the assessment.
Blackburn asked if land has been looked at to be used in conjunction with the rest of the land on the site. Has there been a master plan for the site? It seems to me that it is being carved up and parceled off, and is that the best use.	***Murphie*** as part of our good neighbor policy, we were responding to the perceived desire by the community and business community and the commissioners to try to see if we could make this land available and resurrect something that started five or six years when we did this the first time, and so to the extent that we went through Washington and asked if this was an acceptable position, and they concurred, which does potentially limit the future use. If you start putting industry closer to the plant, it could impact another reuse where you would want to have distance from a plant. So, in some ways it does have a potential impact, so we have raised some of these issues, but the Department has not said that they weren't going to collaborate with the community and the potential for making this land available because we want to reserve it for a power plant, for example, that could create an issue on down the road. We have to consider the complications, and that's what the community has to look at with respect to requesting what to do with the land. The category of "light industrial" is the primary focus of the assessment.
Blackburn wants to ensure that all potential uses for the land have been explored.	***Murphie*** stated that the DOE is in discussions with the Ohio EPA on alternative areas for setting aside for industrial parks, wetlands and areas for natural resources mitigation. That was something we looked at to see if this was the only place we could do that, we believe that there is other property that we can turn over to mitigate natural resources.
Smith what percentage of the DOE reservation is undeveloped?	***Murphie*** asked what she meant by undeveloped; like outside of the fence or even in the perimeter? Even with in the perimeter of the fence, there is area that is not developed.
Smith stated that she is talking about property outside the perimeter that is not developed, wilderness area that has not been developed. It was stated that there is half of the reservation that is undeveloped.	***Blair*** stated that even some of the areas outside of the fence have been capped as landfills and has been disturbed.
Smith inquired about the percentage of undisturbed area that is owned by the DOE.	***Murphie*** stated that they will look at the numbers and get back to the board.
Francis inquired of the quote read by ***Feight*** with	***Blair*** stated that it is one possible use for the 340

regard to the 340 acres.	acres, but the EPA is not dictating the use nor saying that it is the only area that could be use for such a use. One reason we're interested in that area is that some of the area is worthy of consideration and it is one of the largest areas of forestland on the DOE property. This area is worthy for conservation. That's not the only possible use. I just wanted to clarify that some of the other DOE reservations have used this approach for the outer ring of the reservations.
Feight believes that the 340 acres is about 10% of the reservation, and if it's outlined on a map, it's a pretty significant portion of the reservation.	***Blair*** added that 340 acres is a lot of area, and there are parts of that parcel that are more ideal for development than others. If you look at other are that have been cleared have been used for borrow land. There are other areas that are worthy for development as well along the road and along the rail spur.

The next meeting will be held on April 7 at 5:30.

Waste Disposition
Parker stated that the committee met on March 2.

- The committee continued with its administrative actions as well as elected a chair.
- The committee reviewed the operating procedures and decided on the same as the other committees, to recommend to the board to create an ad hoc committee to address committee membership issues.
- The committee looked at the matters of communications, as well as newspaper articles. Our mission is to look at waste disposition issues. Five major issues looked at in this meeting include:
  - Stabilization of poly bottles
  - Excess materials
  - Lube Oil and Pyronol disposition
  - Phase II Small Cylinder Disposition
  - DOE Material Storage Areas 11 and 12
  - The committee is small, but functioning quite well.

The next meeting is scheduled for April 9 at 4:30.

