PORTSMOUTH EM
SITE SPECIFIC ADVISORY BOARD

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

Proposed Agenda for the September 17, 2015 Board Meeting

Chair
William E. Henderson II

Vice Chair

Board Members
Lisa Bennett
Robert Berry
Maddeline C. Caudill
Carlton L. Cave
Al Don Cisco
Martha A. Cosby
Ervin S. Craft
John T. Evans
Adrian C. Harrison
Carl R. Hartley
Brian F. Huber
Ronda J. Kinnamon
Ryan H. Knight
Neil Leist
Bernard S. Neal
Irma C. Payne
Cristy D. Renner
Judy R. Vollrath

Deputy Designated Federal Official
Joel Bradburne

DOE Federal Coordinator
Greg Simonton

6 p.m.
Call to Order, Introductions
Review of Agenda
Approval of July Minutes

DDFO Comments **--15 minutes**

Federal Coordinator Comments **--10 minutes**

Liaison Comments **-- 5 minutes**

EM SSAB National Chairs Meeting Recap **--15 minutes**
Will Henderson, Board Chair; Bob Berry

- Proposed EM SSAB Chairs Letter-WIPP
- Proposed EM SSAB Funding for DOE Penalties /Violations
  Will Henderson, Board Chair
- Discussion of EM SSAB letter on Budget interactions

Administrative Issues **--20 minutes**

- SSAB Draft Recommendation 15-05 Discussion
- Annual Executive Planning and Leadership Training Session Update

Election of Chair and Vice Chair **--10 minutes**

Adoption of FY 2016 Work Plan **--10 minutes**

Subcommittee Updates **--5 minutes**

Public Comments **--15 minutes**

Final Comments from the Board **--15 minutes**

Adjourn

Support Services
EHI Consultants, Inc.
1862 Shyville Road
Piketon, OH 45661
Phone 740.289.5249
Fax 740.289.1578

PREPARING THE FUTURE

PORTS

D&D PROJECT

DEPUTY DESIGNATED FEDERAL OFFICIAL PRESENTATION

Joel Bradburne, Site Lead

U.S. Department of Energy

Portsmouth Site Specific Advisory Board

September 17, 2015

- Plant Updates
  - Deactivation
  - Soil Excavation
  - OSWDF
  - Waste Shipment
  - Land Transfer
- Community Outreach
- Upcoming Events

D&D Safety Update

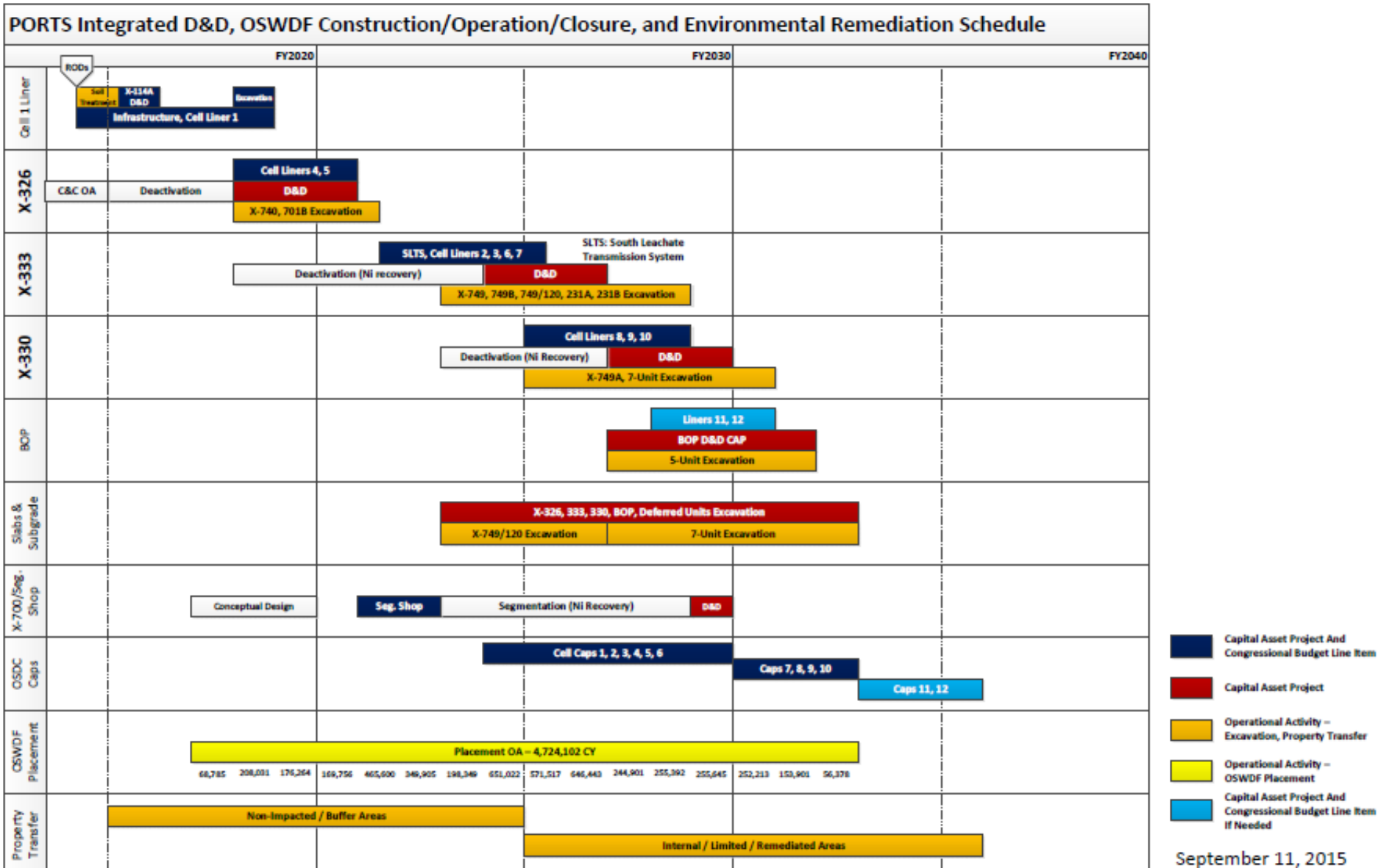
As of 9/16/15, worked 44 days without a lost time incident.

