



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

6 p.m.

Call to Order, Introductions

Review of Agenda

Approval of July Minutes

Board Members

Lisa Bennett

DDFO Comments

--15 minutes

Robert Berry

Maddeline C. Caudill

Federal Coordinator Comments

--10 minutes

Carlton L. Cave

Al Don Cisco

Liaison Comments

-- 5 minutes

Martha A. Cosby

Ervin S. Craft

EM SSAB National Chairs Meeting Recap

--15 minutes

John T. Evans

Will Henderson, Board Chair; Bob Berry

Adrian C. Harrison

- Proposed EM SSAB Chairs Letter-WIPP

Carl R. Hartley

Brian F. Huber

- Proposed EM SSAB Funding for DOE Penalties /Violations

Ronda J. Kinnamon

Will Henderson, Board Chair

Ryan H. Knight

Neil Leist

- Discussion of EM SSAB letter on Budget interactions

Bernard S. Neal

Irma C. Payne

Administrative Issues

--20 minutes

Cristy D. Renner

- SSAB Draft Recommendation 15-05 Discussion

Judy R. Vollrath

- Annual Executive Planning and Leadership

Training Session Update

Deputy Designated

Federal Official

Joel Bradburne

Election of Chair and Vice Chair

--10 minutes

DOE Federal Coordinator

Greg Simonton

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



PORTSMOUTH EM SITE SPECIFIC ADVISORY BOARD

MINUTES OF THE THURSDAY, SEPTEMBER 17, 2015, SSAB MEETING • 6:00 P.M.

Location: The Ohio State University Endeavor Center, Room 160, Piketon, Ohio

Site Specific Advisory Board (SSAB) Members Present: Chair Will Henderson, Vice Chair Bob Berry, Carol Caudill, Al Don Cisco, Martha Cosby, Ervin Craft, John Evans, Carl Hartley, Brian Huber, Ronda Kinnamon, Neal Leist, Bernie Neal, Charlene Payne, Cristy Renner, Judy Vollrath

SSAB Members Absent: Carlton Cave, Ryan Knight

U.S. Department of Energy (DOE) and Contractors: Vince Adams, Joel Bradburne, Greg Simonton, DOE; Rick Greene, Restoration Services, Inc. (RSI); Julie Galloway, Cindy Lewis, EHI Consultants (EHI); Jeff Wagner, Fluor-B&W Portsmouth (FBP)

Liaisons: Dustin Tschudy, Ohio Environmental Protection Agency (EPA), Mike Rubadue, Ohio Department of Health (ODH)

Facilitator: Eric Roberts, EHI

Public: Jeanne Wilson, Senator Sherrod Brown's Office; Pat Marida, Sierra Club; Geoffrey Sea, Neighbors for an Ohio Valley Alternative (NOVA); Diana Cattall, Dan Minter, Lee Blackburn, Vina Colley, Fred Hughes

Approved by Will Henderson, Board Chair

Will Henderson

Call to Order:

Henderson: I would like to call the meeting to order.

Roberts: I would like to welcome everyone, and I will be facilitating the meeting. There will be a public comment period after the presentations. The board should stay within its defined scope and follow the meeting ground rules adopted.

September Agenda:

Roberts: Are there any modifications or proposed changes to the September agenda? We would like to move up the election for chair and vice chair.

- **Cosby:** I make a motion to approve the September agenda with the suggested change.
- **Caudill:** I second the motion
 - **Motion carried, agenda approved**

July Minutes:

Roberts: Are there any modifications or proposed changes to the July minutes?

- **Cosby:** I make a motion to approve the July minutes.
- **Payne:** I second the motion
 - **Motion carried, minutes approved**

DDFO comments provided by Joel Bradburne, Site Lead U.S. Department of Energy:

- **Plant Updates**
 - **D&D Safety Update**
 - **PORTS Integrated Baseline**
 - **Deactivation - X-326**
 - **Soil Excavation**
 - **On-Site Waste Disposal Facility**
 - **Waste Shipment**
 - **Land Transfer/Re-Industrialization**
 - **Property Transfer Sequence**
 - **Environmental Remediation**
 - **BWCS Duf6 Project September 2015 Update**
 - **BWCS Duf6 Project Planned Improvements**
- **Community Outreach**
 - **Community Outreach: Economic Development**
 - **Traveling Displays**
 - **PORTS Site Tours**
- **Upcoming Site Events**

*A copy of the DDFO presentation is available on the SSAB web site
(www.ports-ssab.energy.gov)*

Federal Project Coordinator comments provided by Greg Simonton, Federal Project Coordinator:

Simonton: There are 26 schools signed up for the Science Alliance this year. If any of the Board members would like to volunteer just contact the EHI office. The regional Science Bowl is in March, we would also like for you to volunteer at this event.

Liaison comments provided by Mike Rubadue:

Rubadue: We want to make sure the site is safe for property transfer. Been quiet for us the last couple of months, since the Record Of Decision (ROD) has been signed for the process buildings.

Liaison comments provided by Dustin Tschudy:

Tschudy: I recently took over for Maria as the site coordinator. I have been reviewing the SSAB work plan.

Election of Chair:

Roberts: We had nominations for Will as Board Chair and Bob as Vice Chair during our planning session in August, are there any other nominations? Being none, show of hands, all in favor of Will Henderson as your chair raise your hand.

Nomination carried (14 approved, 0 opposed, 0 abstained, 0 recused)

Roberts: All in favor of Bob Berry as vice chair raise your hand.

Nomination carried (14 approved, 0 opposed, 0 abstained, 0 recused)

EM SSAB National Chairs Meeting Recap:

Henderson: We had a good setting in Santa Fe. Site tour was good, we received some great information. We had a great time learning about our counterparts and their sites.

Berry: The meetings were very productive.

Proposed EM SSAB Chairs Letter-WIPP:

Cosby: If we support them then they will support us.

Craft: I make a motion to approve the WIPP letter. **Renner:** I second it.

Open for Public Comment on Proposed WIPP Letter:

Sea: The concept of solidarity is interesting. The idea to vote for this so others in the future will support us. There has not been a lot of solidarity in the past. I do not see other sites supporting Piketon since they ship their waste here. We should ask them to support us before we support them.

Conley: I have not been to many meetings lately. I need to ask a question: Has the low-level waste facility been approved yet by our commissioners or the community? It seems like we have a lot of waste from other sites and they have not opened up

their doors for us. I am concerned about it. Are we going to take all the waste from others that were so kind to us?

Board Comments on the Proposed WIPP Letter:

Renner: I studied this on my last job. On the solidarity, sometimes you have to set an example for others to follow.

Motion carried (14 approved, 0 opposed, 1 abstained, 0 recused)

Proposed EM SSAB Funding for DOE Penalties/Violations:

Evans: Being involved with the budget in Jackson, there were times that things didn't get done due to no funds, then they would come in and fine you and then you have even less money. I think this is something we should support.

Craft: I make a motion to approve the Funding for DOE Penalties letter. **Caudill:** I second it.

Public Comment on Funding for DOE Penalties Letter:

Sea: I have to say this is laughable. This recommendation is a formula for corruption and conflict of interest. If a contractor is fined by DOE for messing up at a site, whatever that may be, the money goes right back into the project? This recommendation needs a line added that none of the money can go back to the site that it does not go to the same contractors that messed up in the first place.

Marida: A comment about Los Alamos. They follow their own procedures. There is all kinds of recommendations out there, to prevent radioactive waste in there but it has gone to the WIPP site. It has made quite a mess there.

Board Comments on Funding for DOE Penalties Letter: None

Motion carried (15 approved, 0 opposed, 0 abstained, 0 recused)

Discussion of EM SSAB letter on Budget interactions:

Roberts: This is not something to vote on. This is just information on best practices. We will take this to the Budget committee to have to fall back on, if needed.

Henderson: It is just as Eric said, this is not a recommendation.

Administrative Issues:

SSAB Draft Recommendation 15-05 Discussion by Will Henderson, Board Chair:

Question/Comment:	Answer:
<p>Henderson: It is important for the new members to understand, it has taken six years to get to this point. Did everyone get a chance to look over this recommendation? Dennis did you have regulatory milestones in Fernald?</p> <p>Why don't we have milestones here? Maybe something for you to follow up on. I would appreciate it.</p> <p>Who writes the laws, who writes the regulatory requirements? EPA does so they could say, based on the community feedback and concerns, if you are willing to commit inside the regulatory decision by all means do so, if they choose.</p>	<p>Carr: Hundreds and hundreds of them.</p> <p>Bradburne: Thank you, I appreciate it. I just want to add a little bit of clarification to it. We do have milestones, we have a different arrangement here. They are rolling milestones, which are specified in the DFF&O. Once you start something, you roll in automatically three milestones. When are you going to start, when are you going to get all the waste out and when are you going to finish? We cannot make a commitment. Ohio EPA has a consent decree that talks about soil and groundwater. The DFF&O does not allow us to address anything about the soil or groundwater. It is legally binding between the department and the state.</p> <p>Adams: I appreciate the background Will. You have worked hard for six years. The concern is over commitment. I ask that you not judge us by the words in these documents. I have never seen a statement in anything the Department has done say we shall. Things change many times, like budgets, and things that are beyond our control. It started way before six years ago. There was consideration to dig up the plumes and landfills and put the waste in a state of the art engineered landfill. These were closed landfills. This was a major task. The Department of Energy at the highest level made that commitment. In the 30 years that I have been with the Department, I have never seen where we state the word shall. This decision was</p>

<p>Vince said judge us by our commitments in the past. I know Vince and Joel will do what they can, but the higher ups repeatedly have not kept their commitments, not just at our site, but over the entire complex. All we get is push back with excuses and explanations, and all we are looking for is a statement of commitment.</p>	<p>not made lightly. The commitment is there. We have the ROD. I would like to ask you to reconsider this recommendation. Dennis writes his plan and the cost is included by digging up those landfills. The commitment is in the plan.</p>
<p>Cosby: I appreciate the responses that Joel and Vince gave. I have worked with the state and county government for years and it is not good to have things only by word. We would like to see this in writing, so that we have something to stand on.</p>	
<p>Evans: My problem with it is in 18 months, we will have all new people in Washington D.C. running the country. In 40 or 50 years, how many administrations or department directors of DOE will come and go? The next one coming in may say, I do not have to do what my predecessor said they would, I have a better idea. All we are getting is a verbal commitment. I was always told a verbal commitment was not worth the paper it is written on. My instinct with government is you had better have it in writing if you expect to be able to enforce it.</p>	<p>Henderson: Tom, I appreciate your comments. The thing is Recommendation 13-02 said do this this and this and they did not keep their commitment.</p>
<p>Craft: I look at this and I see where Will is coming from and I understand that and appreciate it, but at the same time we have quite a few new members. I think the new members need a chance to be educated, to take time to understand this. I know myself having been on the board for five years the Waste Acceptance Criteria (WAC) and all this is old stuff for us. I ask that this be tabled</p>	

<p>until the new members catch-up.</p>	
<p>Renner: I have several points on this and why it is confusing to me. I have worked on many regulatory things and I understand some of that. Then Joel mentioned that these commitments are in the plan. This is my first ROD. Is this how it was at Mound, that this is a normal procedure? I need more research for myself, more understanding. Is it possible to see what Mound’s ROD was? I ask Maria in a meeting what we are going to do with the landfills. She stated nothing, we do not have to do anything with them, they are closed, that is it with the state of Ohio. You can have stuff in writing we have a letter from candidate Obama that said he would give us the loan guarantee.</p> <p>I would like a little more time. I do not want to push this aside. It is important.</p> <p>I want to see the document that deals with this. Where is that document? That is why I would like to see other RODs. Is it another document that we need to say “Hey make sure it is in there’. Then, if not, that is when we need to say stop.</p>	<p>Roberts: Am I hearing you right, that you want more time?</p> <p>Henderson: Time is not going to change it. We reserve the right to withdraw it at any time.</p> <p>Rubadue: I am not OEPA so, what I understand is the Consent Decree is the document issued by a Federal Judge outlining the regulatory relationship between OEPA and DOE. In addition, that relationship, the scope of that document only covers soil and groundwater, Any remediation of soil and groundwater is going to have to be conducted under that set of rules. The DFF&O was negotiated between EPA and DOE and that document sets up the relationship again between OEPA and DOE regulatory framework. In addition, there is the Ohio Administrative Code, which governs landfills and land disposal facilities. There is a lot that goes into making a decision to open up a closed landfill closed by Ohio law and federal law and governed under the Consent Decree. There are many hoops to jump through to say we can remove this cap and</p>

	<p>expose all that material. I do not believe you can put these kinds of statements in a document that only addresses above ground surfaces. I do not know if there are work plans or other documents where that kind of commitment can be put in place.</p>
<p>Berry: I do not mean to put him on the spot, but I would like to ask Dennis Carr his comments, what he thinks and how our decision will affect him.</p>	<p>Carr: I am not sure what the effect would be of a withdraw of a recommendation. I have been around SSAB and CABs for 25 years. I have not ever seen a withdrawal of a recommendation. I am uncomfortable with it. We are standing here looking at 500 jobs reduced and I do not know what it means. I have been in this discussion for six years, I agree with Vince, I would rather be judged by our actions. The minute anything goes in that cell, you have to have soils. You are going to know long before anything goes into that cell whether we are going down the regulatory process to excavate landfills and plumes. Just as that document said, it requires prior authorization, which requires us to develop a plan, which we are doing right now to submit to the Ohio EPA for approval under the Consent Decree or alternate approach to natural resource damages. We must submit that way in advance of the planning for us to proceed into the first landfill. You will know well in advance of that happening. Give the Department the benefit of doubt.</p> <p>You have an independent agency watching us. Those documents are going to go to them, if they don't then that is time to step up and say, 'hey guys let's put a time out on this, we are questioning whether you should go on, we question if you are true to the consolidation'. Why withdraw now with the uncertainty of funding for the work force. I personally do not know what this means. You will know a year in advance because we have to have the regulatory</p>

<p>Most definitely.</p>	<p>documents before we ever take a scoop out. We have to get the approval way ahead of time, if we do not, then withdraw the support.</p> <p>Cosby: I heard Dennis say something about withdrawing it. However, there is not anything to withdraw, we have not voted on it yet, it has not been recommended. I am hearing a few members want more time to go over it. I do not see anything wrong with going over it. Maybe we can do something in our November meeting.</p> <p>Roberts: Bob does that help?</p>
<p>Rubadue: I am hearing things that Joel and Vince are saying about the Consent Decree and DFF&O with all the new faces on the board, I am not sure everyone understands what the scope of the Consent Decree and the DFF&O is, so I suggest that at a subcommittee meeting that Joel, Vince or EPA can explain the scope of the Consent Decree and DFF&O. What you are allowed to do and what you are not allowed to do. I can tell you quickly that the Consent Decree deals with the soils and groundwater, the DFF&O deals with above surface structures and the two will never cross paths. That is part of the problem with why DOE cannot put anything in writing in the ROD. The ROD does not deal with the Consent Decree.</p>	
<p>Roberts: How do you want to go forward?</p>	<p>Huber: I think we should vote on it. I think it is a good recommendation although I do not support nickel recovery. Overall, I do support everything else in this recommendation. A recommendation is just what they are. DOE has authorization to do whatever it wants to do, it can listen, and respond but they do not have to do anything really. I think it is a good recommendation and I would like to see it pass.</p>

Roberts: Just to make a point of clarification, if I am reading the recommendation correctly. I do not see it saying the board is against the on-site disposal cell, I think the recommendation is requesting modification of the language. Will, am I missing that?