Recommendations
Recommendation 09-02 – Opposition to Interim Spent Nuclear Fuel Storage
Hientz inquired if the procedure has been followed. ***Feight*** presented the recommendation to the board. ***Smith*** inquired if the recommendation stated "interim or permanent storage." ***Feight*** stated that that wording was never included in the storage and was never suggested in the comment period. ***Smith*** inquired if it could be put in. ***Heintz*** stated that the procedures could be set aside so the change could be made and voted on at the meeting. ***Blackburn*** inquired that if there isn't interim, and then there can't be permanent. ***Smith*** stated that if it was sent here to be permanent and not interim, then it could be sent here for permanent storage. The wording needs to include permanent storage. ***Feight*** stated that the recommendation arose from a specific proposal from the DOE made to Congress at Congress' request to move forward with the creation of an interim storage. This recommendation is aimed specifically at Congress' request. ***Smith*** stated that there are several proposals in Congress to find permanent storage for spent nuclear fuel. She continued that the recommendation should be all encompassing and to weed out any danger of the possibility of a spent nuclear fuel storage at this site. Adding "permanent" isn't going to affect the recommendation and ***Smith*** feels that it will make the recommendation stronger. ***Halstead*** stated that we can vote on it tonight, but if we change it, we can't vote on it until next month. ***Smith*** stated that that isn't a logical reason to not change the wording. ***Swain*** stated that permanent implies a deep geologic storage. There has been a movement to look at a second site incase Yucca Mountain doesn't go, but the law hasn't changed. If the law has changed, then we can come up with another recommendation. But permanent means a deep geologic repository, and that isn't what is being talking about here. ***Smith*** inquired that it

would be a good idea to prepare for that scenario now. ***Minter*** feels that it would take more time and that this is an effort for the entire board to make a recommendation and to move forward. ***Smith*** stated that if permanent isn't in there, that Congress could come back and say "what about Piketon." ***Blackburn*** stated that he appreciates Smith's concern, and would suggest that we take it up in a committee meeting and bring it to the board as a separate recommendation. ***Feight*** thanked everyone who has worked on the recommendation. This is the second recommendation, and there has been great cooperation with everyone. ***Parker*** requested that the record show the count of votes on recommendations. ***Feight*** made the motion to vote on Recommendation 09-02 as presented. ***Francis*** seconded***.***

- ***For – 17, Against – 0, Abstentions – 0***
- ***Motion passes.***

Recommendation 09-03
Heintz inquired if the procedure has been followed. ***Swain*** presented the recommendation to the board. ***Minter*** stressed that there has been a lot of support throughout the community for this, both publicly and politically. There seems to be progress in this area. ***Feight*** inquired if the recommendation does pass, can the board copy the recommendation to our Congressional delegation and the Governor of Ohio. Is there a procedure to copying recommendations? ***Minter*** stated that this was done with the first recommendation with a letter. ***Renner*** Would like to see that the commissioners get a copy to try to get them to come to the meeting s to see what it going on. ***Blackburn*** inquired that if this needs to be voted on or if it is just requested. ***Roberts*** stated that the last recommendation went out to local and state representatives. ***Feight*** inquired if Scioto County was included in the mailing. ***Minter*** stated that if the list he provided was used, it covers a five-county regional area. ***Smith*** inquired if the recommendation goes to the State House. ***Roberts*** stated that it went to the local representatives. ***Smith*** inquired if the recommendation could be forwarded to all of the State House legislators. ***Heintz*** recommended that the staff could circulate a list that could be reviewed at the next board meeting. ***Blackburn*** requests that the vote be counted. Halstead recommends that the board adopt the recommendation as read. ***Martin*** seconds.

- ***For – 17, Against -0, Abstentions – 1***
- ***Motion passes.***

Operating Procedures
Minter makes a motion to adopt the motion as written with two changes (as follows) to be voted on at the next meeting. ***Halstead*** seconds.