As of 9/16/15, 17 recordable injuries in CY 2015.

As of 9/16/15, FBP 25 recordable injuries in FY 2015 (14 medical treatment and 11 DARTs).

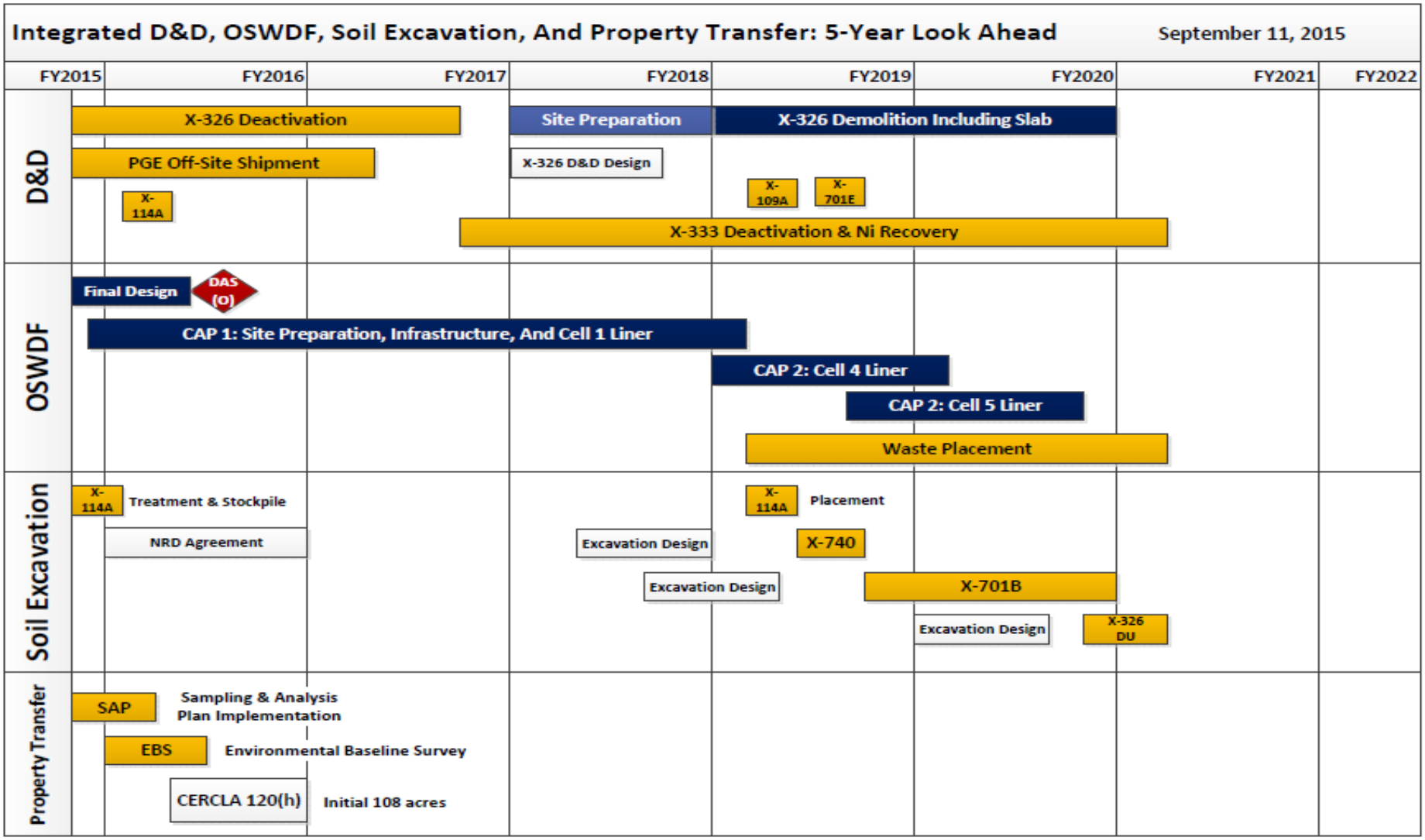
YOU are the KEY to SAFETY!