I have not seen anyone say crumble this up and throw it away, I have seen a few say we should take our time and research and study to make sure this is what we want and you understand it. It takes 10 votes to pass a recommendation and I am not sure right now where it stands. So here is what I am going to ask if you are comfortable completely comfortable voting on this tonight give a thumbs-up, or do you think it is something we should take back to the subcommittee take more time? Ok, it looks like eight are ready to call for a vote and seven still asking for a little more time. So how do you guys want to handle this?

Kinnamon: I would like to see this done. If it is not done or not a stronger commitment it really jeopardizes future

Henderson: No, I even made it in my remarks that I have nothing against the on-site disposal cell. I think it is a reasonable remedy for the D&D process. The only thing I have a problem with is the fact that they will not commit in a regulatory document that they will exhume the existing landfills and groundwater plumes and use that as fill in the disposal cell. That is it. That is the whole thing. I do not know how much time will help. This is not going to change any of that. This is very straightforward. 13.02 said this and this is our expectation. If you do that, you have our agreement that an on-site disposal cell makes sense. If you don't, we reserve the right to withdraw it at any time and that is where we are at. That is why the recommendation was written. I mean with complete respect to those who said they need more time, I am not trying to be derogatory, if I came out that way, that is not my intention. It is pretty straightforward. It is either you do or you don't. I would like to see us move forward with the vote.

<p>use. It hinders everyone’s ability to plan because of that lack of commitment. I do understand the issue that Mike described and they can be overcome, but it is extraordinarily difficult. So maybe a tweaking of the words to what we want to achieve at the end under those regulations and achieving those regulations. Facts are facts, so put that into writing.</p>	
<p>Evans: I take Dennis’ comment to heart. I think we can go forward for a while with the way it is and still shut it down if needed. One problem I have with DOE is it does not do as it says it is going to, but our comeback is if we are talking about withdrawing. I would hate to pull the rug on it. Maybe if someone higher up gets word of this maybe the threat of it, they might know we are not happy about it.</p>	<p>Henderson: I appreciate your comments, they were thought out. I definitely value keeping your word. The thing to remember about 13.02 that was the source document of why we have problems with the ROD now is because it said if you commit to this, this and this then you have our support, and they did not do those things. I do not see how that is pulling your word back when they didn’t keep their commitment based on what the recommendation said.</p>

Will Henderson: I call for a vote on recommendation 15-05

Huber: I second the vote.

Public Comment on the Disposal Cell Recommendation:

Sea: Will, great presentation. I support the recommendation except you kind of asked where can we go from here. I think Teddy West’s remarks gave the answer, in his remarks on behalf of SODI. He said we support the on-site waste cell if you can give us the commitment, if you cannot give us the commitment then we are in favor of the off-site alternative. That is clear, it tells DOE that is where the community is. I think that is where you guys are at. I would suggest modifying the recommendation to say that. Since you cannot give us this commitment then we withdraw our support of an on-site waste cell and support an off-site alternative. At such time you give us the commitment then we will review our support.

Minter: Recommendation 13-02 was straightforward. Work that plan and get that approval then make it part of the ROD. It even stated in 13-02, how this is done is not our problem. You have heard from Mike, and Dennis. There is an issue with how you open a closed landfill. The process is get the work plans approved then modify the ROD.

Conley: For 30 some years I have been fighting this plant and coming to meetings and I hear the same thing over and over. DOE does not listen to what you say. I am

against the on-site waste site. #1 if you make a portion a waste site, there are no jobs. I went to a meeting the other night and heard a Union President say the reason we are not being funded is because we are not a dirty site. That is not true. We are one of the dirtiest sites in the world. We score, double score the super fund list but was never put on that list. So they downplay all the problems that we have at this site. They are not paying the workers here compensation for cancer, because we are a clean site. If this community does not stick together and say, no to this waste site, trust me, you are going to become something like a midwest low waste facility.

Blackburn: I think this is a good recommendation. Recommendation 13-02 did not go far enough. It let DOE off the hook by saying to cleanup the waste sites inside Perimeter Road and leave the garbage on the outside of Perimeter road where it is.

Adams: I do not think it is not possible but it is unlikely that you will find that kind of language anywhere. Here is where the commitment is, I do not think it will be in the ROD. You are not going to find another ROD with that type of commitment. Fluor is going to have to come up with more plans before we get any money. Fluor will have to say it is going to dig up the landfills and this is what it is going to cost. I think that is where the board will see it, if you do not, then that is when you say you are withdrawing your support.

Pat: I want to thank Will and all the people that helped write the recommendation. It is a strong statement and I think there is a reason this is an advisory board. You advise and they do not listen. Still, this is an important board and you can hold DOE to something, you need to keep at it. Lee is right, all these landfills outside Perimeter Road nearly cover as much as the ones inside Perimeter Road. We do not know what is in them, maybe some equipment. I do not know what it hurts to take a vote tonight then you will know where you stand.

Board Comment: None

Motion carried (10 approved, 2 opposed, 2 abstained, 0 recused)

Annual Executive Planning and Leadership Training Session Update:

Henderson: The presentation that was given was one of the best we have ever had.

Adoption of FY 2016 Work Plan:

Henderson: On the Budget subcommittee, can we move up the barter program overview? I see it as topic in February.

Roberts: Yes, we can move that up in the schedule. Any other changes?

Caudill: I would like to make a motion to approve the FY 2016 proposed work plan with the suggested change. **Kinnamon:** I second the motion to approve.

Roberts: There is a motion on the table to approve the FY 2016 work plan. All in favor raise your hand.

Motion carried (14 approved, 0 opposed, 0 abstained, 0 recused)

Subcommittee Updates:

Budget and Lifecycle Planning Subcommittee Update by Stan Craft:

Craft: The Budget and Lifecycle Planning Subcommittee met on July 14. The purpose of the meeting was to give a budget update.

D&D/Remediation Subcommittee Update by Al Don Cisco :

Cisco: The D&D/Remediation Subcommittee met on July 14. The purpose of the meeting was to hear a presentation on On-Site Waste Disposal Facility Field Preparations.

Future Use Subcommittee Update by Bob Berry:

Berry: The Site Optimization and Future Land Use Subcommittee met on July 14. The purpose of the meeting was to hear about Future Planning and D&D Alignment.

Historic Legacy & Community Engagement Subcommittee Update by Charlene Payne:

Payne: The Historic Legacy & Community Engagement Subcommittee met on July 14. The purpose of the meeting was to have a 2016 Lookahead for the subcommittee.

Public Comment:

Blackburn: For many years DOE has abused and neglected the good folks of southern Ohio. Some 60 years ago, DOE came to this area and scared away businesses by enriching radioactive uranium. Then some 20 years ago, DOE started deserting the citizens of this community. Then recently, the DOE says it intends to do a timely cleanup by leaving untouched hazardous waste and now it is saying it doesn't have the money to do a timely cleanup and intends to lay off hundreds of workers. They do not have the money. Give me a break. They have billions of dollars to cleanup scores of other sites. They need to cleanup the mess that they made. They need to find the money.

Pat: In the small town for better or worse, everyone knows everything everybody else did. DOE comes here and promised jobs. They gave a boost to the economy and more people moved here and now no jobs. Like Lee said, no money now for cleanup. Cleanup is somewhat embarrassing.

Sea: This is the first time I have seen a lot of you. I studied the site and then made a film about it back in 1980. I used to work for the union, then as a writer. It is no

mystery as to why this site is low on the national priority list. Also no mystery why projects get cancelled. That is Piketon has been a pool of corruption and fraud. There has been dozens and dozens of lawsuits and whistle blowers in cases involved in theft of nuclear materials, and scrap metal from Piketon and other sites and being sold on the black market. These became well known to people around here. There has been contractor fraud. Until this history is revealed publicly, we are not going to get past it. You can require DOE to disclose everything.

Final Comments from the board:

Question/Comment:	Answer:
Huber: At the last two meetings I mentioned something about the Executive Order 12898 issued by one of the presidents that dealt with poor communities. I asked a question and hoped to get an answer and I have not received an answer yet.	
Berry: I brought our booklet from the National Chairs meeting with all the presentations in it, if anyone wants to see it.	
Henderson: I want to thank everyone for their time and commitment. I value your time and look forward to working with all of you and appreciate your trust in me and I will do my best to be straightforward and honest with you. Sorry we kept you so late tonight. Thank you.	
Kinnamon: I would like to make a comment on the news about the layoffs. I recognize there are families being affected by this in our community. I hope they understand that those of us on this board are thinking of you.	

Next Meeting: November 5, 2015

Action Items:

1. EHI to prepare and mail out recommendation 15-05.
2. DOE look into Environmental Justice.

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



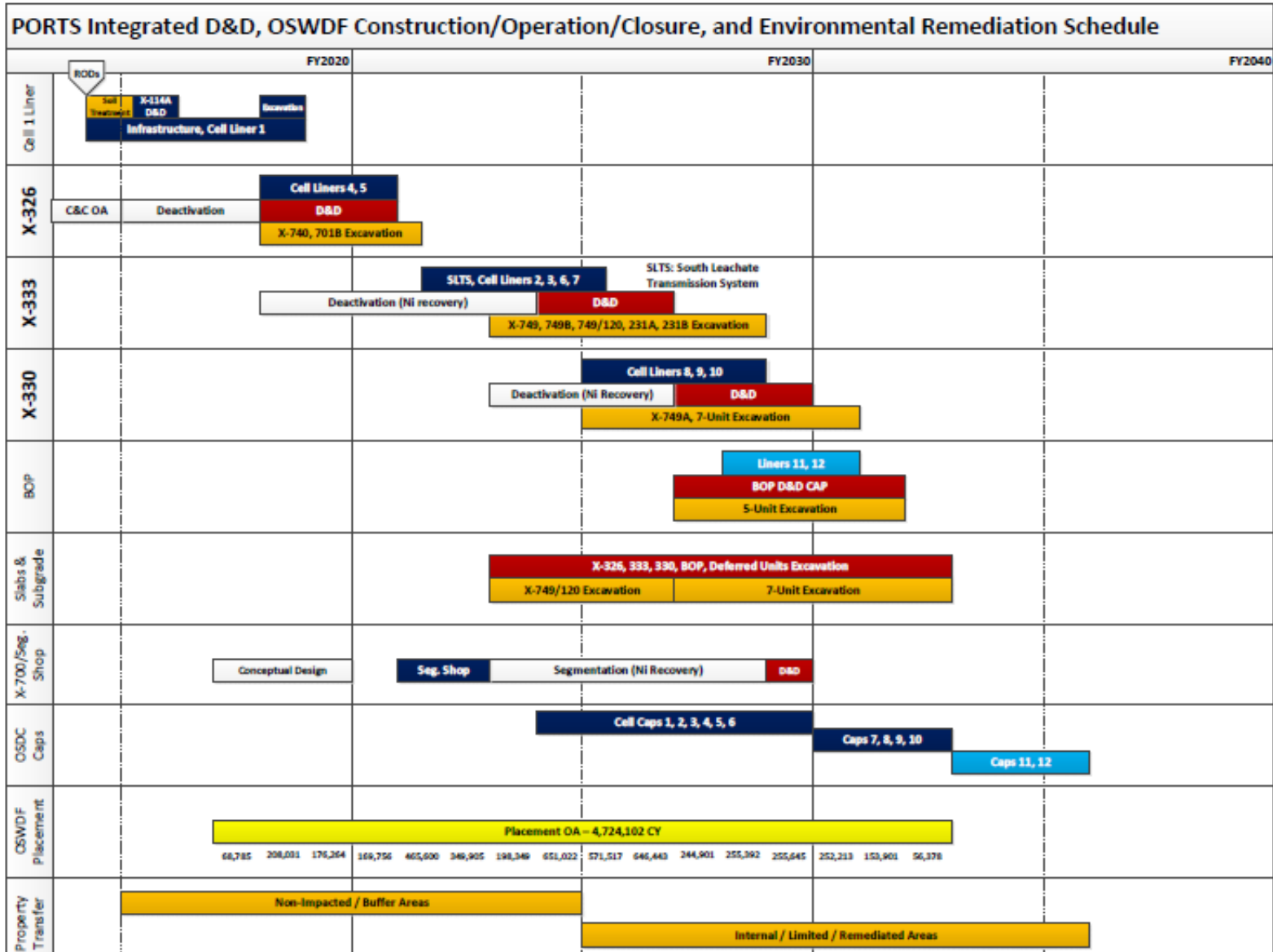
As of 9/16/15, worked 44 days without a lost time incident.

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!

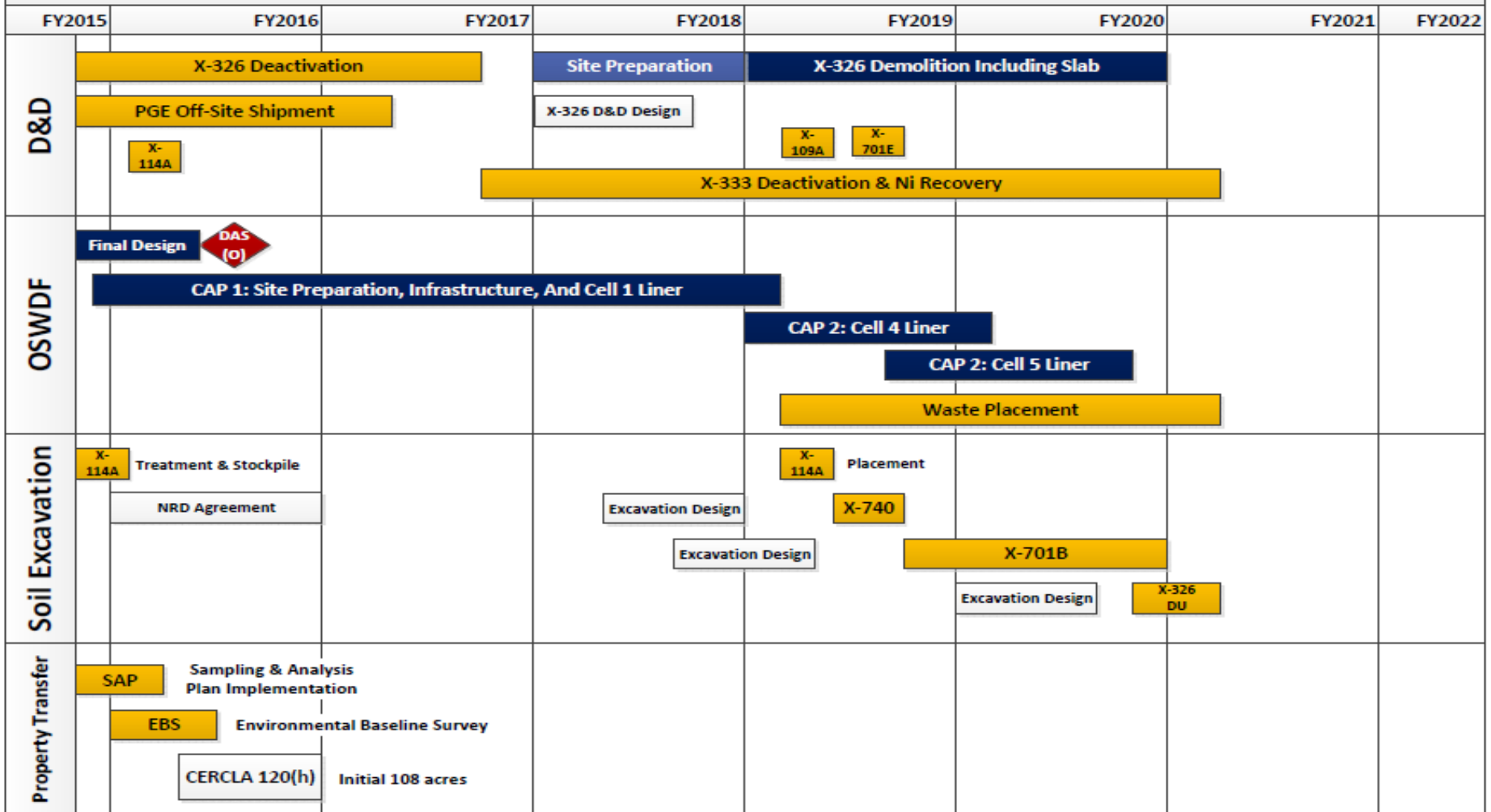
PORTS Integrated Baseline



- Capital Asset Project And Congressional Budget Line Item
- Capital Asset Project
- Operational Activity - Excavation, Property Transfer
- Operational Activity - OSWDF Placement
- Capital Asset Project And Congressional Budget Line Item If Needed