Swain feels that the motion would conflict the motion from the D&D committee for the board to create an ad hoc committee to handle these issues and come back to the board. ***Minter*** believes that the changes would provide the clarity that is needed and provide autonomy to the committee meetings. ***Blackburn*** inquired about what the proposed changes are and like ***Swain*** stated the committees have recommended that an ad hoc committee to deal with these issues. ***Minter*** reviewed the proposed changes. ***Feight*** has additional amendments. ***Heintz*** since there are conflicting changes, they could go to the executive committee for resolution. ***Minter*** inquired who made up the executive committee. ***Heintz*** stated that the executive committee consists of the two co-chairs and the chairperson from each of the four committees. ***Snyder*** reminded that the issues would be turned over to the executive committee to determine how to proceed. ***Feight*** believes what was decided that the board would determine if the executive committee would handle these decisions or if the board would establish an ad hoc committee. ***Swain*** is fine with starting out using the executive committee, and then if it can't be worked out there, an ad hoc committee is formed. ***Francis*** believes that it would be determined tonight whether the executive committee would handle the issues or form an ad hoc committee. No matter what happens, a committee will have to bring something back to the board for a vote. ***Blackburn*** stated that all four committees have reviewed this issue and asked that the amendment as written be forwarded to the board for the creation of an ad hoc. If the board wants the executive committee to handle this, that's one thing, but to make changes at this point will hamper things. ***Parker*** inquired if there was a motion on the floor. ***Heintz*** said that there is a motion with an amendment to adopt the motion with the suggestions made by ***Minter***. Minter makes a motion to adopt the motion as written with two changes (as follows) to be voted on at the next meeting, ***Halstead*** seconds.

- ***For – 14, Opposed – 4, Abstentions – 0***
- ***Motion carries.***

Feight doesn't quite understand the change to "attend," it seems to muddy the water that's trying to be clarified. ***Minter*** stated that the board members could attend but not vote. ***Feight*** understands that everyone

here just voted to have committee members' voting right stripped. ***Minter*** stated that the subcommittee members could vote at their committee meetings. ***Feight*** is uncomfortable limiting the number of non-board members on committee. He understands the concern to not allow everyone who attends to be on the committee. The committee gets to invite who they want to serve on the committees. ***Feight*** recommends that the committees can invite as many people as they want that have appropriate knowledge and experience that we can benefit from to serve on our committees. ***Swain*** voted against the motion because she feels it's a step back from community participation, and she is disappointed that this is blocked. ***Parker*** voted for this just to get on with other business, but would like to see it moved to the executive committee. But to come to a formal SSAB meeting and go over wording like this is not appropriate. ***Minter*** feels that the changes allow for more public participation. ***Swain*** stated that prior to this change, community members could serve on a committee. She sees it as a step backward and saw this as an opportunity for more dialogue between the public and the board. ***Minter*** inquired what would happen to the motion that was passed. ***Heintz*** stated that this motion would send the previous motion to the ad hoc committee. ***Feight*** makes the motion that further be considered by an ad hoc committee of the board and the executive committee can appoint such ad hoc committee revisions to the operating procedures and membership issues. ***Snyder*** seconds.

- ***For – 17, Opposed – 0, Abstentions – 1***
- ***Motion carries***

Public Comment

Melissa Huber wished to make everyone aware that based on the vote on the spent nuclear fuel storage recommendation; SONG has a press release that will be available after the meeting. She thanks the board for all their time and work.

David M. Manuta wanted to make a couple of brief comments. The first has to do with transportation. The important with ASTF is there are consensus standards. We would gather around various places of the country, we would deal will all aspects of the nuclear fuel sites and we would go back and forth until we had a consensus standard. And the transportation standard, that is the shipment of materials between sites, if there is a derailment or a truck flips over, I would be more concerned about the other cargo than the radioactive cargo. And that's got to be up front, I've been there, I've done that, know what's going on, and I'm very safe in transportation of nuclear materials between sites across this country. Secondly, I wanted to direct primarily to Terri Smith and in general to the rest of the group, if you want me to come back and be part of a longer session, I'd be delighted to do that, but let me give you the quick science to see if it's of value. About UF6, which is the stuff that enrichment plants make, we didn't know about it until 1906. The key issue is that it's a room temperature solid, but it has peculiar properties. One of its peculiar properties is that it sublimes, which means it has a face change between the solid, liquid and the vapors. That's what enables gaseous diffusion and other enrichment activities. The idea that I'm bringing up is that from the time you're filling a cylinder, it's a liquid. That cylinder cannot be moved until the contents have solidified. If you move a cylinder before the contents have solidified, there can be serious issues. In terms of the nuclear fuel site, enrichment is step three. Step one is mining, two is conversion, and in this case, what comes out of the ground is an oxide. What comes out of the ground is a solid, it is converted to UF4 to UF6, and then when made into rods, it goes back to an oxide. Uranium oxide is more stable than UF6. By doing the conversion, you have something that is in similar form to the uranium that came out of the ground. The by-product is hydrogen fluoride, which has commercial value. The idea is that UDS may be able to make money selling off the hydrogen fluoride.