PORTS Integrated Baseline



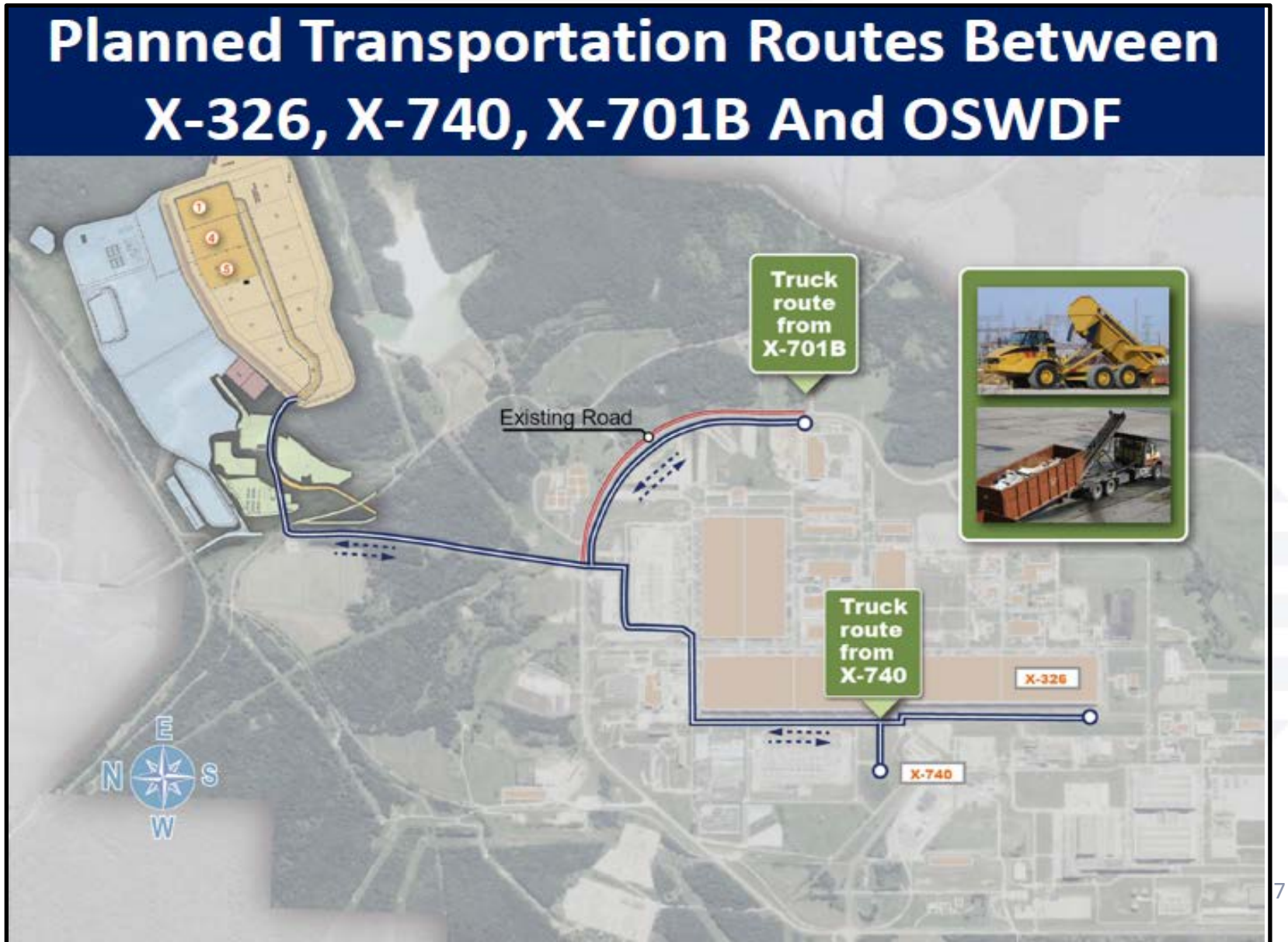
September 11, 2015

PREPARING THE FUTURE
PORTS
D&D PROJECT



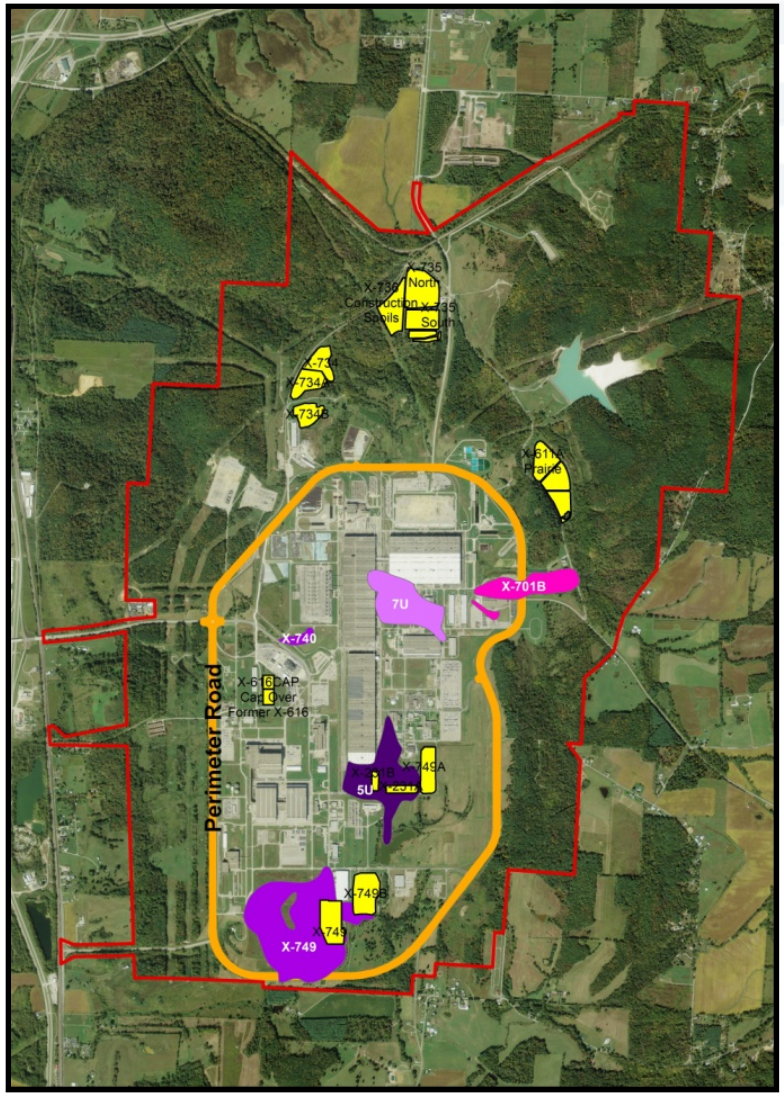
Deactivation - X-326

Soil Excavation

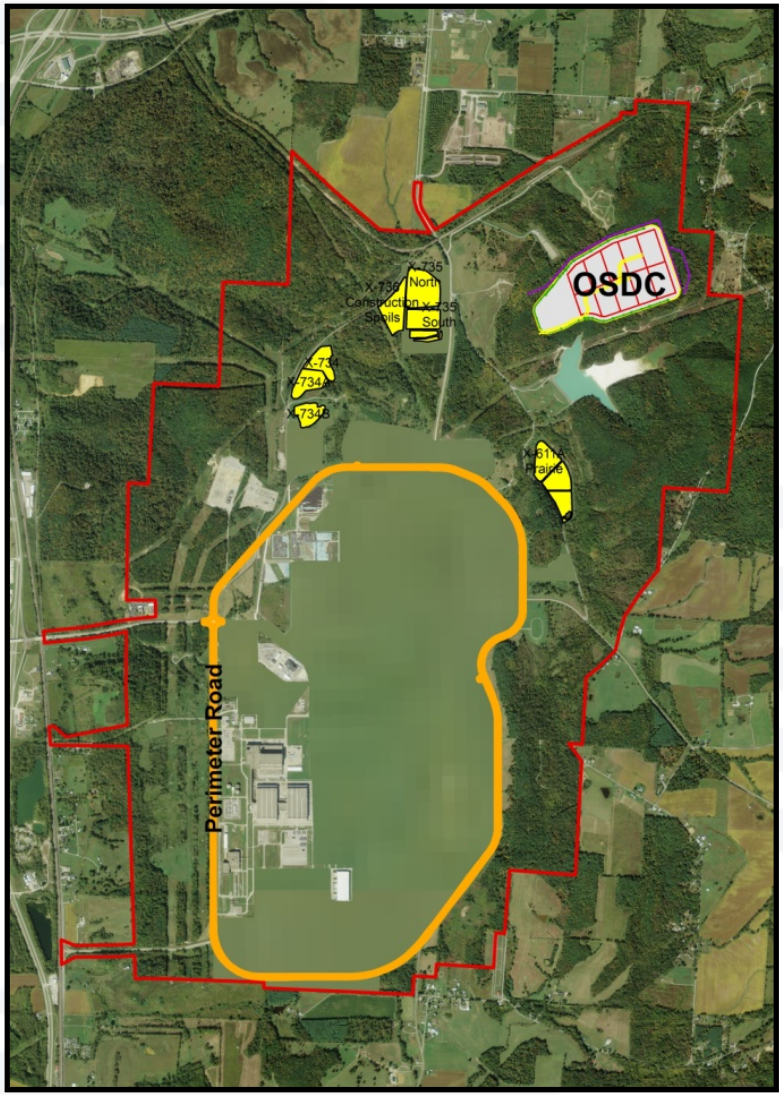


On-Site Waste Disposal Facility

Today



Post Remediation



Waste Shipment

Land Transfer/ Re-Industrialization

- DOE is evaluating a 108-acre parcel to determine suitability for transfer.
- FBP is continuing work on an Environmental Baseline Summary, which is a key aspect of making property available for transfer.
- Target Date March 2016 for Lease.