Integrated D&D, OSWDF, Soil Excavation, And Property Transfer: 5-Year Look Ahead

September 11, 2015



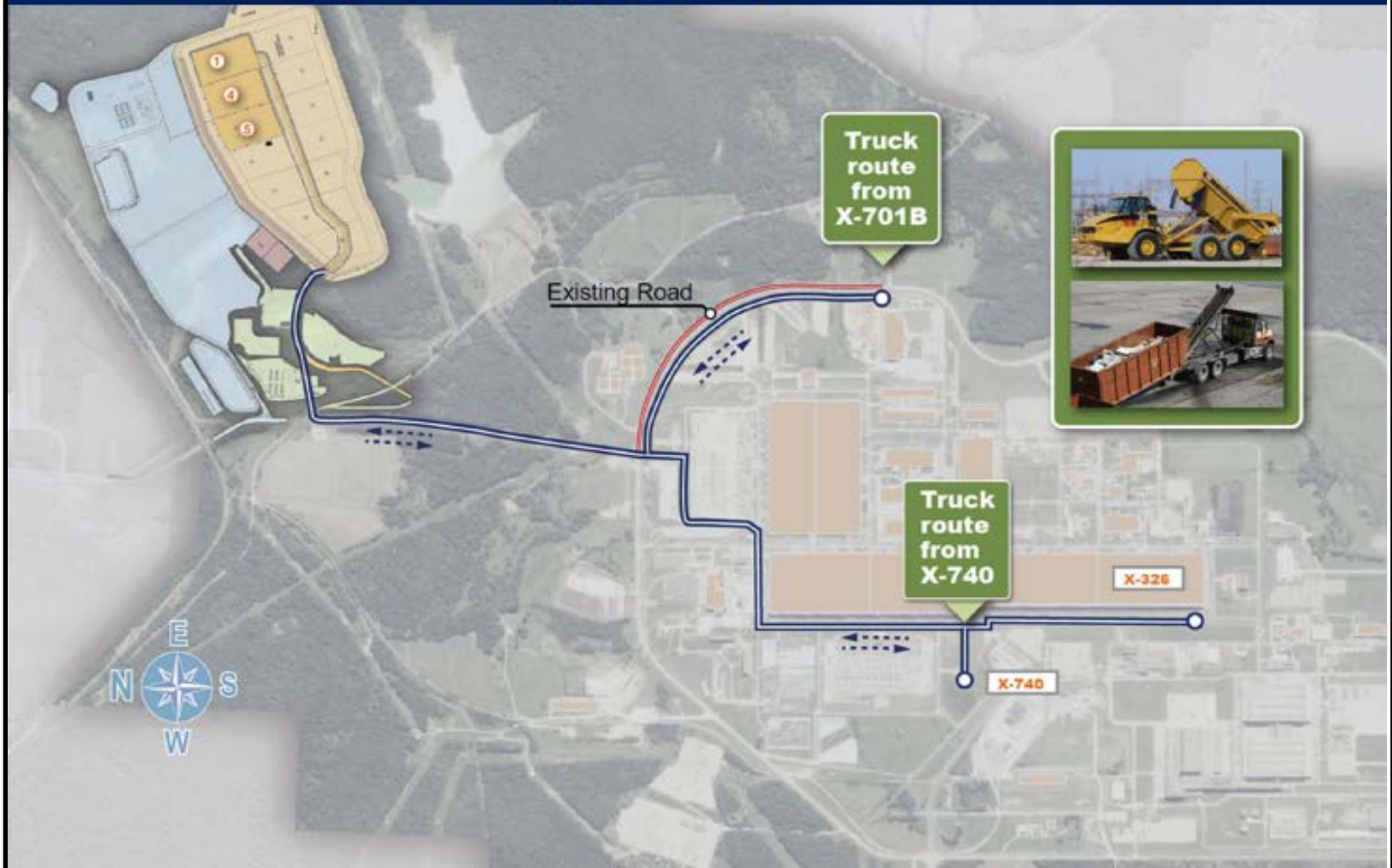


Deactivation - X-326



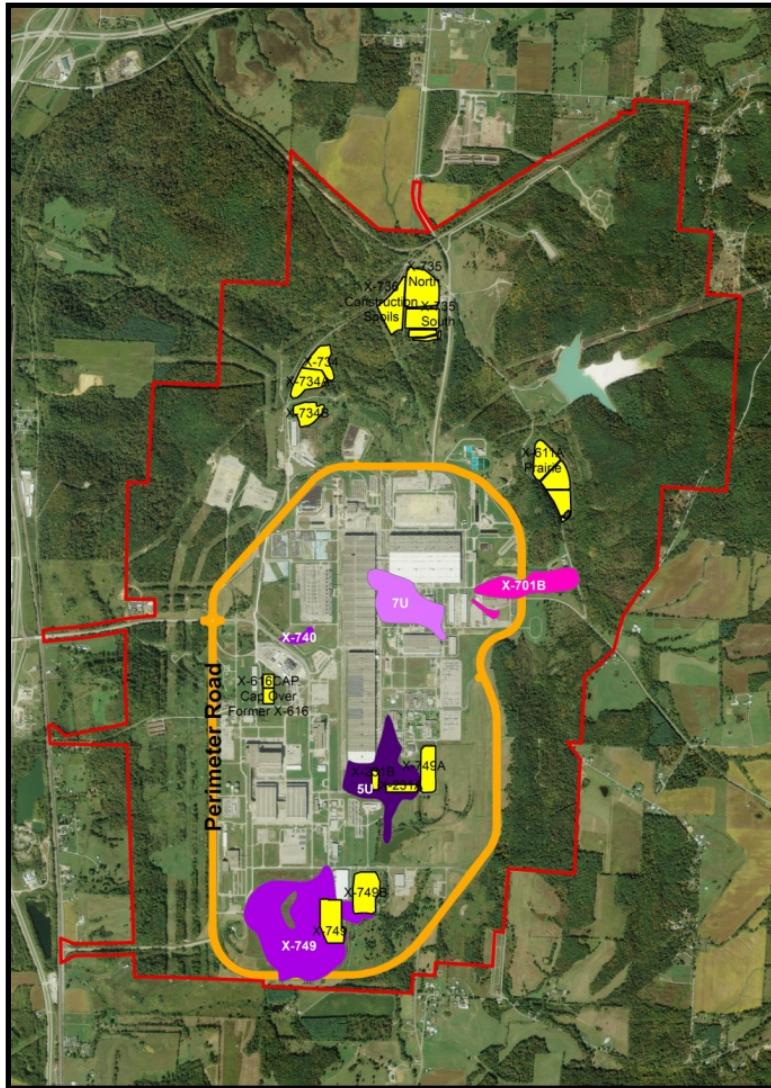
Soil Excavation

Planned Transportation Routes Between X-326, X-740, X-701B And OSWDF

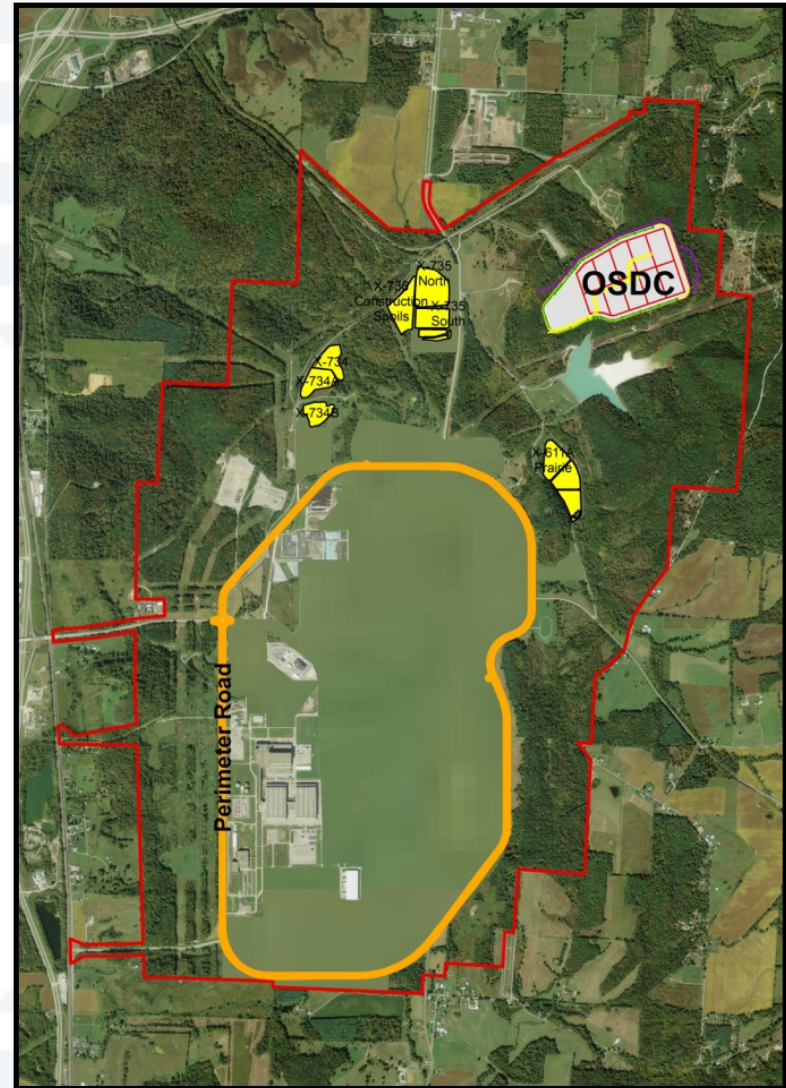


On-Site Waste Disposal Facility

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



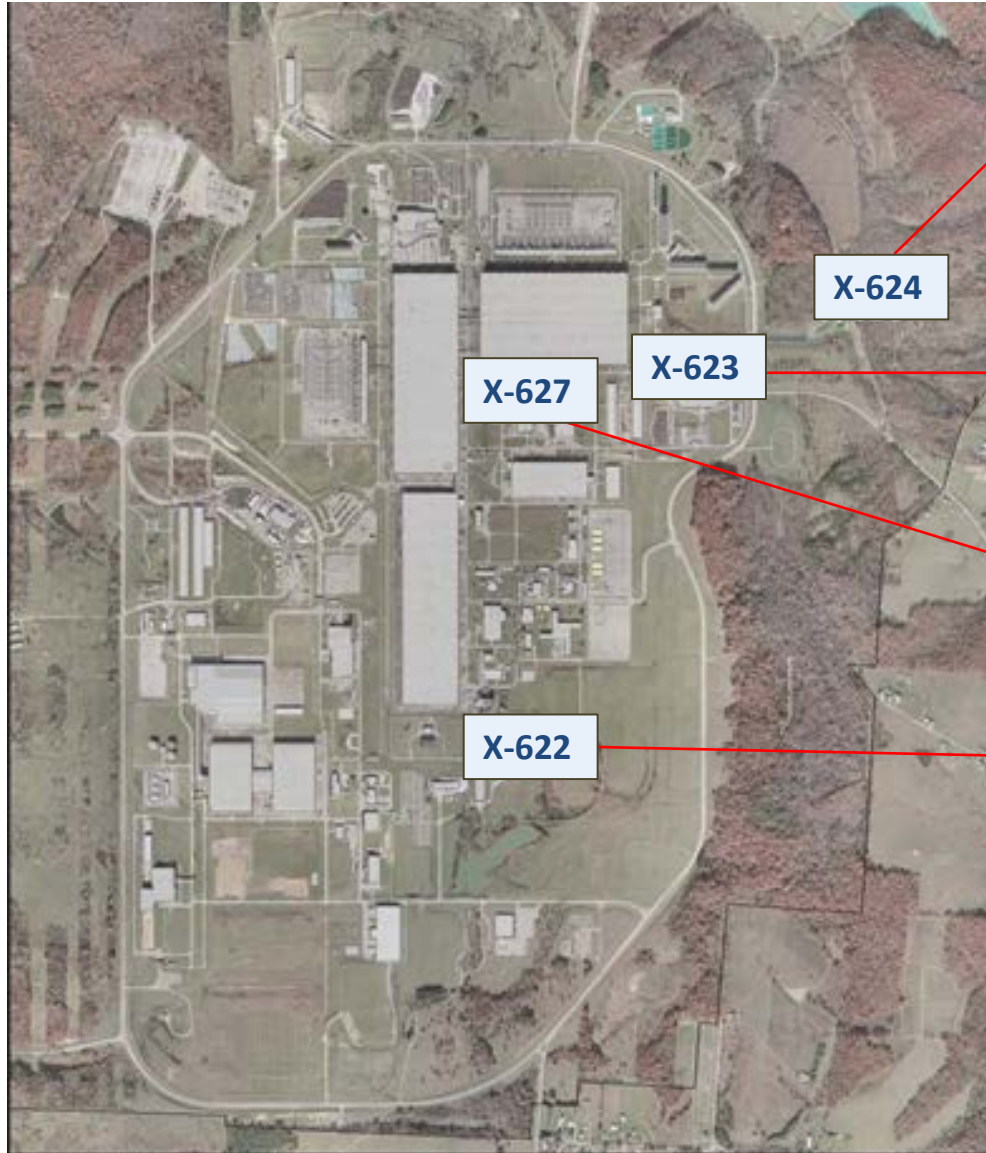
FOR LEASE	DOE MAKES PROPERTY AVAILABLE	COMPLIANT REQUEST SUBMITTED	COMPLIANT REQUEST APPROVED	AGREEMENT PREPARED	AGREEMENT EXECUTED
FOR TRANSFER	DOE MAKES PROPERTY AVAILABLE	COMPLIANT REQUEST SUBMITTED	COMPLIANT REQUEST APPROVED	DEED PREPARED	DEED EXECUTED