Geoffrey Sea wants to compliment the board on the spent nuclear fuel recommendation. Thank you on behalf of the community. On a less pleasant subject, at the last SSAB meeting we distributed a packet on the cultural resources of Sargent's Station, which included an article by Tom King who wrote many or most of the cultural resource protection regulations in the law and in an expert on the subject. He wrote an article on Piketon and specific to the problems of the DOE's application of NHPA or non-compliance with NHPA. Please, all of you, read that article. King has a new book out, and we're going to try to get you all a copy, its called *Our Unprotected Heritage*. It's an excellent book about the tactics that federal agencies use to subvert the protection cultural resources. In particular, is that the law requires the agency to begin the Section 106 review process with consultation with legally mandated consulting parties, and contrary to what Mr. Kozlowski said, the law is not vague about who those consulting parties. It's not just the written regulations, but there's a whole body of judicial opinion and opinions of the advisory council on historic preservation that specify who the consulting parties must be and must be involved in the process from the

beginning. Included in that group are historic property owners, American Indian tribes that are federally recognized who have an interest in the site, archeologists and other cultural resource professionals and preservation groups. None of those four categories have been included as consulting parties at Piketon. We are demanding, we are not asking, we are demanding as consulting parties mandated by the law that we be included in the development of the cultural resource management plan for the Piketon site from the beginning, that includes consultation with us about presentations you want to make to the SSAB about historic preservation, that includes what archeological surveys that need to be conducted and who should be conducting them. We want a hand in these decisions. Specifically with the 340 acres, we've heard two alternative proposals put forth as to how that land should be used. There is a third that we want on the record that the land should be devoted to an archeological park. That land has archeological value; we have evidence to present that shows the archeological value of that property. That needs to be a third alternative that needs to be included in that assessment

Patricia Burida wants to thank the board for the two resolutions to prevent interim storage for spent nuclear fuel and to speed up that process. I have two clarifications to make. The Sierra Club is the nation's largest and oldest grassroots, environmental organization with 1.2 million members in the US and Canada and over 20,000 members in the State of Ohio. Second thing is what do we do with this high-level radioactive waste. The answer was very clear among the people from all over the country who attended the Radioactive Waste Summit in Columbia, South Carolina, and was hardened on-site storage. Store it on site where it already is so it doesn't have to be moved, and to harden it and put it in a semi-permanent state.

Vina Colley, at the last SSAB meeting on Monday night, I want to mention that there was someone else interested in the 340 acres. Dave, I think you told them that you would keep them on the list, and that was the Cherokee Indians, they came and asked about the property. For you guys who want to block out the community, shame on you. I praise Lorry and Andrew for bringing up that they should have public input and someone should be on the board voiced by the community, because you look around this board, most of you have worked at the company or have had some part of the company just to get on this board. Shame on you for blocking out the victims. I'm a victim and I listen to how you want to accelerate and clean up this site. We asked you to bring in an expert for us. You can bring in the EPA and the DOE can do their testing. We wanted Marvin Reznicoff. He did it once. He found 340 acres that had plutonium on it. The same 340 acres you've been talking about tonight. We recycled reactor fuel from West Valley New York. Right now, that is the top priority thing in the United States and the most hazardous site. We recycled their stuff here. How can you think about disassembling a lab without having more input on it? It's beyond me. Why do you want to put more workers in harm? Aren't we paying enough for their health care now? So you want to go in and disassemble this lab and send it off to Nevada or Utah or wherever you want to send it to. We're asking again, and one of our comments has been dropped off of this public comment thing. So they aren't really getting what we're saying, because you won't even write our comments down. But I want to say shame on you.