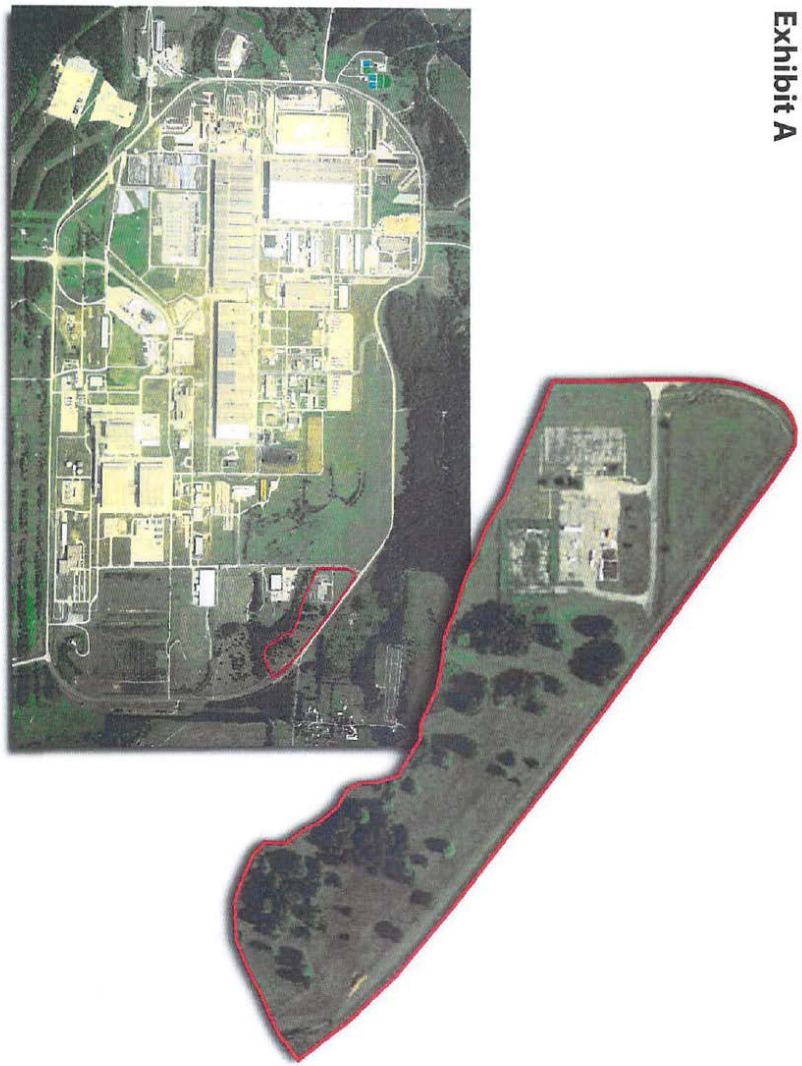


Exhibit A

Property Transfer Sequence

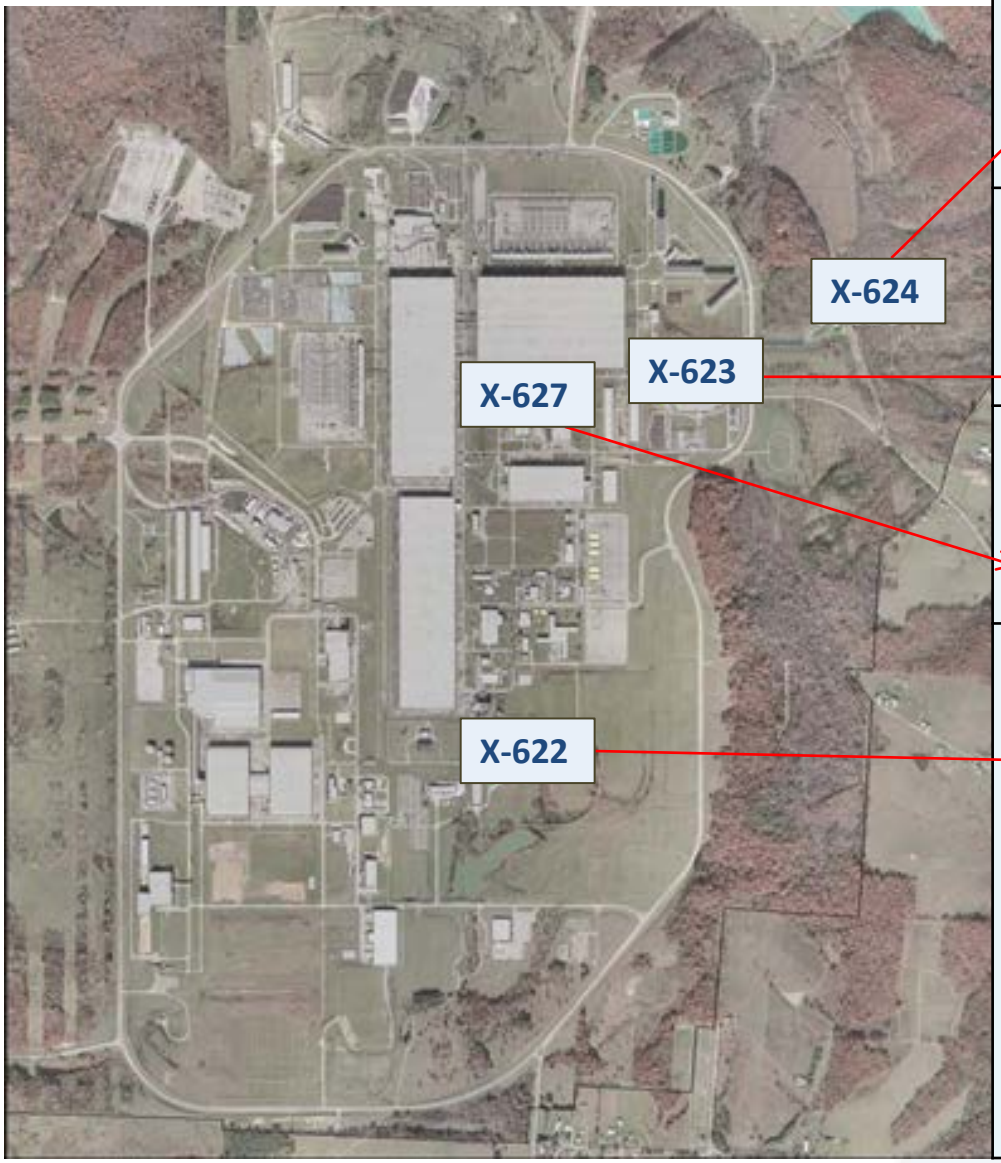
FOR LEASE	DOE MAKES PROPERTY AVAILABLE	COMPLIANT REQUEST SUBMITTED	COMPLIANT REQUEST APPROVED	AGREEMENT PREPARED	AGREEMENT EXECUTED
FOR TRANSFER	DOE MAKES PROPERTY AVAILABLE	COMPLIANT REQUEST SUBMITTED	COMPLIANT REQUEST APPROVED	DEED PREPARED	DEED EXECUTED

STEP 1: DOE works through regulatory process to make property available.

STEP 2: SODI (or other requester) submits compliant request for property.

STEP 3: Realty personnel from various entities approve lease agreement or property transfer.

Environmental Remediation



Groundwater Treated FY2015	Groundwater Source	TCE Removed FY2015
3.20M Gallons	X-701B Plume	135lbs
14K Gallons	Misc. Site	0.02lbs
9.94M Gallons	7-Unit Plume	165lbs
16.81M Gallons	5-Unit & X-749/X-120 Plumes & PK Drainage	22lbs

BWCS DUF_6 Project September 2015 Update

Current Ports DUF6 Status:

- Conversion line operations remain suspended pending completion of specific corrective actions identified to safely resume operations
- All other activities resumed
- Anticipate September 2015 re-start

Plant availability:	Ports
FY12	26%
FY13	58%
FY14	80%
FY15 Q1-Q3	33%

BWCS DUF6 Project
Planned Improvements

Equipment replacement or process improvements to increase output

- Replacement Hydrogen Generation Technology
- Improve Autoclave and Conversion Unit Heating Control
- Streamline Cylinder Modification process and Cylinder Movement
- Optimize Oxide transfer process
- Reduce oxide flow restrictions (e.g., valve, blower and piping changes)

PREPARING THE FUTURE
PORTS
D&D PROJECT

Community Outreach

Ross Co. UW backpack give away

Boy Scouts of America Camp Oyo

Justin Helton Scholarship Fund

Jasper School Supply Drive

American Red Cross Disaster Relief

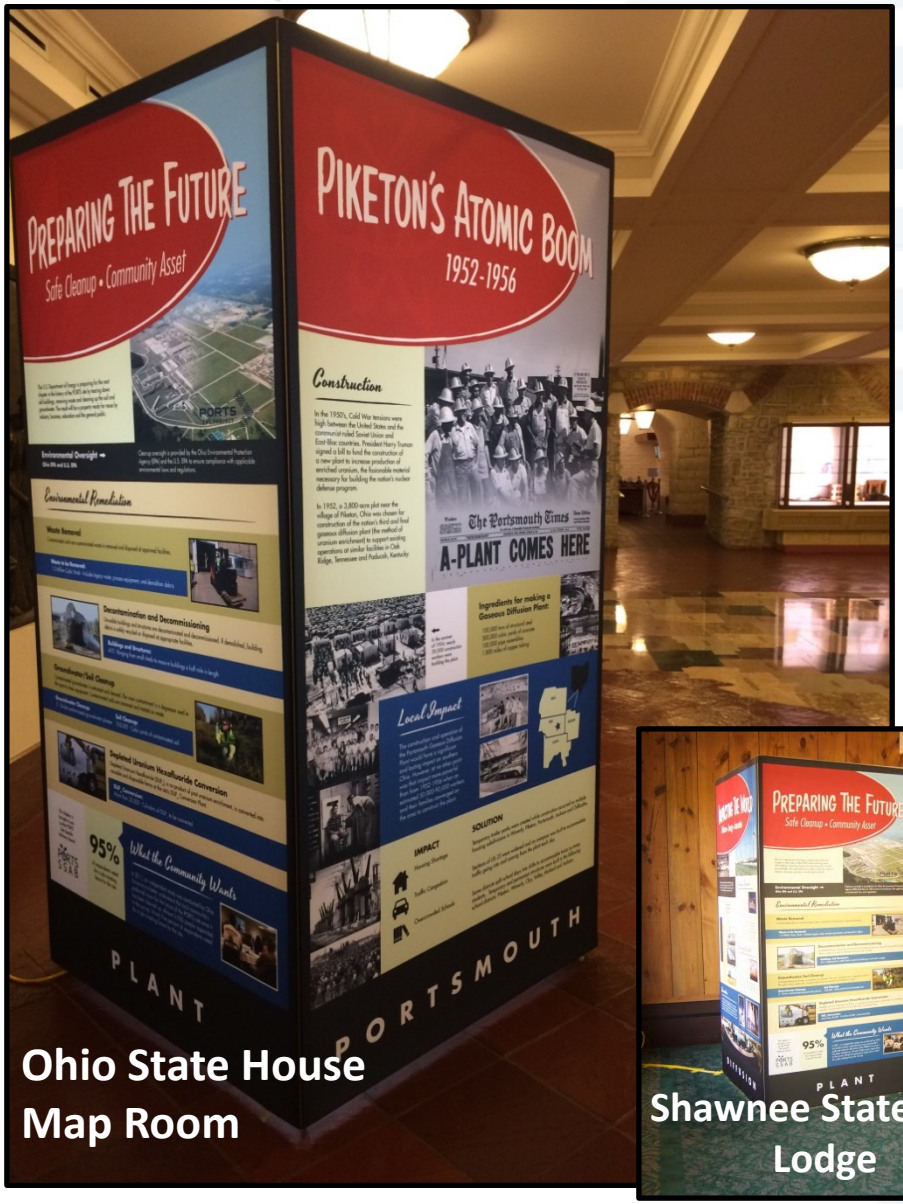
Community Outreach: Economic Development