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

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%



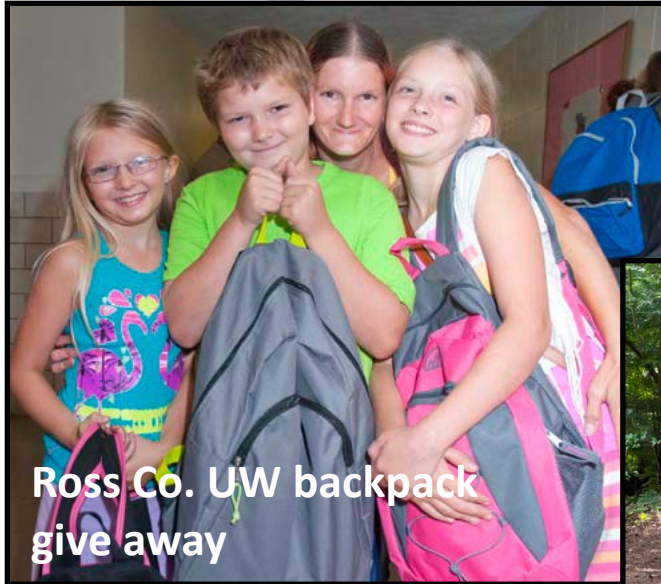
BWCS DUF6 Project Planned Improvements

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)



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

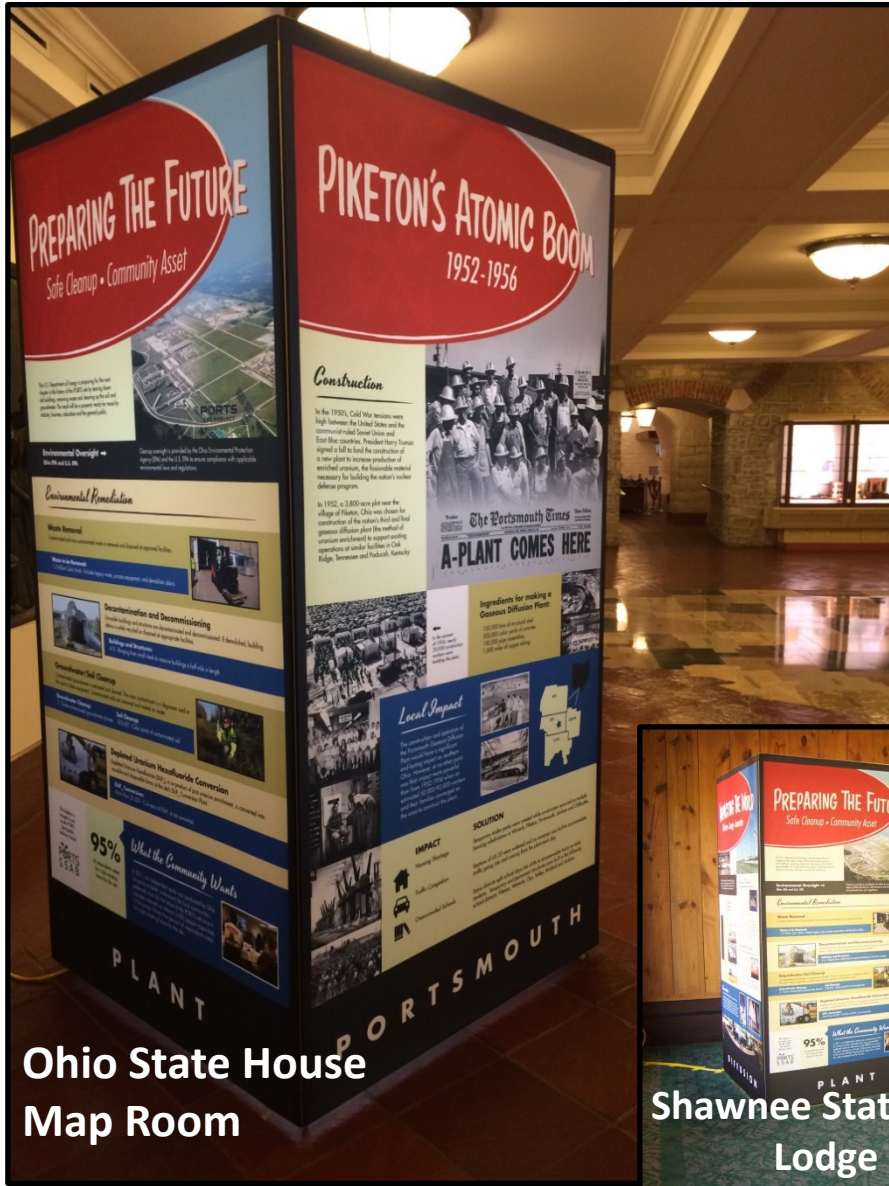


Tri-America Contractors

PREPARING THE FUTURE
PORTS
 D&D PROJECT

Traveling Displays

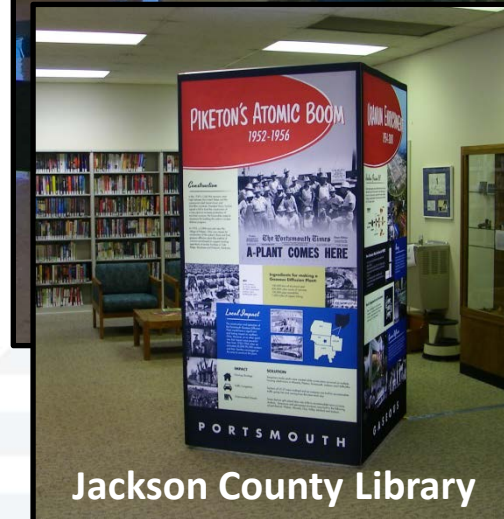
Pike County Government Center



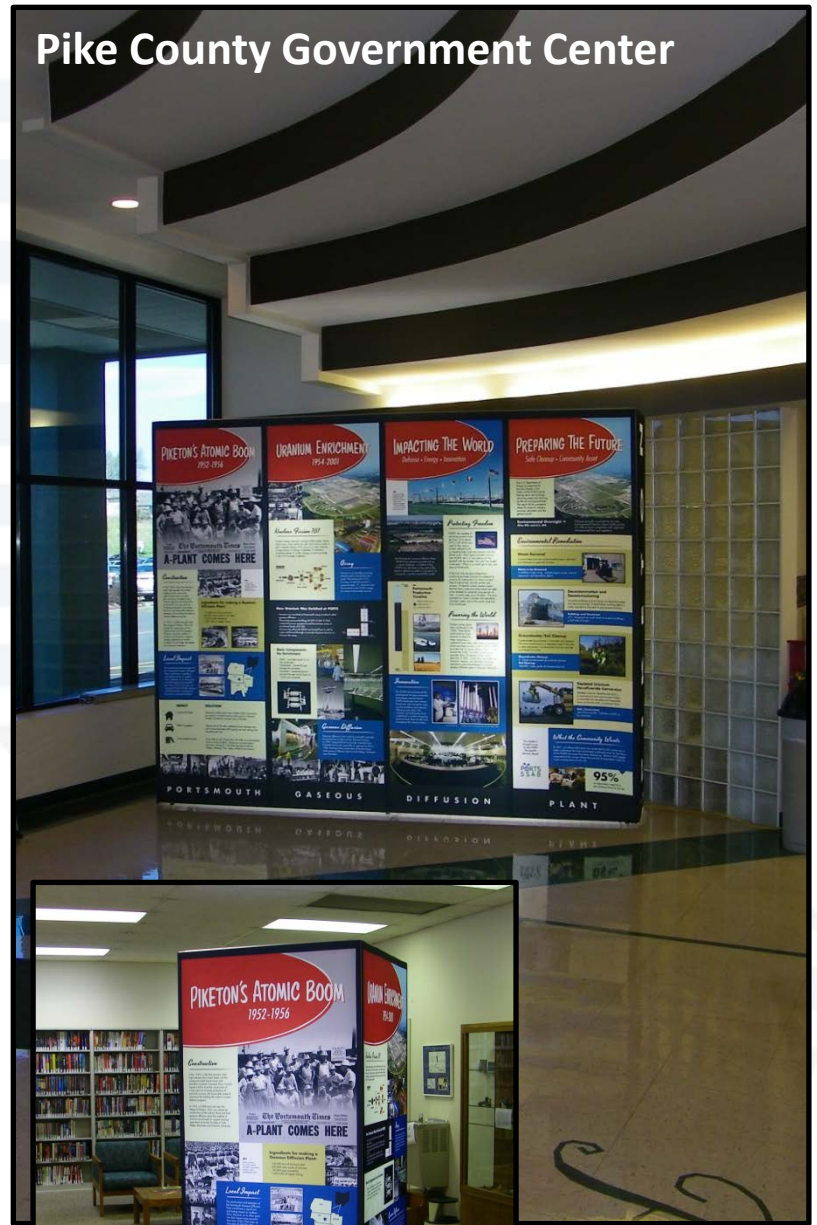
Ohio State House
 Map Room



Shawnee State Park
 Lodge



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>



*Portsmouth EM Site Specific
Advisory Board*

Chair

William E. Henderson II

Vice Chair

Bob Berry

Board Members

Lisa Bennett

Maddeline C. Caudill

Carlton L. Cave

Al Don Cisco

Martha A. Cosby

Ervin S. Craft

John T. Evans

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

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.



Modification to the Waste Disposal Record of Decision Presentation

INFORMATION GATHERED FOR THIS PRESENTATION WAS
TAKEN FROM DENNIS CARR

FLUOR-B&W PORTSMOUTH, LLC

SSAB INFORMATION PORTFOLIO LANDFILL DISPOSAL AREAS
ASSESSMENT PRESENTATION ON MARCH 13, 2012

DRAFT Recommendation 15-05



*Portsmouth KM Site Specific
Advisory Board*

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. Crait
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 Simoutou

Recommendation 16-01
September 17, 2015

RECOMMENDATION 16-01

BACKGROUND: In May 2013, the Portsmouth Site Specific Advisory Board (PORTS 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 D&D waste only if 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 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, but those comments were ignored. Under the current Record of Decision, 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 Portsmouth 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 Portsmouth SSAB withdraws support for on-site disposal under the current conditions and recommends DOE modify the Record of Decision to strengthen DOE commitments that are required by the community for support of on-site waste disposal. The Portsmouth 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 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 SSAB appreciates DOE's willingness to communicate with the PORTS 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.

Recommendation 13-02



Portsmouth EM Site Specific
Advisory Board

Chair
William E. Henderson II

Vice Chair
Val E. Francis

Board Members
Shirley A. Bandy
L. Gene Brushart
Al Don Cisco
Martha A. Costly
Ervin S. Craft
Franklin H. Halsted
Adrian C. Harrison
Carl R. Hartley
Brian F. Huber
Sharon E. Manson
Daniel J. Minter
Michael E. Poyton
Richard H. Snyder
Brandon K. Woodridge
Connie E. Yeager
Kathy J. Zimmerman-Woodburn

**Deputy Designated
Federal Official**
Joel Bradburne

DOE Federal Coordinator
Greg Simonton

EH CONSULTANTS
PHONE: (740) 289-5249
FAX: (740) 289-1578
EMAIL: JULES@PORTS-SSAB.ORG

Recommendation 13-02
May 2, 2013

RECOMMENDATION 13-02: Portsmouth Environmental Management Site Specific Advisory Board Input Regarding Waste Disposition for the Decontamination and Decommissioning Project at the Portsmouth Gaseous Diffusion Plant

BACKGROUND: Since the inception of the Portsmouth (PORTS) Environmental Management (EM) Site Specific Advisory Board (SSAB) in July 2008, the U.S. Department of Energy (DOE) and its contractors have provided information to the board to educate members on the complex issue of waste disposition. The Decontamination and Decommissioning (D&D) of the Portsmouth Gaseous Diffusion Plant forces the government, contractors, elected officials and other stakeholders to evaluate the management of more than two million cubic yards of waste and the consideration of an on-site disposal facility (OSDC).

Beyond the issue of waste placement, the board also wants the DOE to be mindful of cost and schedule impacts, job impacts, recycling impacts, and, most importantly to the board, the impacts this decision will have on reindustrialization and the future economic stability of our region. The PORTS EM SSAB can say with confidence that our members have worked diligently to understand the issues, and are fully aware of the long-reaching effects this decision will have. We have considered the various variables and are confident this recommendation reflects the values of this community and we believe it to be in the best interests of our region.

The recommendation that follows is provided to add clarity on Recommendation 12-03, and to more clearly define the SSAB's position on Waste Acceptance Criteria (WAC) and constitutes years of hard work. During that time, we also believe DOE and its contractors have worked diligently to engage the PORTS EM SSAB, and we are appreciative of their efforts.

RECOMMENDATION: The PORTS EM SSAB believes it is important for DOE to understand the basis for its support of an On-Site Disposal Cell (OSDC). That support does not come from an overarching desire to have nuclear waste placed in our community. The only justification for such a decision is that it provides our community its best chance for economic stability in the near term and economic growth for the long term. However, the board wants to make it clear to DOE and the Ohio EPA that it objects to an On-Site Disposal Cell unless certain conditions can be met and explicitly outlined in the upcoming Proposed Plan, regardless of any regulatory hurdles that may exist. To put it simply, these regulatory hurdles are not ours to overcome, but rather they are the responsibility of a concerted effort on the part of DOE, site contractors and the Ohio EPA.

The PORTS EM SSAB, like elected officials from throughout the region, endorses the concept of the Future Vision Plan. Our principles for supporting an OSDC, which included aspects of the Future Vision Plan, need to be outlined in the DOE Proposed Plan. If DOE and/or the Ohio EPA believe any of them are not feasible, or for whatever reason they cannot be accomplished, then the PORTS EM SSAB recommends all D&D waste be disposed of off-site. The principles are as follows:

- The PORTS EM SSAB requests no new waste generated from off-site locations be placed in any Portsmouth OSDC.
- The PORTS EM SSAB requests all contaminated plumes be exhumed and remediated in a manner that allows for future reindustrialization without unnecessary restrictions at those locations.
- The PORTS EM SSAB requests all known landfills within Perimeter Road, as identified in the Waste Disposition Remedial Investigation Feasibility Study (RI/FS), be consolidated into the OSDC and remediated in a manner that allows for future reindustrialization at those locations. If radiological material exists in any of the currently capped landfills that does not meet the Numerical and Administrative Waste Acceptance Criteria, it must be disposed of off-site.
- The PORTS EM SSAB requests all barrier material, outside of the 326 building, be segregated for the potential recovery of its valuable nickel. If the recovery of the nickel material is not deemed to be financially advantageous or achievable, the PORTS EM SSAB requests all barrier material be disposed of off-site. Such a determination regarding the reuse of the nickel assets shall be made in the near term and shall not exceed the next 5 years for a finalized plan. Final disposition shall not expand beyond 10 years for all of the recovered nickel to be reused / recycled and be removed from the Piketon site.
- The PORTS EM SSAB requests all current and existing waste from the Depleted Uranium Hexafluoride (DUF6) conversion operations be disposed of off-site as these are known to contain highly toxic and radiological contaminants.
- The PORTS EM SSAB requests the DOE find an implementable land use plan (as was done for the Miamisburg Mound complex) resulting in a usable end state for whatever reuse opportunities become available. We request that this plan incorporate green space and aesthetics as a component of design.

As the PORTS EM SSAB has previously indicated, recycling in an environmentally advantageous way, while being considerate of environmental concerns, is of utmost importance to our community. The community is hopeful DOE will establish a large scale recycling and reuse program to not only benefit our community, but communities across the nation, as outlined in Recommendation 13-01.

As for other Waste Acceptance Criteria (WAC) clarifications, the PORTS EM SSAB will be satisfied with the WAC agreed upon by the Ohio EPA, provided the requests contained in this

recommendation are contained in the Proposed Plan and incorporated into the Record of Decision.