Feburary Minutes

Feight moves that the minutes be reconsidered and approved as they were presented. ***Manson*** seconds.

- ***For – 18, Against – 0, Abstentions – 0***
- ***Motion carries.***
- ***February minutes are approved.***

Additional Comments

Smith explained why she opposed the accelerated clean up. So far this cleanup has been going on DOE, EM and the contractors. The Ohio EPA has not provided oversight. What's going on is the DOE is sending data to the Ohio EPA as to what they have done, and the EPA is putting their rubber stamp on it. The Ohio EPA is not doing their testing, from what I've heard LATA/Parallax, or whatever contractor is doing part of the cleanup, simply reports the data and gives it to the Ohio EPA, and they look at it. The Ohio EPA is a governmental organization and we have no independent nuclear physicist coming in and evaluating the clean-up operations. I'm also opposed to funding this type of cleanup and the Fernald-style cleanup. What happened at Fernald, the DOE claimed that all the waste was sent to Nevada. But, in reality only 20% was sent to Nevada and 80% remains at Fernald buried. The container has a liner that is leaking. I'm opposed to funding this type of cleanup because it doesn't reflect a good way to cleanup this site. I'm opposed to the taxpayers paying for it. The contractors that contaminated this community should be the ones to pay for the clean up. That's why I'm opposed to this. I just want to be on record as to why I oppose the accelerated

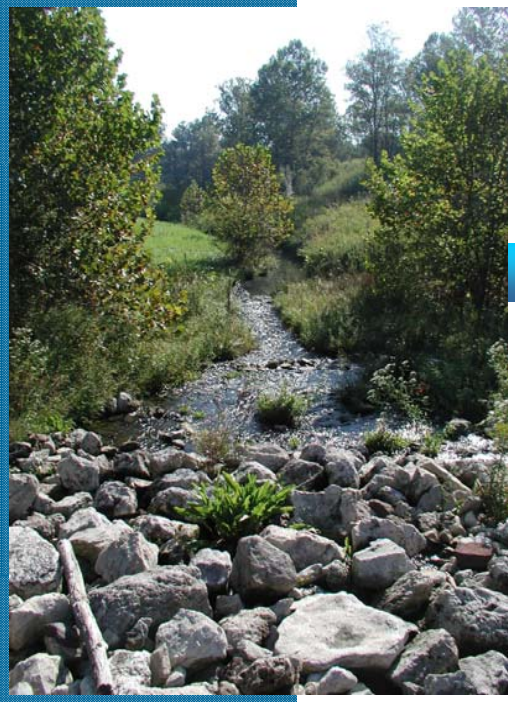
clean up. I want to see independent oversight. I want to see independent testing. I want to see the Ohio EPA going in and testing the wells and testing the air and monitoring and writing their own testing results, not just looking at data that LATA/Parallax has sent in. I want to see non-governmental agencies oversee it.

Feight asks that the board get some kind of response from the Ohio EPA as to their role.

Dewey stated that the Ohio EPA oversees the investigation and cleanup and have been doing so under a consent agreement lodged in federal court with DOE some 20 years ago. We have a very strong role in cleanup. It is true we don't do a tremendous amount of sampling ourselves, but we do oversee how the data is collected and analyzed and make sure it passes quality assurance. We that in an effort to minimize the amount of tax dollars spent on the site because we are a government agency and it costs tax dollars for our involvement. There are many ways of doing things, and over the years, we've determined a cost effective ways to provide oversight to the site during the clean up for the benefit of the citizens. ***Minter*** makes a motion to adjourn. ***Graff*** second.

- ***Motion carries.***

Meeting adjourned at 8:56 p.m.