Patter Fam

Tri-America Contractors

PREPARING THE FUTURE
PORTS
D&D PROJECT

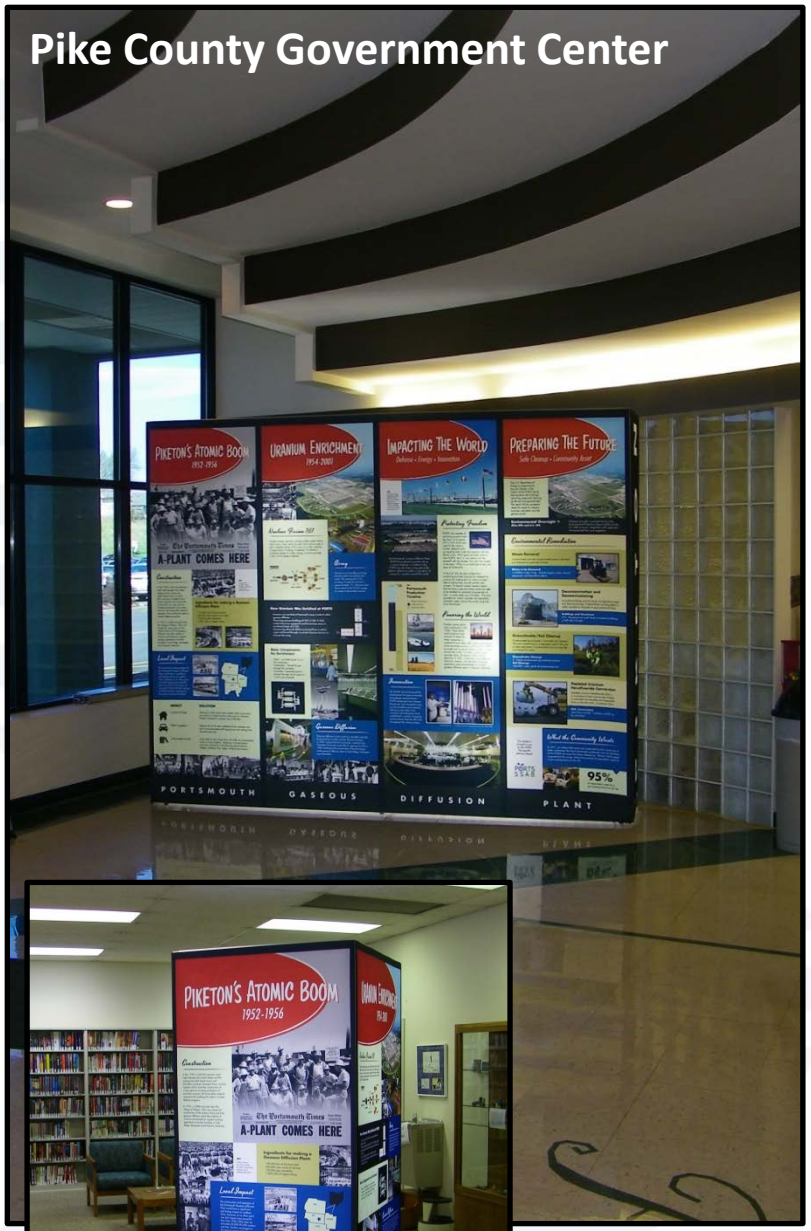
Traveling Displays

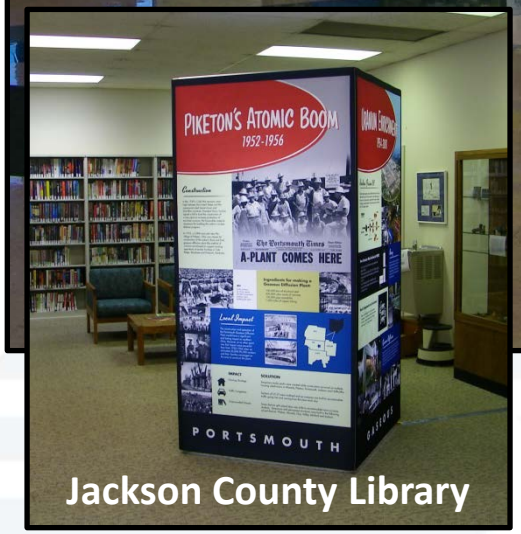


Ohio State House
Map Room

Shawnee State Park
Lodge

Pike County Government Center





Jackson County Library

PORTS Site Tours

Pike County Commissioner Fred Foster

SSAB New Member Orientation

Senator Brown Staffer

Upcoming Site Events

- **United Way/Employee Giving Campaign**
  September 1-30
- **SSAB Subcommittee Meetings**
  Tuesday, September 22
- **Science Alliance**
  October 6-8, 2015
- **SSAB Full Board Meeting**
  Thursday, November 5

For a full list of SSAB activities, check out the website at
http://www.ports-ssab.energy.gov

Best Practices for Informed Budget Recommendations

Budget priorities – EM wants to continue to partner with stakeholders to better align cleanup priorities and commitments with expected performance and funding levels.