The PORTS EM SSAB has determined this to be an acceptable resolution to the numerous interests involved in this matter, taking into account the scientific data, public opinion and the economic redevelopment interests of the surrounding area. The PORTS EM SSAB stands firmly behind this recommendation and looks forward to continued dialogue with DOE and we are fully committed to the health, financial well-being and quality of life of our neighbors and friends.

The PORTS EM SSAB would appreciate a timely response to this recommendation and appreciates DOE's attention to this matter.

Thank you.

DOE Response to Recommendation 13-02



Department of Energy
Portsmouth/Paducah Project Office
1017 Majestic Drive, Suite 200
Lexington, Kentucky 40513
(859) 219-4000
NOV 0 4 2014



Mr. William Henderson II, Chair
Portsmouth EM Site Specific Advisory Board
1862 Shyville Road
Piketon, Ohio 45661

PPPO-03-2574925-15

Dear Mr. Henderson:

RECOMMENDATION 13-02: PORTSMOUTH ENVIRONMENTAL MANAGEMENT SITE SPECIFIC ADVISORY BOARD INPUT REGARDING WASTE DISPOSITION FOR THE DECONTAMINATION AND DECOMMISSIONING PROJECT AT THE PORTSMOUTH GASEOUS DIFFUSION PLANT

This correspondence is written in response to the U.S. Department of Energy (DOE) Office of Environmental Management (EM) Portsmouth Site Specific Advisory Board (SSAB) Recommendation 13-02. DOE understands the SSAB's position on waste disposition and appreciates the constructive and cooperative manner put forth by the SSAB in the development of this recommendation.

As discussed in numerous SSAB meetings and as outlined in the Waste Disposition Proposed Plan, DOE has identified a combination of off-site and on-site disposal as the preferred alternative for disposing of the waste generated by the Portsmouth Decontamination and Decommissioning (D&D) project. Implementation of the on-site disposal component of the preferred alternative will require a large amount of fill material. Should an on-site disposal cell (OSDC) be selected, DOE would prefer to utilize fill soil originating from areas inside of Perimeter Road that is derived from the plume areas and existing landfills (Contaminated Fill). The decision to use Contaminated Fill is predicated on several factors related to the anticipated funding, the long-term cost benefit, and ensuring protectiveness of human health and the environment at the Site. The preference to use this Fill is supported by a business case analysis approved by DOE Headquarters after an independent review by the U.S. Army Corps of Engineers. It is important to note that although DOE has identified its preference to utilize contaminated fill material in the preferred alternative, the use of the fill will require additional authorization/approval before DOE can move forward to obtain and place the fill in the OSDC.

In addition to the above, DOE has incorporated the basic tenets of the SSAB's recommendation into the design of the potential OSDC. For example, the design of the OSDC considers the volume reduction associated with the segmentation of converters. Segmentation of converters would allow for the recovery for reuse of the barrier material should this be deemed technologically and economically feasible.

Mr. Henderson

-2-

PPPO-03-2574925-15

DOE agrees with the SSAB recommendation that no waste currently not onsite will be placed in any Portsmouth OSDC, and any materials not meeting the Waste Acceptance Criteria of the OSDC will be disposed off-site.

DOE also agrees that an implementable land use plan should be developed and is committed to recycling. For example, DOE continues to transfer reusable and recyclable material to the Southern Ohio Diversity Initiative. DOE is also pursuing opportunities to expand our recycling efforts.

DOE would like to note it has considered the tenets of the SSAB Recommendation 13-02 in the development of its waste disposition plans, as evidenced by the inclusion of various components of this recommendation in the Waste Disposition Proposed Plan, the draft PORTS Lifecycle Baseline and amendments to the DOE/Fluor-B&W Portsmouth, LLC contract.

In closing, DOE sincerely appreciates the effort put forth by the SSAB in coming up with the Recommendation and will continue to take it into consideration as it proceeds with the work at the site. DOE encourages the SSAB to remain an active participant in the regulatory, stakeholder and public process and to provide input during the upcoming Proposed Plan Public Comment Period to assist DOE in the development of the Waste Disposition Record of Decision.

Sincerely,

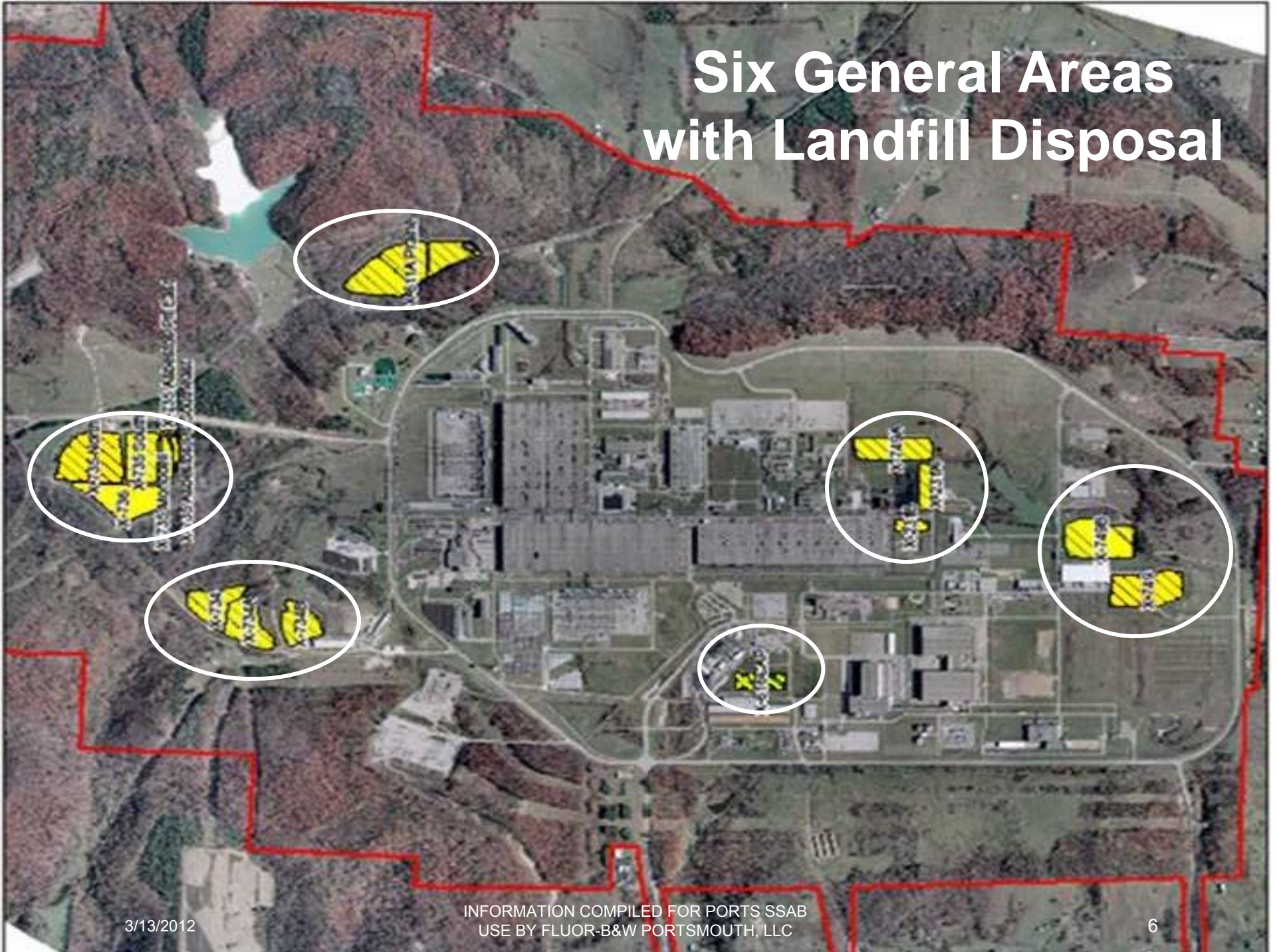
Joel B. Bradburne
SSAB Deputy Designated Federal Official
Portsmouth Site Lead
Portsmouth/Paducah Project Office

cc:
W. Murphie, PPPO/LEX
R. Edwards, PPPO/LEX
V. Adams, PPPO/PORTS
G. Simonton, PPPO/PORTS
B. Gawthorp, PPPO/LEX
M. Logan, RSI/PORTS
R. Greene, RSI/PORTS
ETS.Support@lex.doe.gov

Landfill Disposal Areas Assessment

- Six General Areas
 - ~101 acres*
 - 532,480 cubic yards of Cap*
 - 1,665,818 cubic yards of Waste*
- No further action is required.
- Regulatory Requirements have been met.
- Surveillance and Maintenance is ongoing.
- Up-gradient and down-gradient groundwater monitoring programs are in place at each landfill.

Six General Areas with Landfill Disposal



3/13/2012

INFORMATION COMPILED FOR PORTS SSAB
USE BY FLUOR-B&W PORTSMOUTH, LLC

6

Three Landfill Disposal Areas Inside Perimeter Road

•X-749A Classified Burial Grounds

•X-749B Peter Kiewit (PK) Landfill

•X-231A Oil Biodegradation Plot

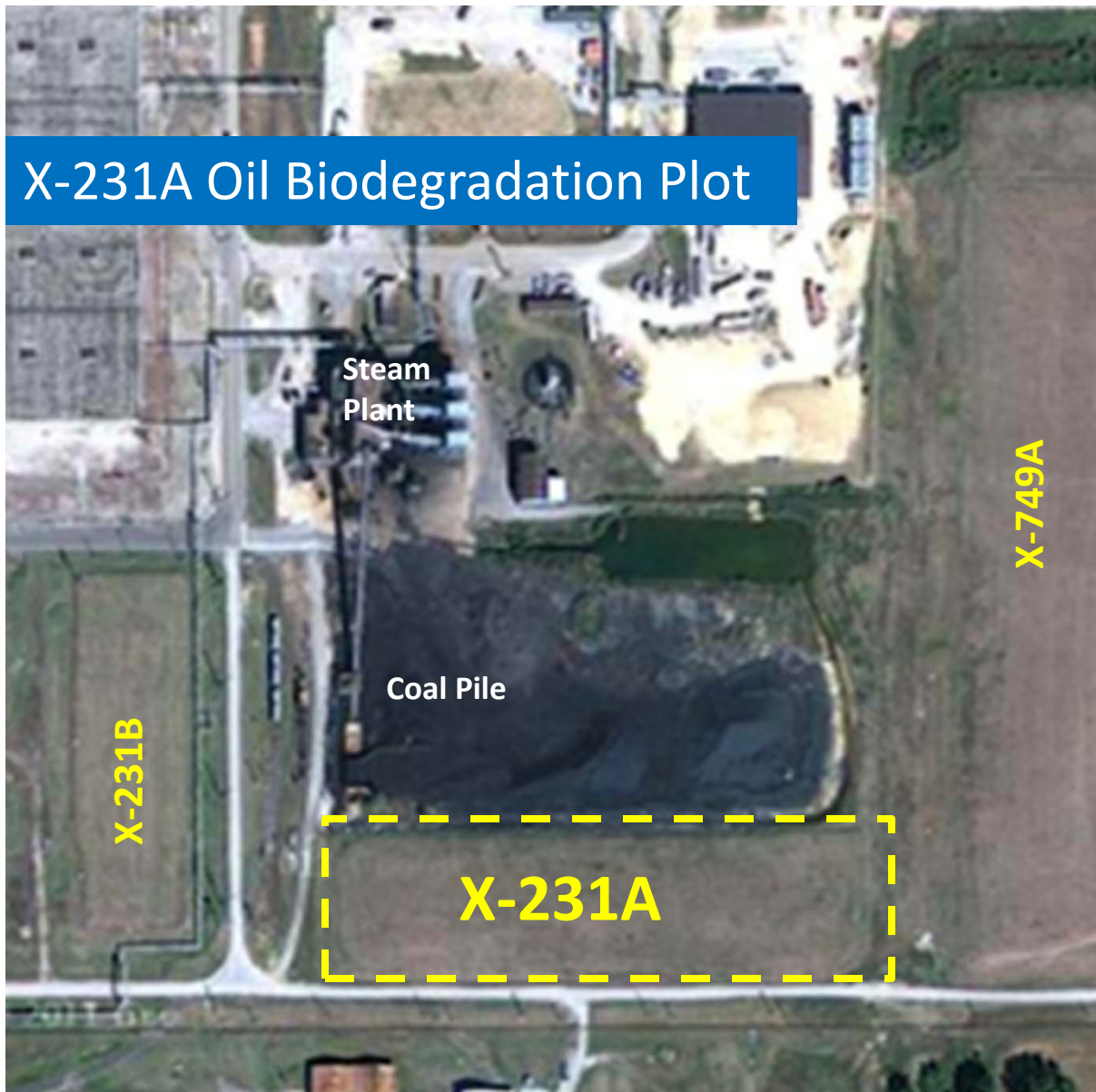
•X-231B Oil Biodegradation Plot

•X-749 Contaminated Materials
Disposal Facility

•X-616 Chromium Sludge
Surface Impoundments

~45 Acres
180,858 cubic yards cap cover
571,657 cubic yards waste

X-231A Oil Biodegradation Plot

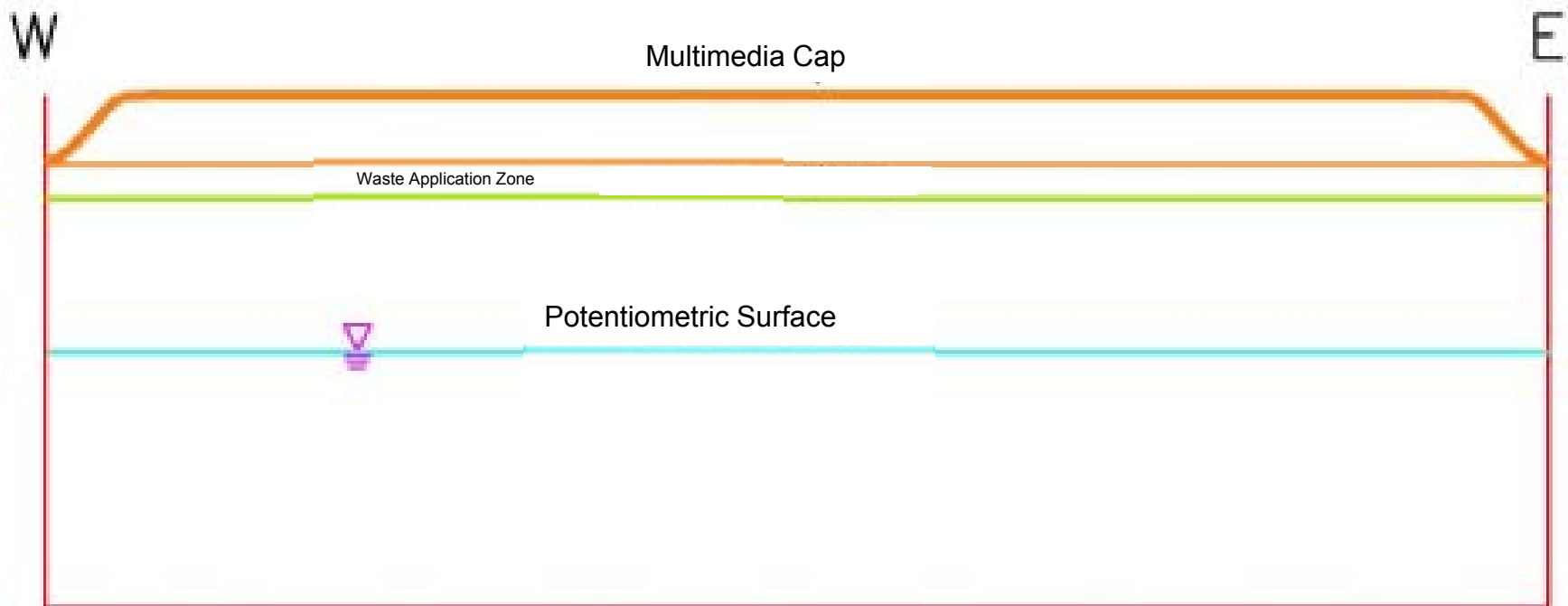


Last Waste Received: 1976
Closure Date: 2000
Footprint: 2.46 acres
Waste Volume: 19,095 cy
Cap Volume: 10,096 cy

Contents: Radioactive waste oil contaminated with solvent, chlorinated solvents, oil-soaked Fuller's Earth, PCBs, technetium, and trichloroethylene.