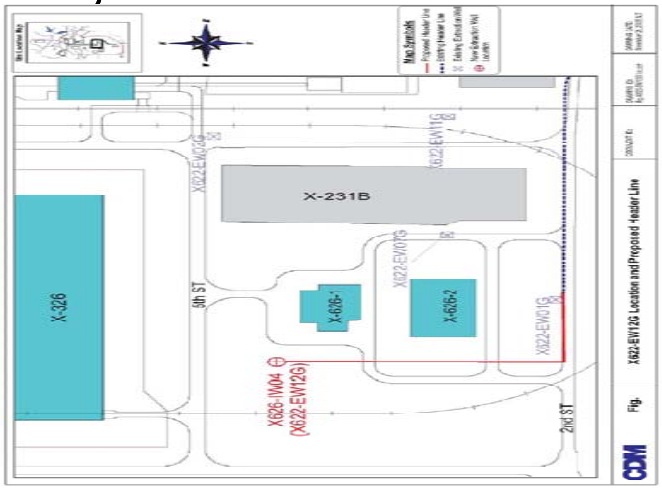
DDFO Presentation
March 2009

David Kozlowski

Deputy Designated Federal Officer

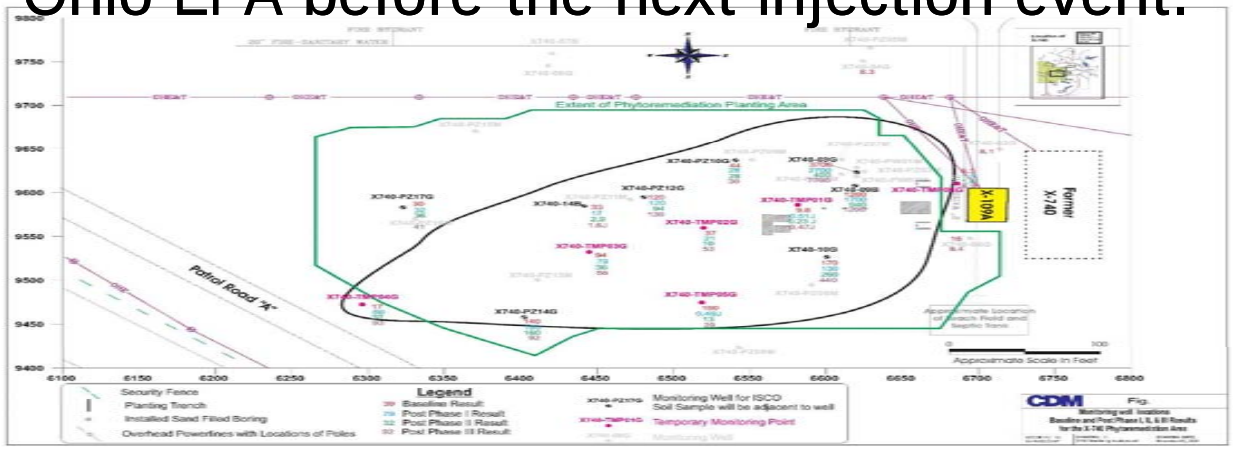
X-326 Extraction Well Installation Project

- In response to Ohio EPA comments on first Five-Year Review for 5-Unit Groundwater Investigative Area, DOE is installing an additional extraction well near monitoring well X326-09G to further augment the remedy in place.
- Field Work began on February 16, 2009.
- Ohio EPA site walk-down conducted February 19, 2009.
- Well expected to be operational by April 30, 2009.



Status of X-740 Groundwater Plume Area

- The January 2009 groundwater samples were collected the week of January 26, 2009. Results expected early March 2009.
- Performing groundwater sampling again in March 2009.
- Once results are received, the data will be reviewed with Ohio EPA before the next injection event.