Mark Whitney, 9-17-2014

Introduction

This document serves as a general guide of best practices for use by DOE Environmental Management (EM) site advisory boards when developing recommendations for consideration during the annual budget prioritization process. Effective budget discussions with DOE EM site management should focus on near-term as well as mid- and long-term goals.

Principles and Considerations

- Maintain regularly scheduled meetings between advisory boards and the DOE to address budget priorities and concerns and to ensure that current and future budgets are transparent and reliable.
- Ensure that budget recommendations from advisory boards are robust, well-founded, and based on relevant board and community values.
- Request a detailed response from the DOE such that the priorities of the advisory board recommendations can be evaluated against site budgets as planned for final submittal to DOE Headquarters.
- Consider that economic stability is an important and persistent factor that characterizes cleanup success; efforts to identify potential sources for community stability are a necessity.

Information

- Performance assessments that detail how changes to current budgets have affected goals and cleanup deadlines should be provided by DOE prior to advisory board consideration of a proposed future budget.
- Budget information, particularly before and after an embargo or budget release, must be transparent to enhance the reliability and usefulness of the information.
- Budget information, when shared with the general public, must be accessible and written in a clear and concise manner. Critical concepts, terms, and acronyms must be thoroughly discussed and clearly defined.
- Budget information related to potential work delays resulting from budget shortfalls must be shared in a timely manner.
- Budget information should help audiences to differentiate between funds allocated for site cleanup and funds allocated for site infrastructure, security, general maintenance, and other essential services.

Education

- Budget prioritization opportunities should be included in board and subcommittee work plans.
- Lessons learned and successful strategies for working with site management in regard to budget issues should be shared and applied, when suitable, across all site advisory boards.
- Exercises that engage board members in ranking budget priorities across selected criteria stimulate critical thinking and board discussions; such exercises benefit from the support of subject matter experts (SMEs).

Communication

- Budget information shared by the DOE with advisory boards and the general public must be received in a timely manner to ensure that corresponding comments and recommendations can be integrated into the decision making process.

Recommendation 15-05
September 17, 2015

Portsmouth EM Site Specific Advisory Board

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RECOMMENDATION 15-05: Portsmouth (PORTS) Environmental Management (EM) Site Specific Advisory Board (SSAB) recommends modification to Waste Disposition Record of Decision (ROD)

BACKGROUND: In May 2013, the PORTS EM SSAB passed Recommendation 13-02, which outlined the board's position on waste disposition at the Portsmouth Gaseous Diffusion Plant. The board's position was in line with community sentiment and supported on-site disposal of some decontamination and decommissioning (D&D) waste only if The U.S. Department of Energy (DOE) could explicitly meet six conditions.

- No waste from off-site locations
- The consolidation of landfills within Perimeter Road
- The consolidation of plumes within Perimeter Road
- A concerted effort to recover and recycle nickel with the understanding the nickel barrier material was prohibited from on-site disposal
- The prohibition of any DUF6 material in any of its forms into the on-site disposal cell
- A Department of Energy land use plan on par with the one completed for the Miamisburg Mound facility

Following the Proposed Plan in 2014, DOE conducted a Public Comment Period when community groups, among them the PORTS EM SSAB, objected to the language because it resulted in a lack of commitment from DOE on the conditions for support. Comments were made to strengthen DOE's language in the Record of Decision (ROD), but those comments were ignored.

Under the current Record of Decision (ROD), the community has no guarantees for the cleanup program to accomplish the objective of leaving land within Perimeter Road in a suitable condition for redevelopment, which was the main purpose for our support of partial on-site disposal. Additionally, there is no guarantee from DOE the prohibited items outlined above would not be placed in the on-site disposal cell. The PORTS EM SSAB, elected officials, and other community groups have acted in good faith throughout this process and have no reason to question DOE's intent as anything but genuine. However, without a firm regulatory commitment from DOE, circumstances could change in the future resulting in a change to those intentions. After all, by the time waste would be placed in the on-site disposal cell, a new administration will oversee DOE. DOE has not met the conditions for support for on-site disposal and the community is left in a vulnerable position, and that is unacceptable.

RECOMMENDATION: The PORTS EM SSAB withdraws support for on-site disposal under the current conditions and recommends DOE modify the Record of Decision (ROD) to strengthen DOE commitments that are required by the community for support of on-site waste disposal. The PORTS EM SSAB does not object to DOE's plan for D&D of the Portsmouth Gaseous Diffusion Plant, only the lack of commitment from DOE to complete the project in a manner that will foster future development. The board

understands the need for DOE to continue On-Site Waste Disposal Facility (OSDC) construction efforts to align waste disposal with D&D activities and does not object to those efforts continuing, but DOE should recognize the community expects these regulatory deficiencies to be addressed before any waste placement occurs. In other words, DOE's construction efforts should be considered at risk until the community's conditions for support of on-site disposal are satisfied.

As always, the PORTS EM SSAB appreciates DOE's willingness to communicate with the PORTS EM SSAB and all community groups. We look forward to these regulatory deficiencies being addressed and working with DOE on this issue and future issues as the D&D program is executed.

Thank you.

Mr. Mark Whitney
Acting Assistant Secretary for Environmental Management
U.S. Department of Energy, EM-1
1000 Independence Avenue, SW
Washington, DC 20585

Dear Mr. Whitney:

Background

The Waste Isolation Pilot Plant (WIPP) was created to safely and reliably dispose of this waste, and did so from 1999 to February 2014. The Waste Isolation Pilot Plant (WIPP) has been operating since 1999 as the only underground repository for transuranic (TRU) waste disposal. Having the WIPP facility available for TRU waste disposal has been shown to be extremely important to the Department of Energy (DOE) as well as sites across the United States needing to safely and reliably dispose of TRU waste. WIPP operations on a continuing basis are critical to the success of the DOE Office of Environmental Management's (EM) waste disposal mission.

Observations and Comments

With the recent shutdown of WIPP, DOE efforts to complete programs for the shipment of TRU waste from sites needing this method of waste disposal have been jeopardized. The shutdown of WIPP has rendered these sites unable to complete commitments due to respective state consent orders or regulatory requirements. Planning for future shipments to WIPP is also now on hold with no effective time table of when shipments may be able to resume.