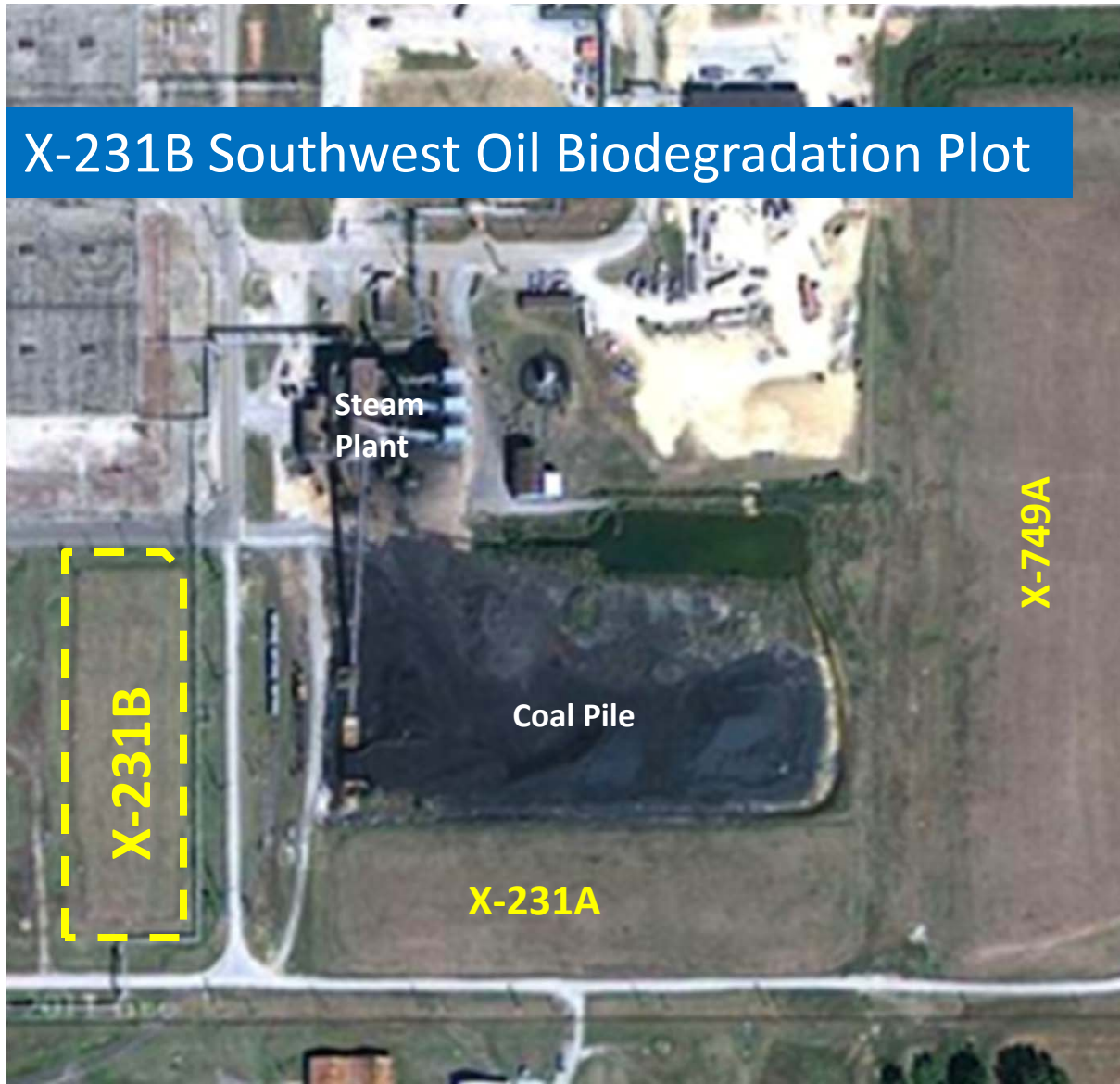


Landfill Disposal Areas Assessment



**Generalized Cross-Section of the X-231A
Southeast Oil Biodegradation Plot**

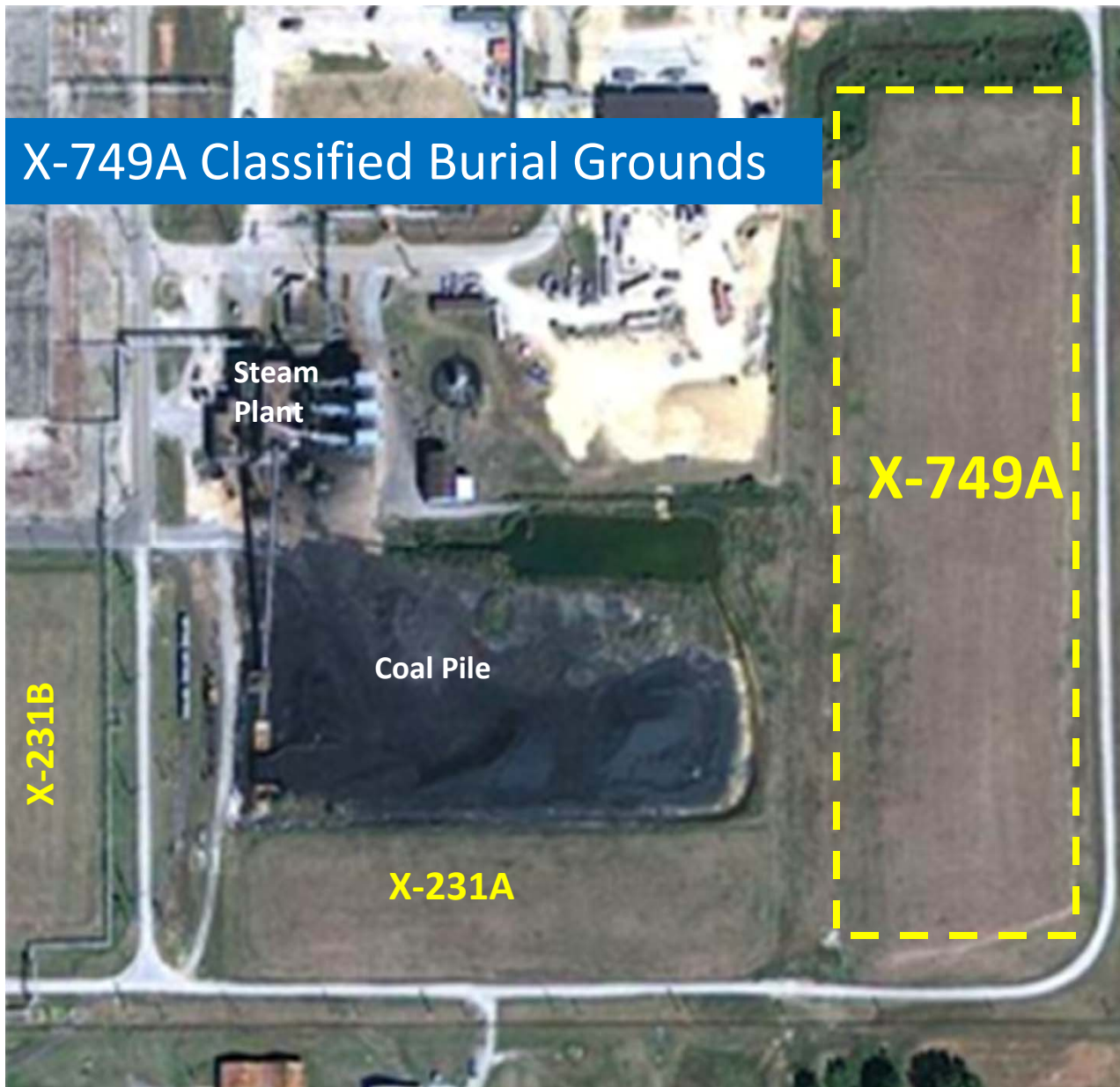
X-231B Southwest Oil Biodegradation Plot



Last Waste Received: 1983
Closure Date: 2000
Footprint: 1.31 acres
Waste Volume: 17,451 cy
Cap Volume: 9,314 cy

Contents: Waste oils contaminated with chlorinated solvents, metals, radionuclides, and PCBs.

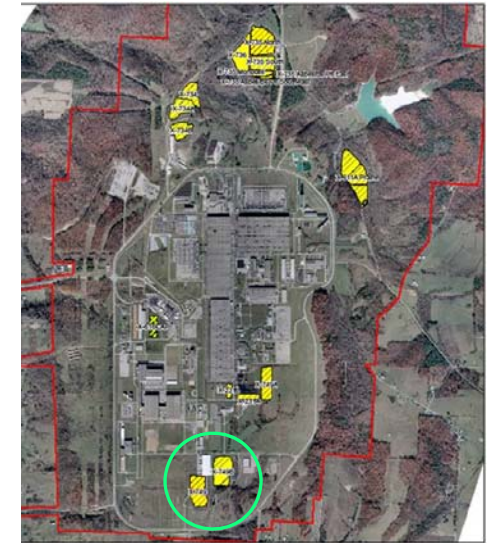
X-749A Classified Burial Grounds



Last Waste Received: 1988
Closure Date: 1994
Footprint: 5.9 acres
Waste Volume: 127,798 cy
Cap Volume: 59,335 cy

Contents: Metallic process scrap, floor sweepings with PCBs and radionuclides, computer media, ash, aluminum dross, nickel processing plant.

X-749 Contaminated Materials Disposal Facility



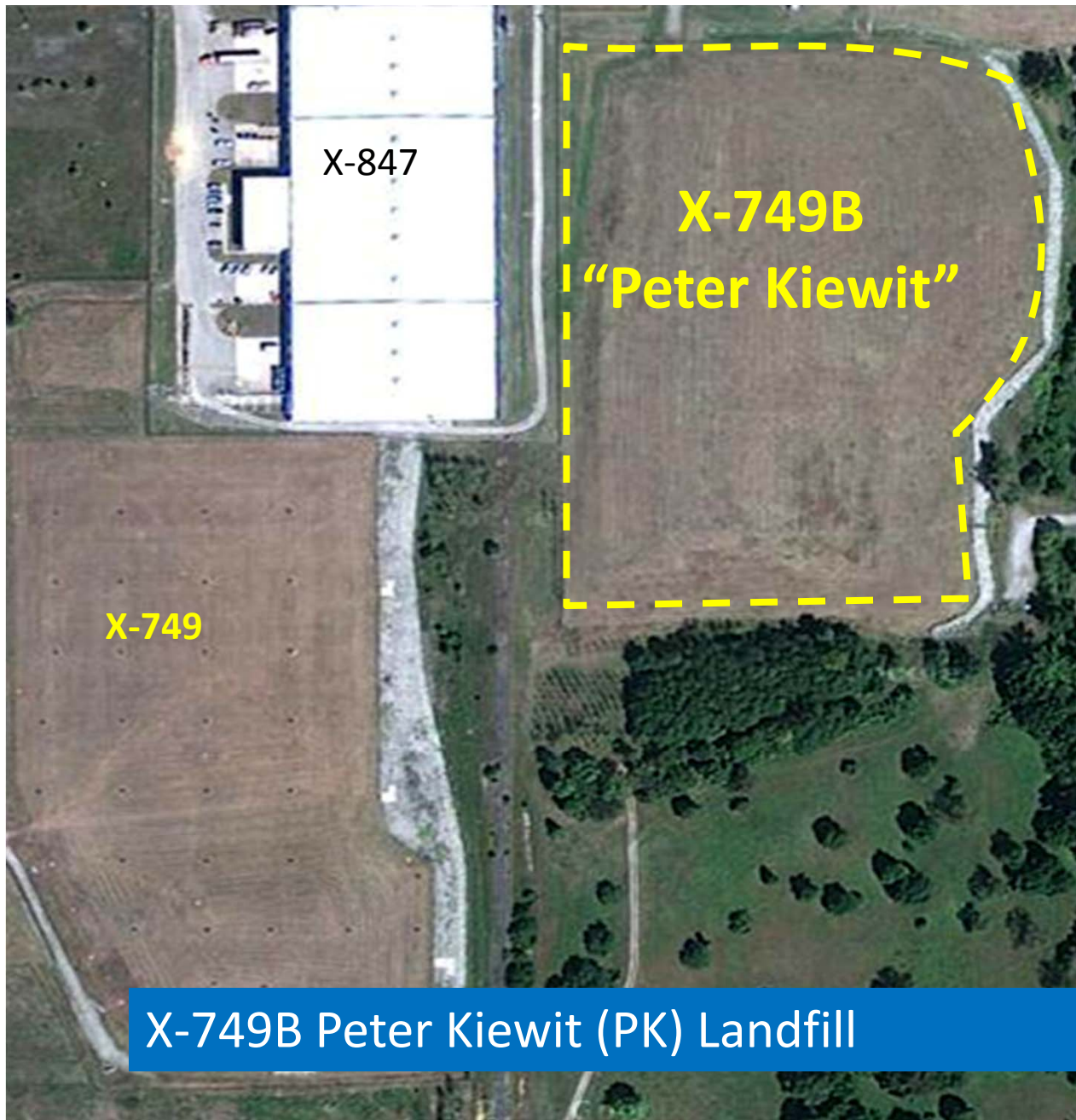
Last Waste Received: 1990
Closure Date: 1992
Footprint: 8.35 acres
Waste Volume: 194,789 cy
Cap Volume: 71,423 cy

Contents: Low-level radioactive contaminated equipment, construction scrap, and solid waste.