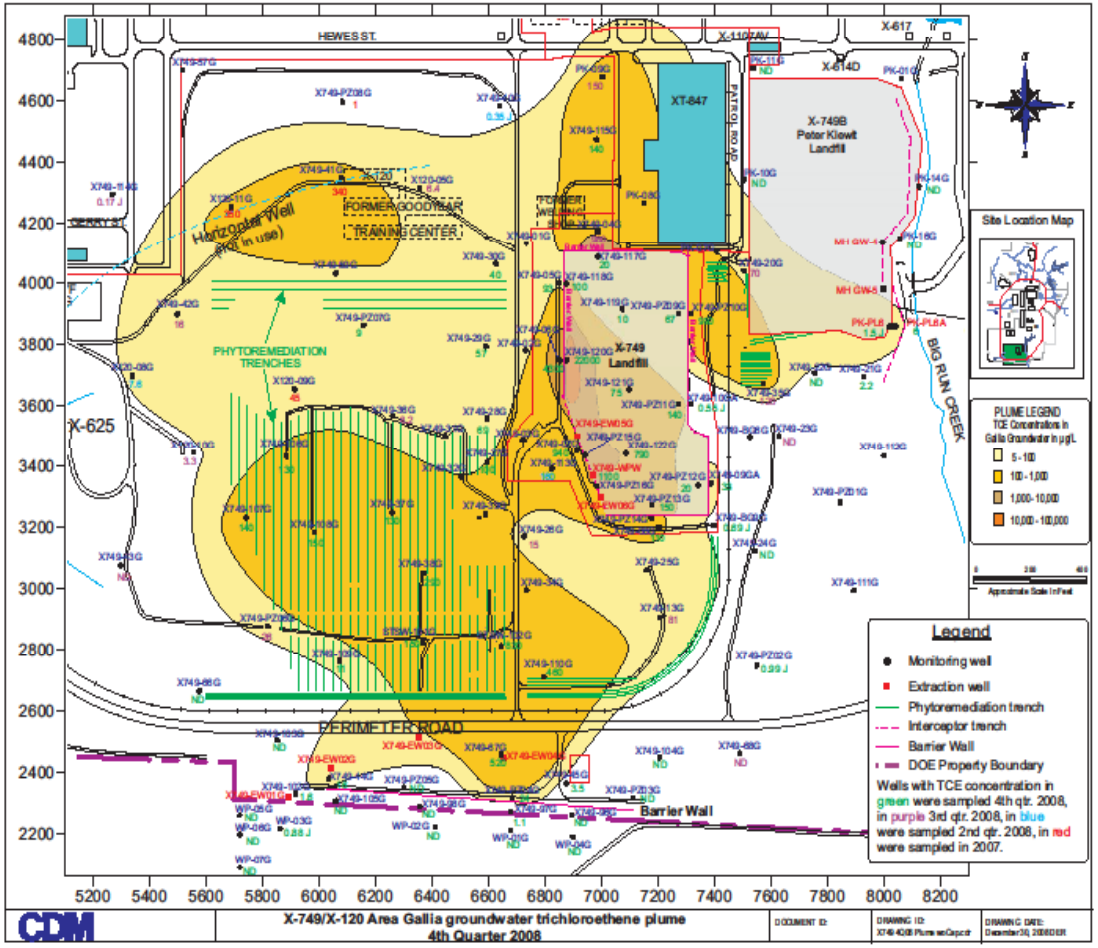
X-749/X-120 Optimization Project

- Sample results indicate elevated TCE levels existed in one of the seven new groundwater wells installed at and around the X-749 landfill. The monitoring wells will be sampled in 2nd Quarter 2009 to further evaluate TCE levels.

- Refinements to the X-749 / X-120 groundwater flow and mass transport model is being evaluated.

X-749/X-120 Optimization Project – February 2009

Monitoring wells installed in the X-749 landfill cap indicated elevated levels of TCE contamination. The wells will be sampled in 2009 2nd Quarter and be compared against preliminary data collected in 2008