Exploring opportunities for additional TRU waste storage facilities at the various generator sites with limited lifetime expectancies is neither efficient nor cost effective. And while it does appear unwise to duplicate the permitting process at multiple sites, it is equally unwise to concentrate on just the one site that can truly facilitate permanent long-term disposal of TRU waste.

Intent

It is the intent of the EMSSAB to be assured that DOE accelerates and makes more transparent any activities in motion or planned that will resume the safe disposal of transuranic waste at WIPP and concurrently identify temporary safe storage locations for TRU waste.

Recommendation

To restore public confidence in its ability to safely manage TRU waste, meet its commitments to its state regulators, and minimize the risk to the public from the massive amounts of waste it currently has on hand, the EMSSAB recommends that DOE:

1. Create and make available to the EMSSAB and the public a realistic plan and timetable to restore WIPP to full operation. Resumption of safe WIPP operations should be the highest priority.
2. Given the possibility of another event, identify and evaluate safe alternatives to retaining waste at its point of generation until WIPP is restored to full operation.
3. Put the best of these alternatives into operation to deal with the current situation, and to be prepared in the event a similar situation arises in the future. Identification of the alternatives should include a quantitative evaluation of the financial and risk benefits and costs of the alternatives.

Summation

These actions need to be taken as soon as possible. To delay is to make a choice for distributing the risks associated with the temporary storage of nuclear waste at the generator sites around the nation, rather than being contained at a small number of sites such as Carlsbad, NM, Andrews, TX or other alternative sites.

Due to the difficulties that the shutdown of the WIPP has caused the various DOE facilities that must ship TRU waste, the Environmental Management Site-Specific Advisory Board recommends that DOE-EM Headquarters identify and evaluate potential above-ground temporary waste storage installation sites and conduct required environmental impact studies in an effort to prevent similar problems in the future

DRAFT

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Hanford Advisory Board

Herbert Bohrer, Chair
Idaho National Laboratory Site EM Citizens Advisory Board

Donna Hruska, Chair
Nevada SSAB

Doug Sayre, Chair
Northern New Mexico Citizens' Advisory Board

David Hemelright, Chair
Oak Ridge SSAB

Ben Peterson, Chair
Paducah Citizens Advisory Board

William E. Henderson II, Chair
Portsmouth SSAB

Harold Simon, Chair
Savannah River Site Citizens Advisory Board

cc: Kristen Ellis, EM-3.2
David Borak, EM-3.2

DRAFT

ENVIRONMENTAL MANAGEMENT SITE-SPECIFIC ADVISORY BOARD

Hanford	**Idaho**	**Nevada**	**Northern New Mexico**
Oak Ridge	**Paducah**	**Portsmouth**	**Savannah River**

Dr. Monica Regalbuto
Assistant Secretary for Environmental Management
U.S. Department of Energy, EM-1
1000 Independence Avenue, SW
Washington, DC 20585

Dear Dr. Regalbuto:

Background

The Department of Energy (DOE) Environmental Management (EM) sites with legacy waste awaiting permanent off-site disposal have been, or could be, subject to large fines from their respective regulatory agencies for failure to meet legally mandated deadlines for permanent disposal of legacy waste. For example, the New Mexico Environment Department recently fined Los Alamos National Laboratory (LANL) and the DOE Waste Isolation Pilot Plant (WIPP) $54 million for failures connected to a radiation leak when a drum of waste processed at LANL breached a year ago at WIPP, shutting down the nation's nuclear waste repository. LANL has also acknowledged it will miss deadlines set for later this year for long-term waste cleanup at LANL set in a binding consent decree.

Payment of real or potential multi-million dollar fines has the effect to further reduce the ability of these EM Sites to successfully meet mandated and legally binding cleanup goals. In most cases states have the option to use the funds collected on fines for work unrelated to the issues that led to the fine or for the direct benefit of residents of the affected area. A more effective use of funds would be to use the money collected from fines to fund supplementary environmental projects, given that EM funding allocated to DOE and/or the National Nuclear Security Administration for EM work should be used to protect and/or improve the health and environment of the citizens of the geographic area and population affected by the previous disposal of legacy wastes at the DOE sites.

Comments and Observations

In lieu of fines and penalties that could be required and instituted at the respective facilities, the EM Site-Specific Advisory Board (SSAB) recommends that DOE-EM consider Supplemental Environmental Projects (SEPs) as a beneficial and amenable means to help accomplish the legally mandated cleanup goals at DOE facilities.

An SEP is defined as an environmentally beneficial project which a violator voluntarily agrees to undertake in settlement of an enforcement action but which is not legally required by law. In

addition, the U.S. Environmental Protection Agency (EPA), and most state regulatory agencies, allow for the implementation of SEPs in lieu of a portion of civil penalties calculated under the Civil Penalty Policy, when such payment of fines and penalties are imposed;

There are seven common categories of projects that can be acceptable SEPs:

- Public Health
- Pollution Prevention
- Environmental Protection
- Environmental Restoration
- Environmental Assessments and Audits
- Environmental Compliance
- Renewable Energy

Recommendation:

The EM SSAB recommends that DOE-EM;

1. Pursues SEPs in lieu of fines and penalties issued by regulators.
2. Pursues SEPs, in lieu of new fines and penalties imposed by a new compliance order issued by regulators for violations.
3. Proposes SEPs in settlement of enforcement actions by regulators that meet the following restrictions:
    - Are consistent with the EPA SEP policy and Region implementing guidance
    - Are consistent with or advances the Resource Conservation and Recovery Act
    - Have adequate nexus to the violation as determined by the relevant regulators sole discretion, with site stakeholder and public engagement.
    - Involve the management or administration of the project or funds by the relevant regulator; (state and/or EPA) and benefits the community and/or environment near the impacted site by the violation while providing educational opportunities with contractors and public institutions of higher education.
4. Uses SEPs to primarily benefit the community that is directly impacted by the violation.

In Summary:

It is the intent of the EM SSAB to ensure that DOE-EM funds programmed and allocated for the cleanup and mitigation of legacy waste disposal at sites are used for those purposes and for the benefit of the citizens of the affected areas, where the basis of the violations cited by the relevant regulator occurred.

References:

1. EPA Guidelines for Supplemental Environmental Projects
2. State Supplemental Environmental Project Policy Act/Regulations

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