Last Waste Received: 1968
Closure Date: 1998
Footprint: 23.5 acres
Waste Volume: 212,524 cy
Cap Volume: 27,422 cy

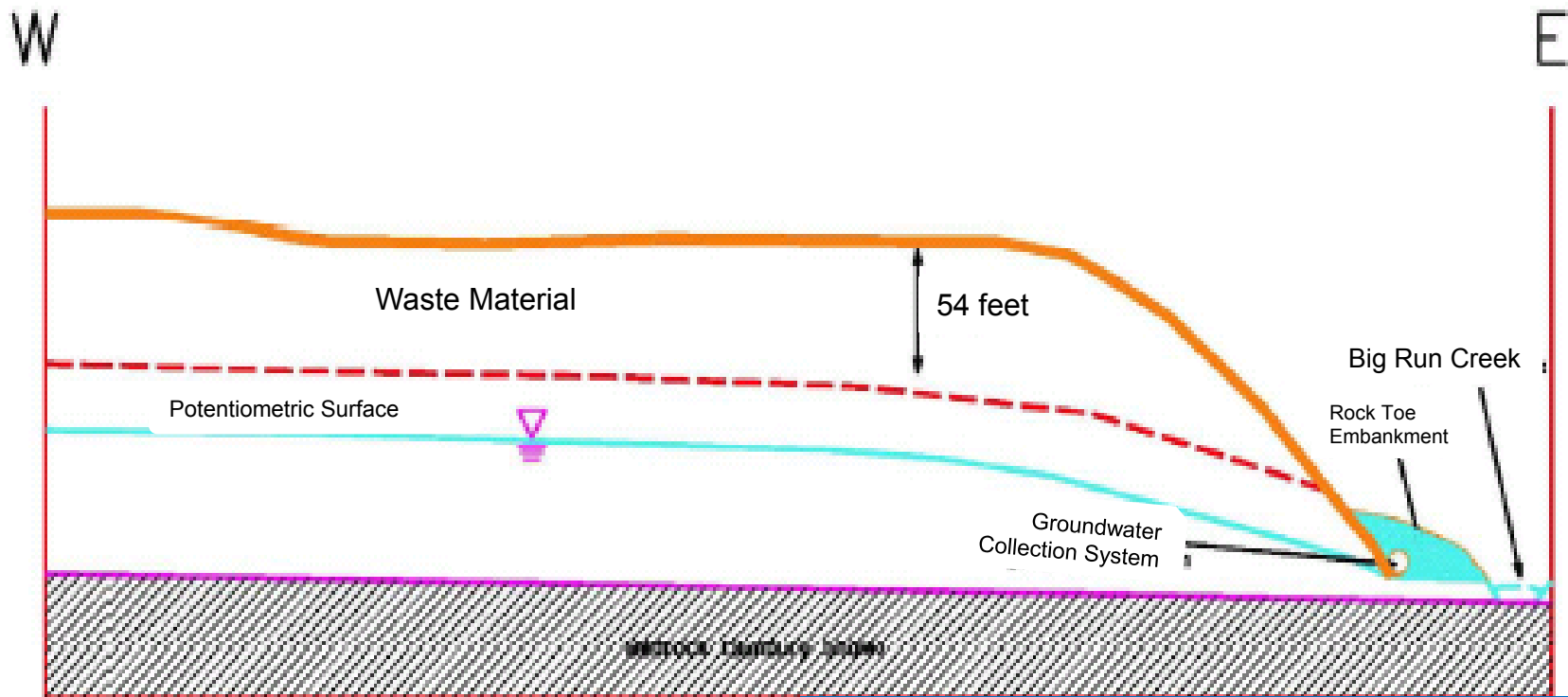
Contents: Salvage yard, burn pit,
sanitary trash and construction
materials.



X-749B Peter Kiewit (PK) Landfill



Landfill Disposal Areas Assessment



Generalized Cross-Section of the X-749B Peter Kiewit Landfill

DUF6 Plant

X-616 Chromium Sludge Surface Impoundments

X-616



Last Waste Received: 1985
Closure Date: 1993
Footprint: 2.75 acres
Waste Volume: 0 cy
Cap Volume: 3,268 cy

Contents: Sludge containing tri-valent chromium generated by the treatment of cooling water.



Landfill Disposal Areas Assessment

Inside Perimeter Road	
Footprint	~45 Acres
Unaffected Media (Cap Cover)	180,858 cubic yards
Waste Volume	571,657 cubic yards
Total Waste Volume and Unaffected Media	752,515 cubic yards



Landfill Disposal Areas Assessment

Outside and Inside Perimeter Road	
Total Footprint	~101 Acres
Unaffected Media (Cap Cover)	532,480 cubic yards
Waste Volume	1,665,818 cubic yards
Total Waste Volume and Unaffected Media	2,198,298 cubic yards

Page 2-6: Site History and Support Activities

Excerpt 3rd paragraph: Various hazardous substances such as asbestos, beryllium, lead, trichloroethene (TCE) and other solvents, polychlorinated biphenyls (PCBs), acids, chromium, nickel, lithium, and mercury were also used. Radioactive materials and other hazardous substances were spilled or released to the environment from production-related facilities and attendant work activities.

Activities to manage wastes and liquid process effluents evolved over the operating lifetime of PORTS. Throughout its history, efforts were made to minimize the loss of valuable enriched uranium in PORTS waste streams. However, the PORTS sanitary landfills likely received some contaminated material because waste segregation practices were not fully implemented. As new requirements were enacted, additional waste streams, such as hazardous wastes, were restricted from disposal in PORTS landfills. Oils contaminated with PCBs and uranium were disposed of in oil biodegradation plots, burned in open containers, or incinerated (DOE 2000a).

Page 2-19: Alternative 2 On-Site Disposal/Off-Site

Excerpt from 2nd paragraph: Provides for fill material, for purposes of supporting waste placement in the OSDC, which is anticipated to be from on- and/or off-PORTS borrow locations. If non-DFF&O contaminated soil is used, it would be from on-PORTS. If non-DFF&O contaminated soil is used as fill, which this remedy contemplates, additional regulatory authorizations/approvals, as applicable, will be required to excavate, treat if necessary, and dispose of this fill in the OSDC. Accordingly, DOE will seek appropriate authorizations/approvals, as applicable, to allow placement of such non-DFF&O contaminated soil as fill in the OSDC.

Page 2-19: Alternative 2 on-site disposal excerpt starting with paragraph 2

- Requires the off-Site disposal and/or treatment of any D&D waste or non-DFF&O contaminated soil intended for use as fill that does not meet the WAC for the OSDC. All WAC of off-Site disposal facilities that are used must be met.
- Allows for additional off-Site disposal or recycling and/or reuse of waste or materials at DOE discretion, assuming the off-Site disposal facility WAC and associated recycling criteria are met.
- Allows for the storage of any nickel recovered for recycling and/or reuse. The storage will be implemented in compliance with ARARs and in a way to ensure safe, long-term protectiveness.
- With proper authorizations/approvals, as applicable, the remedy allows waste generated from activities outside the scope of D&D (referred to as non-DFF&O waste) to be disposed in the OSDC.

Page 2-38: Waste Acceptance Criteria

Excerpt from top paragraph: The existing landfills inside Perimeter Road are one of the key potential sources of contaminated fill (RC-3). Additional characterization specified in future plans will be conducted to support the excavation of the landfills and to determine WAC compliance of the material excavated. The new data and other information collected will be evaluated to determine CAMU eligibility as well as if there are additional PHCs in the landfill waste.

Page 2-39: Fill Operations

Excerpt from 2nd paragraph: Sufficient fill will be needed to meet the placement requirements for the DFF&O waste requiring fill (RC-1, EC-2), as well as additional waste requiring fill (RC-3, EC-2) anticipated to be encountered during the generation of fill from contaminated borrow areas. Fill is used to minimize void spaces, which lessens the potential for future waste subsidence. Waste subsidence could impact the long-term effectiveness of the final cap, so subsidence of the waste is to be avoided. Fill will be obtained from on-PORTS and/or off-PORTS sources.

Excerpt from 3rd paragraph: The use of contaminated fill from areas of groundwater contamination may lower costs of remediating the groundwater and soils in the future, may expedite reaching Ohio Consent Decree cleanup levels, and could remove the need for long-term reliance on maintaining landfill caps, significantly lowering the long-term maintenance costs. It is assumed that the clean cap/overburden would be excavated and set aside to support postcleanup backfill requirements.

Page 2-39: Treatment

Excerpt from 1st paragraph: There are several types of treatment authorized under this ROD. There is the potential that some of the contaminated fill or associated waste requiring fill (RC-2, RC-3) that is excavated cannot be disposed in the OSDC without treatment. Additional regulatory authorization/approval, as applicable, will be required for excavation and treatment, as necessary, of non-DFF&O contaminated soil as fill in the OSDC. On-Site Treatment and/or off-Site treatment and disposal of this material, including dewatering, are included in this alternative, as appropriate.

Page 2-47: CAMU

To remove the disincentives to cleanup that the application of stringent RCRA land disposal restrictions (LDRs) and treatment standards to remediation wastes can impose, EPA has promulgated rules establishing CAMUs under RCRA to facilitate treatment, storage, and disposal of hazardous remediation wastes. These rules establish minimum design and operating standards for CAMUs and minimum treatment standards for wastes placed in CAMUs (CAMU-eligible wastes) in place of meeting LDRs. The rules also allow for mixing and blending of wastes in staging piles and similar physical operations intended to prepare waste for subsequent management and treatment. They also have a provision allowing off-Site placement of CAMU-eligible waste in hazardous waste landfills. Ohio EPA's concurrence/approval, as applicable, with this ROD designates the OSDC as a treatment, storage, and disposal CAMU and the IMTA as a treatment/storage CAMU.

Page 2-47: CAMU continued

Ohio EPA has considered the criteria set forth in *OAC 3745-57-72* and determined that the disposal, treatment, and storage CAMU satisfies all of the following required criteria:

- ❑ The CAMU facilitates the implementation of a reliable, effective, protective, and cost-effective remedy
- ❑ The management of waste at the designated CAMU will not create unacceptable risk to human health or the environment resulting from exposure to hazardous wastes or hazardous waste constituents
- ❑ The CAMU includes uncontaminated areas of the Site only to the extent inclusion of such areas is more protective than managing the waste at contaminated areas
- ❑ Wastes in the CAMU that remain after closure would be managed and contained to minimize future release, to the extent practicable
- ❑ The CAMU expedites the timing of remedial activity implementation

Page 2-48: CAMU Continued

- ❑ The CAMU uses, to the extent appropriate, treatment to reduce the toxicity, mobility, or volume of waste remaining after closure of the CAMU
- ❑ The CAMU, to the extent practicable, minimizes the land area of the facility upon which wastes will remain in place after closure of the CAMU.

Page 2-68 2.38: Individual Comments and Responses

Comment from Val Francis.

Good evening, gentlemen. Good to see all four of you here. It's good to know all of you. I have some comments. I am usually noted for statements instead of speeches, but I wrote a few things down and I want you to listen to these. My name is Val Francis and I've written these thoughts down, and I want to – just some of these points, I want you to remember. I want to start by saying that as a local community member for 62 years now, I appreciate the level of effort DOE has put into providing information to this community, including the Portsmouth SSAB, which I have had the privilege to be a part of since its inception, our local officials and others. I don't think there is much more that I can say that hasn't already been said pertaining to SSAB and the recommendation in 13-02.

Page 2-68 2.38: Individual Comments and Responses

Comment from Val Francis.

That recommendation outlines fully the fact that we, as SSAB and as a community, we're not crazy about a nuclear facility in our community. But we do understand that the OSDC can be beneficial to the community if DOE meets certain conditions. As you well know, we have had a lot of back-and-forth discussions pertaining to the conditions with DOE and with Ohio EPA. We have understood the regulatory process did not allow for the kind of commitment that we would really like to see in the language within the proposed plan. Just so that I won't be too ambiguous, and I don't want to be redundant, either, but I want to speak to some of the 13-02s again. The community does expect that no waste from other off-site locations will be placed in the OSDC. The community expects all contaminated plumes within Perimeter Road be remediated in a manner that allows for reindustrialization of the site.

Page 2-68 2.38: Individual Comments and Responses

Comment from Val Francis.

The community expects all landfills within Perimeter Road to be remediated in a manner that allows for reindustrialization. We have spoken to the idea of the valuable nickel, and if it can be recovered, we want that to actually happen. To be clear, we also do not want any barrier materials to be placed in the OSDC. And at no time, should any depleted uranium hexafluoride materials be included in this OSDC. These are points that have been made already this evening. I'm just reiterating them again. Lastly, on this particular part, the committee expects DOE to fund a land use plan that results in a usable end-state, that incorporates green space and esthetics as part of the design.

Page 2-68 2.38: Individual Comments and Responses

Comment from Val Francis.

So really, it comes down to this, gentlemen. It comes down to some of the conversations that we have had in the past. It comes down to trust. The question that I want to ask you is this, can this community trust the U.S. Department of Energy to do what it says? Can we trust that language in those documents, that it's not too flimsy, and it won't be used later as a mechanism not to fulfill the promises that are being presented tonight to the folks that are here, and to this community. We need to continue to make sure that we have a general and a genuine dialogue related to this to these positions and related to the condition that allows the future, when you're gone, and most of us here are gone, that if it takes a 40-year plan to do this, that it, indeed, is what we say.

Page 2-68 2.38: Individual Comments and Responses

Comment from Val Francis.

So I ask this question. Can we trust you? I believe that we probably can. I shouldn't say probably. We can. Let me reiterate just a little bit why. I really believe that if this community raises the level of this game that we're all a part of, the DOE has just as much skin in this game as anyone does in this D&D project. I don't believe that the DOE would be foolish enough to renege on its part of the deal. And I really believe the credibility of the Department, including Mr. Bradburne, Mr. Adams, Mr. Murphie, Bill Murphie, who is not here this evening. Your credibility is on the line, too, as being a part of this whole process. All right. I also want to make a statement to the Ohio EPA and the Ohio governor's office. The community's position on this issue could not be any clearer. Our state regulators and political bodies also know exactly what this community expects as this D&D project moves forward, and we expect them to hold DOE accountable to their end of the bargain. We want no excuses that your role is only technical. We expect you to ensure that our interests are protected.

Page 2-68 2.38: Individual Comments and Responses

Comment from Val Francis.

One final statement pertaining to, really, the people of southern Ohio, which you have gotten to know. Dennis, we almost consider you as part of southern Ohio. But I don't want us to be mistaken as naive because of who we are. We are the poorest county in the State of Ohio. We are reasonable people, smart people, willing partners to work with DOE and Ohio EPA to make this project work in an efficient way that benefits this community in the years ahead. So in closing, I hope that if you look back on this exercise in the years ahead, we can understand that DOE did what they said they would do, that they met the promises that this community expects them to. Thank you.

Page 2-68 2.38: Individual Comments and Responses

Response: The U.S. Department of Energy (DOE) thanks you for your attendance at the public meeting and your participation in the public comment process. DOE is responding to each of the technical points made

1. No off-Site waste in the On-Site Disposal Cell (OSDC). As noted in the comment, the Site-Specific Advisory Board made the request for no disposal of waste from off the Site in 2013. In 2014, DOE wrote the Remedial investigation/Feasibility Study with waste acceptance criteria (WAC) that specifically prohibit off-Site waste from disposal on the Site.

Page 2-68 2.38: Individual Comments and Responses

The WAC, as approved by the Ohio Environmental Protection Agency (Ohio EPA), were submitted to the public for review with the Proposed Plan. The WAC, as written in the Proposed Plan, were adopted for the Record of Decision (ROD) with no change. The WAC state that there is “A prohibition on the acceptance of waste from off-[Portsmouth Gaseous Diffusion Plant] PORTS generating sources (excluding lab returns and treatability testing wastes and material currently stored on the Facility).

Page 2-68 2.38: Individual Comments and Responses

2. Use of contaminated plumes as fill. DOE has had multiple meetings and discussions with local stakeholders regarding its commitment to using the plume soils as the source of fill for the OSDC. It is important to understand that Ohio EPA has already selected final remedies on most of the plumes that are protective of human health and the environment. Ohio EPA will also select a final remedy on any remaining plumes, regardless if the plume soils are used as fill, to ensure protectiveness. Due to the regulatory situation, DOE cannot make a commitment in the ROD to excavate the plumes, but it remains DOE's intent to use contaminated plume soils as fill. DOE needs to maintain the flexibility to use alternate sources of fill should conditions arise during implementation that diminish the efficiency, safety, or protection of the environment along with no longer being in the best interest of the project. The level of commitment presented in the Proposed Plan is consistent with that used in the ROD.