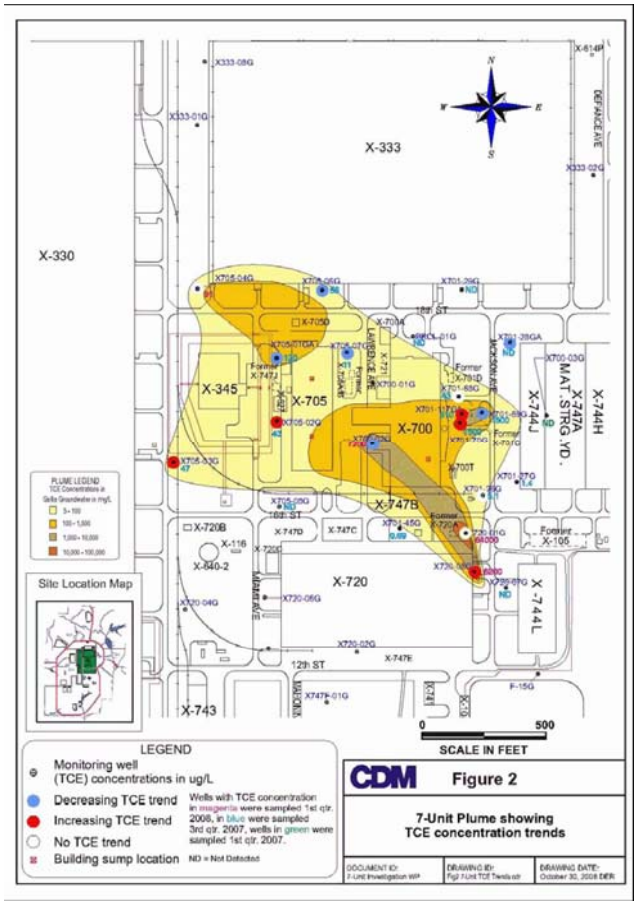
X-344C Deferred Unit Investigation

- Discussions were held with Ohio EPA in January 2009 on their comments to the investigation work plan.
- A revised Work Plan was submitted to Ohio EPA on March 2, 2009.

7-Unit Groundwater Plume Investigation

- Purpose of investigation is to identify potential source areas that may be contributing to Quadrant II Groundwater Investigative Area.

- A revised work plan was submitted to Ohio EPA on February 25, 2009.



X-770 Concrete Pad Removal / Investigation Status February 2009

- Sampling activities for the 13 additional locations were completed on December 17, 2009.

- Results were received and were discussed with Ohio EPA on February 5, 2009.
- A work plan is being prepared for the pad removal and soil remediation. The work plan will be submitted in March 2009.

Small Cylinders Phase II Project

- 127 cylinders transferred to USEC for recovery of uranium contents; 34 awaiting processing at UDS; 300 cylinders to be processed by LPP and disposed as waste.
- Phase II cylinder stabilization/solidification scheduled to begin in May 2009.
- Once stabilized, waste will be shipped to NTS
- Project scheduled for completion by end of September 2009.

Cleanout of DMSAs 11 & 12 in X-326 Building

- Initiating Cleanout of DOE Material Storage Areas (DMSAs) 11 and 12
- Project to dispose of 324 total items of equipment.
- Completed 245 of 250 Non-Destructive Analysis (NDA) of equipment.
- PCB sampling is 100 % complete.
- Began packaging <20% assay items in February 2009; about 90% complete.
- First shipment scheduled mid-March 2009.

X-345 Building Cleanout

- Project being initiated to dismantle and dispose of contaminated High Assay Sampling Area (HASA) Laboratory and supporting equipment, and High Assay Isotopic Standards Preparation (HAISP) Laboratory from inside X-345 Building.
- Plan is to start the HAIS strip out in late March 2009.
- Waste shipments expected to start March 31, 2009, by truck to Nevada Test Site.
- Both lab removals to be completed by September 2009.

X-746 Shipping and Receiving Building Removal

- An Engineering Evaluation/Cost Analysis (EE/CA) for public review is expected in March 2009.

Top Issues

1. Accelerated clean-up, groundwater clean-up and maximizing opportunities for job creation
2. The revision of the Draft RFP for the D&D of the Portsmouth Site include the recommendation 09-01 of the SSAB on Community Investment Provisions.
3. Determine if there are any significant historical issues for PORTS that must be addressed
4. Investigate all ramifications for the transfer of the 340 acre tract to SODI
5. Educating the Board on the complexities of the Piketon Site

Accomplishments

1. The Board is operational, has elected co-chairs, developed our operating procedures and established four, functional subcommittees
2. Bringing together a varied group of individuals and attempting to find common ground