Page 2-68 2.38: Individual Comments and Responses

3. Consolidation of existing landfills within Perimeter Road. DOE has had multiple meetings and discussions with local stakeholders regarding its commitment to removing the existing landfills. It is important to understand that these landfills all have final remedies in place, previously selected by Ohio EPA, that are protective of human health and the environment. Due to the regulatory situation, DOE cannot make a commitment to excavate the landfills in this ROD, but it remains DOE's intent to use contaminated soils from the landfills and groundwater plumes inside Perimeter Road as engineered fill for the OSDC. DOE also needs to maintain the flexibility to use alternate sources of fill (thereby modifying the degree to which DOE needs to excavate soil from the landfills) should conditions arise during implementation that diminish the efficiency, safety, or protection of the environment along with no longer being in the best interest of the project. The level of commitment presented in the Proposed Plan is consistent with that used in the ROD.

Page 2-68 2.38: Individual Comments and Responses

4. **Nickel recovery and recycling.** DOE believes the segmentation of the converters and recovery of the nickel for potential recycling is a viable alternative for the disposition path for the nickel. As indicated on page ES-2 of the Process Buildings Remedial Investigation/Feasibility Study (RI/FS) Report, DOE continues to evaluate the potential for the recovery/reuse of the 6,400 tons of contaminated nickel material within the converters of the X-333 and X-330 buildings. DOE's plan is to complete this evaluation before the start of deactivation for Building X-333.

Page 2-68 2.38: Individual Comments and Responses

DOE will prepare a more detailed evaluation of nickel recovery/reuse as part of the Remedial Design process supporting the Process Buildings ROD, when issued. This will include the evaluation of the federal/state regulatory framework which would permit the reuse of the nickel. In the event DOE concludes that there is not a viable federal/state regulatory framework to permit the recovery/reuse of the nickel, and it is not in the best interests of the government, DOE will evaluate the most appropriate, cost-effective, and environmentally-sound solution for the disposition of the nickel. The Waste Disposition RI/FS and the Waste Disposition ROD provide the flexibility for the use of the OSDC for the nickel, either within the converters or separately packaged. DOE's current plan is to recover the nickel and store it on Site until the potential for recycling/reuse can be further evaluated. As appropriate, the evaluation of nickel recovery/reuse and any resulting decision regarding final disposition of the converters, will be made available to the public. Like other decontamination and decommissioning (D&D) waste streams, only those materials meeting the WAC will be permitted to be placed in the OSDC.

Page 2-68 2.38: Individual Comments and Responses

5. Depleted uranium hexafluoride conversion operation waste. Neither the depleted uranium hexafluoride nor the converted oxide resulting from the depleted uranium hexafluoride conversion operations discussed in the comment are within the scope of the *The April 13, 2010 Director's Final Findings and Orders for Removal Action and Remedial Investigation and Feasibility Study and Remedial Design and Remedial Action, including the July 16, 2012 Modification thereto*. They were not evaluated for disposal (either on the Site or off the Site) in the Waste Disposition RI/FS and are not authorized for disposal by the Waste Disposition ROD

Page 2-68 2.38: Individual Comments and Responses

6. Land use plan funding. DOE's prime contract for D&D of PORTS requires the contractor to ensure that priorities associated with future beneficial land use are considered in the prioritization, planning and execution of the D&D project within the funding constraints. At PORTS, information collected from a survey conducted by Ohio University was used to conclude that industrial reuse is the most likely future land use. DOE will ensure the D&D contractor maintains a comprehensive map detailing infrastructure upgrades, infrastructure to be left in place to support industrial reuse, and areas of real property deemed appropriate for potential transfer.

Page 3-76: Individual Comments and Responses

Comment from Teddy West.

Please accept this letter as the public comments of the Southern Ohio Diversification Initiative ("SODI") to the Proposed Plan for the Site-wide Waste Disposition Evaluation Project ("the Plan") at the Portsmouth Gaseous Diffusion Plant ("PORTS"). As the United States Department of Energy ("DOE") designated Community Reuse Organization ("CRO"), SODI is acutely interested in the Plan and its affects upon the future reuse of PORTS. SODI's mission is to facilitate reuse of personal and real property at PORTS for the benefit of the residents of the four-county SODI region. Although reindustrialization of PORTS is SODI's ultimate goal, the health and safety of the workers and residents living near PORTS are of paramount importance.

Page 3-76: Individual Comments and Responses

Comment from Teddy West.

The Plan presents two alternatives for the disposition of waste at PORTS. The DOE-preferred method is a combination of off-site disposal in conjunction with a one hundred acre on-site disposal cell ("OSDC"). The second alternative is the total off-site disposal of waste. DOE has estimated a cost savings over the life of the decontamination and decommissioning ("D&D") of approximately one billion dollars if the DOE-preferred method is accepted.

Page 3-76: Individual Comments and Responses

Comment from Teddy West.

SODI and the community do not advocate the acceptance of an OSDC at PORTS. However, to expedite D&D, increase health and safety, and increase the opportunity for reuse of the site to benefit the region, the SODI Board of Directors has considered the acceptance of the OSDC with specific conditions. SODI would be willing to accept the DOE-preferred plan if, and only if, DOE makes firm legal commitments regarding: (1) an aggressive recycling plan to decrease the amount of waste potentially destined for an OSDC; (2) the consolidation of all existing landfills into the OSDC; and, (3) the elimination of contaminated groundwater plumes. Unfortunately, the Plan discusses these actions, but carefully avoids any legally binding commitment. DOE is asking this community to accept an OSDC with decades, and perhaps centuries of environmental concerns, while failing to commit to actions that would reduce some of the concerns regarding PORTS.

Page 3-76: Individual Comments and Responses

Comment from Teddy West

Nowhere in the plan does it state that DOE "shall" eliminate the contaminated ground water plumes or consolidate the landfills. Perhaps the most critical language can be found on page 12 of the Plan. DOE states:

The required volume of fill for an OSDC is expected to be between 2.1 and 2.6 million cubic yards. "Fill" is used to fill the empty spaces between pieces of disposed D&D waste to eliminate void spaces to ensure the long-term stability of the waste and the final capping system. This alternative proposes to use contaminated soil as fill. This contaminated fill would be obtained from areas overlying contaminated groundwater, areas with surface soil contamination by plant operations, and closed landfills inside Perimeter Rd.

Page 3-76: Individual Comments and Responses

Comment from Teddy West

It is DOE's choice to use contaminated fill. DOE made that choice after an evaluation that concluded that the evacuation and disposal of that fill represents a cost-effective approach to obtaining fill when considering the overall cleanup mission of the Portsmouth Site. As described in the Scope and Role of the Response Action section, additional authorization/approval outside of this Proposed Plan would be required to obtain and use contaminated fill.

Page 3-76: Individual Comments and Responses

Comment from Teddy West

The preferred alternative also includes DOE's option to use clean fill instead of contaminated fill if the use of contaminated fill is:

- 1) Not cost effective or the most efficient use of available funding when considering the cleanup mission of the Portsmouth Site; or
- 2) Cannot reasonably be achieved in a manner that:
 - a. is safe for the workforce
 - b. is protective of human health and the environment; or
 - c. will not exacerbate the contamination already present in the areas in which fill could be obtained.

Page 3-76: Individual Comments and Responses

Comment from Teddy West

The language indicates that the preferred alternative "proposes" to use contaminated soil. It further states that it is DOE's choice to use contaminated fill. It then states that the preferred alternative includes DOE's option to use clean fill instead of contaminated fill under certain conditions. Unfortunately, the conditions are vague and subjective, leaving DOE with the unfettered discretion to change its approach at any time.

Accordingly, SODI can accept the DOE- preferred alternative only if mandatory language is inserted in the Plan that states that DOE "shall" implement an aggressive recycling program, consolidate all existing landfills into the OSDC, and eliminate all contaminated groundwater plumes. Without mandatory, binding language in the Plan, and eventually the Record of Decision, the SODI Board of Directors is vehemently opposed to the DOE preferred alternative and supports the off-site disposal of all waste.

Page 3-76: Individual Comments and Responses

Response: The U.S. Department of Energy (DOE) appreciates the statements made in the comment and is responding to the three requests for mandatory, binding language in the Record of Decision (ROD) individually.

1. **An aggressive recycling plan:** The Proposed Plan is a summary document, and more information on DOE's commitment to recycling can be found in the Remedial Investigation/Feasibility Study (RI/FS). The ROD adopts the following text, which is consistent with statements found in the RI/FS: "DOE is committed to the recycling and/or reuse of materials generated through [decontamination and decommissioning] D&D of the [gaseous diffusion plant] GDP facilities, in compliance with [applicable or relevant and appropriate requirements] ARARs. Prior to implementing recycling, DOE will evaluate and document the benefits (including disposal volume savings) against the additional costs of completing the action, implementing issues, and efforts with implementing associated policy issues. DOE will evaluate the individual materials and regulatory waste types throughout implementation of D&D and recycle and/or reuse materials at DOE discretion." DOE must maintain the ability to evaluate the benefits of recycling such as a smaller disposal cell against impacts, including cost of preparing the material. DOE is committed recycling and/or reuse of materials when appropriate.

Page 3-76: Individual Comments and Responses

Response: The U.S. Department of Energy (DOE) appreciates the statements made in the comment and is responding to the three requests for mandatory, binding language in the Record of Decision (ROD) individually.

2. Consolidation of existing landfills: DOE has had multiple meetings and discussions with local stakeholders regarding its commitment to removing the existing landfills. It is important to understand that these landfills all have final remedies in place, previously selected by the Ohio Environmental Protection Agency (Ohio EPA), that are protective of human health and the environment. Due to the regulatory situation, DOE cannot make a commitment to excavate the landfills in this ROD, but it remains DOE's intent to use contaminated soils from the landfills and groundwater plumes inside Perimeter Road as engineered fill for the On-Site Disposal Cell (OSDC). DOE also needs to maintain the flexibility to use alternate sources of fill (thereby modifying the degree to which DOE needs to excavate soil from the landfills) should conditions arise during implementation that diminish the efficiency, safety, or protection of the environment along with no longer being in the best interest of the project. The level of commitment presented in the Proposed Plan is consistent with that used in the ROD.

Page 3-76: Individual Comments and Responses

Response: The U.S. Department of Energy (DOE) appreciates the statements made in the comment and is responding to the three requests for mandatory, binding language in the Record of Decision (ROD) individually.

3. The elimination of contaminated groundwater plumes: DOE has had multiple meetings and discussions with local stakeholders regarding its commitment to using the plume soils as the source of fill for the OSDC. It is important to understand that Ohio EPA has already selected final remedies on most of the plumes that are protective of human health and the environment. Ohio EPA will also select a final remedy on any remaining plumes, regardless if the plume soils are used as fill, to ensure protectiveness. Due to the regulatory situation, DOE cannot make a commitment in the ROD to excavate the plumes, but it remains DOE's intent to use contaminated plume soils as fill. DOE needs to maintain the flexibility to use alternate sources of fill should conditions arise during implementation that diminish the efficiency, safety, or protection of the environment along with no longer being in the best interest of the project. The level of commitment presented in the Proposed Plan is also consistent with that in the ROD.

Page 3-95: Individual Comments and Responses

Comment from Jason Kester.

Ms. Wiehle,

On behalf of the Southern Ohio Port Authority (SOPA), the lead economic development agency for Scioto County, Ohio, we offer the following comments in regards to both the Process Buildings and Complex Facilities D&D Evaluation Project as well as Site-Wide Waste Disposition Evaluation Project.

Process Buildings and Complex Facilities D&D Evaluation Project

The Southern Ohio Port Authority supports Alternative 2 – which includes the removal of stored waste, materials, hazards, process gas equipment, and process piping. We also support the demolition of buildings or structures and the characterization and demolition of underground man-made features.

Page 3-95: Individual Comments and Responses

Comment from Jason Kester.

Site-Wide Waste Disposition Evaluation Project

SOPA prefers Alternative 2 contingent upon a number of factors. We are aware that RCRA, CERCLA, and other federal and state regulatory schemes may not require the characterization, decontamination, deconstruction, demolition, and removal of all subsurface contaminants [sic], but we feel this is vital to the longevity of the site. DOE must take all reasonable efforts to “clean-up” the man-made “floating plumes” and “capped dumps” which reside inside perimeter road. The site will have little to no economic development value with both an on-site disposal cell and subsurface contaminants [sic]. We are also concerned that DOE will be the sole arbiter of determining which sites to clean-up. The Site Specific Advisory Board (SSAB), the Southern Ohio Diversification Initiative (SODI), and the local and state elected officials must be consulted. DOE must make every reasonable effort to clean-up the area inside perimeter road so that the community will have a viable site at the conclusion of the decontamination and decommissioning project.

Page 3-95: Individual Comments and Responses

Response: The U.S. Department of Energy (DOE) thanks you for your participation in the public comment process. DOE has responded to the Waste Disposition comment below and to the Process Buildings comment in that Responsiveness Summary.

DOE has had multiple meetings and discussions with local stakeholders regarding its commitment to using the plume soils and landfills as the source of fill for the On-Site Disposal Cell. It is important to understand that the Ohio Environmental Protection Agency (Ohio EPA) has already selected final remedies on all of the landfills and most of the plumes that will be implemented if a decision is made to not use the plume soils as fill. Those remedies are protective of human health and the environment and DOE will implement or maintain all selected groundwater remedies.

Page 3-95: Individual Comments and Responses

Response: The U.S. Department of Energy (DOE) thanks you for your participation in the public comment process. DOE has responded to the Waste Disposition comment below and to the Process Buildings comment in that Responsiveness Summary.

Due to the regulatory situation, DOE cannot make a commitment in the Record of Decision (ROD) to excavate the plumes, but it remains DOE's intent to use contaminated plume soils inside Perimeter Road as fill. DOE needs to maintain the flexibility to use alternate sources of fill should conditions arise during implementation that diminish the efficiency, safety, or protection of the environment along with no longer being in the best interest of the project. The level of commitment presented in the Proposed Plan is consistent with that used in the ROD

Page 3-95: Individual Comments and Responses

Response: The U.S. Department of Energy (DOE) thanks you for your participation in the public comment process. DOE has responded to the Waste Disposition comment below and to the Process Buildings comment in that Responsiveness Summary.

DOE is also committed to maintaining a strong community relations program during the remediation of the site, and engagement with the Site-Specific Advisory Board, Southern Ohio Diversification Initiative, and local- and state- elected officials is a part of this process. DOE will continue to share information and listen to feedback on the planning, progress, and challenges encountered during the remediation effort. Ultimately DOE must maintain the final decision-making authority, in conjunction with appropriate concurrence or approvals by Ohio EPA, when developing the plans to obtain contaminated fill from PORTS landfills and plumes. The sequence of landfill and plume excavation must support the need to carefully coordinate demolition and on-Site disposal operations and ensure work is performed in a safe, environmentally compliant, and a cost-effective manner.

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.

ENVIRONMENTAL MANAGEMENT SITE-SPECIFIC ADVISORY BOARD

Hanford
Oak Ridge

Idaho
Paducah

Nevada
Portsmouth

Northern New Mexico
Savannah River

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

Steve Hudson, Chair
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

ENVIRONMENTAL MANAGEMENT SITE-SPECIFIC ADVISORY BOARD

Hanford
Oak Ridge

Idaho
Paducah

Nevada
Portsmouth

Northern New Mexico
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

Steve Hudson, Chair
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