

**Paducah Gaseous Diffusion Plant
Citizens Advisory Board
Meeting Minutes
February 19, 2004**

The February 19, 2004 Citizens Advisory Board (CAB) meeting was held at the CAB office in Paducah, Kentucky at 5:30 p.m.

Board members present: Richard Dyer, Byron Forbus, Vicki Jones, Rhonda McCorry, Ricky Ladd, Rebecca Lambert, Linda Long, Douglas Raper, John Russell, Jim Smart, Dorothy Starr, and Bill Tanner

Board members absent: Fred Jones

***Ex Officio* members and related regulatory agency employees present:** Gaye Brewer, Mike Guffey, Gary Morgan, and Tuss Taylor, Kentucky Division of Waste Management; Tim Kreher, Kentucky Department of Fish and Wildlife Resources; and David Williams, U.S. Environmental Protection Agency

The Deputy Designated Federal Official present: Rachel Blumenfeld for Bill Murphie

The DOE Federal Coordinator present: David Dollins

DOE-related employees present: Greg Bazzell, Greg Cook, Kim Crenshaw, Jim Ethridge, Greg Felts, Bruce Ford, R. D. George, Lynn Link, John Morgan, Kendra Payne, John Sheppard, Joe Tarantino, Glenn VanSickle, and Debbie Wattier

Public: Ruby English, Charles Jurka, Vicki Jurka, Charley Quinton, Cathy Sheppard, and Larry Starr

Agenda

Long called the meeting to order at 6:00 p.m. Kay asked if there were any proposed modifications to the agenda. Long stated a Chairs meeting discussion during Administrative Issues should be placed on the agenda. **The Board adopted the modified agenda by consensus.**

Minutes

Kay asked if there were any proposed modifications to the draft January minutes. There were no modifications. **The Board approved the minutes by consensus.**

Deputy Designated Federal Official's Comments

Blumenfeld, Chief Operating Officer for the Environmental Management Portsmouth/Paducah Project Office in Lexington, stated she would be presenting Deputy Designated Federal Official comments in Murphie's absence.

Risk-Based End States

Blumenfeld reported the U.S. Department of Energy (DOE) held a public meeting for the Draft Risk-Based End State Vision document on February 5, 2004. She stated handouts from the meeting are included in the Board packets, including information on where the document can be obtained. She said DOE will hold a follow-up workshop on February 26, at the Environmental Information Center (EIC) at 7:00 p.m. to discuss additional details of the document and to address comments and questions. Blumenfeld invited all stakeholders to attend the workshop and provide input on the final document, which is due to DOE Headquarters March 30.

Budget

Blumenfeld stated DOE has rolled out the Fiscal Year 2005 budget request and will keep the Board posted as the budget process continues through Congress. She said web links have been provided to the Board to access the budget.

Progress at the Paducah Project

Blumenfeld reported as follows:

- Scrap Metal Removal project disposed 214 tons of scrap metal to the C-746-U Landfill and shipped 317 tons to the Nevada Test Site (NTS).
- C-400 Source Removal Proposed Remedial Action Plan was issued to the regulators on January 30. The S&T Landfill Investigation Request for Proposal (RFP) was issued on January 16. Southwest Plume Site Investigation RFP was issued January 16 and the Site Investigation Work Plan was issued to the regulators on February 13.

- 2,300 ft³ of DOE Material Storage Area (DMSA) material was characterized in January. Aggressive disposal is ongoing with 8 of 17 outside DMSAs now empty.
- 1,270 ft³ of mixed low-level waste (MLLW) and toxic substance control act waste has been shipped for treatment in January. Repackaging and sampling is complete for approximately 21,000 ft³ of additional LLW for disposal at NTS.
- Section 2 of the North-South Diversion Ditch (NSDD) Surge Basin excavation is complete and 93 percent of the excavated soil has been disposed in the C-746-U Landfill to date. The Sampling Plan and Work Plan for Section 1 of the NSDD is pending.
- DOE has removed and packaged residual contents from 7 of 12 Hydrogen Fluoride tanks and began installation of a fluorine cell blasting facility at the C-410 Decontamination and Decommissioning (D&D) complex. 100 containers of compactible waste are being prepared for shipment to NTS.
- 2,359 tons of various non-hazardous waste was disposed in the operating landfill in January and the permit modification is pending for additional waste streams.

Comments

Russell said the units of measurement need to be more consistent. VanSickle stated the material disposed in the landfill is weighed, reported, and recorded in tons, but some of the other waste streams are measured by the volume. He said Bechtel Jacobs Company LLC (BJC) is required by the Commonwealth of Kentucky to report the volume of the landfills annually.

Russell asked what the timeframe is for scrap metal removal. VanSickle said scrap metal removal will be completed within the next 24 months. Russell asked what the timeframe is for disposition of LLW. Blumenfeld stated LLW does not have a milestone set under the regulatory agreements.

Federal Coordinator Comments

CAB Recommendation Status

Dollins stated DOE is working on responses to several of the Citizens Advisory Board's (CAB) recommendations. He said the recommendation advising DOE to conduct additional sampling for Section 5 of the NSDD will be issued in March, nearer to the time the scoping for the Sampling Plan is issued. He reported the CAB sent a letter to the U.S. Environmental Protection Agency (EPA) and the Commonwealth of Kentucky regarding the recommendation to discontinue the S&T Landfill Site Investigation. Williams said the EPA is working with the Commonwealth of Kentucky. Taylor stated a

draft response will be issued next week. Dollins said the S&T Landfill Investigation is a milestone and DOE is required to move forward until a decision is made.

Ex-Officio Comments

Taylor reported the Commonwealth of Kentucky has implemented a system for electronic tracking of documents. He said all correspondence with DOE and EPA is being scanned and put on the web.

Public Comments and Questions

English stated the March 9, 2004 issue of Family Circle magazine has an article that describes ongoing health concerns at DOE's Weldon Spring, Missouri site. She reported this site, as well as the Paducah site, has had exposure with explosives and radionuclides and is adjoining with a wildlife area and nearby communities. She said the article pinpoints Paducah, as well as other sites, as a similar site facing similar issues unaddressed and unresolved. She asked that the CAB's Community Concerns subcommittee address this issue and develop a community health agenda for the End State Vision recommendation the CAB is developing.

Task Forces/Presentations

Sheppard presented the Depleted Uranium Hexafluoride (DUF₆) Conversion Facility update to the Board.

Ladd stated the issuance of the Record of Decision (ROD) is scheduled for July 10-20 and the requirement to start construction of the DUF₆ Conversion Facility is July 31. He said the RFP couldn't be issued until the ROD is approved. Sheppard agreed the schedule is tight and stated DOE is prepared to work every avenue in accordance with regulations to meet the schedule start time.

Taylor asked if there would be an excess of cylinders. Sheppard said he anticipates there will be cylinders that the contractor will have to find another disposal route. He stated other cylinders may be in excellent condition and marketable.

Smart asked if Framatone has a facility to handle hydrogen fluoride (HF). Sheppard said they have a facility to take enriched UF₆ and uranium oxide (UO) and create a HF product. He stated Framatone's facility is licensed by the Nuclear Regulatory Commission that allowed a finding of no significant impact (FONSI), enabling them to market the HF they are producing.

Smart asked where the UO will be disposed and will it be retrievable if a use is found. Sheppard said the most logical disposal is at Envirocare of Utah. He said he believed it could be retrieved under the right circumstances. Taylor said legally it would still be DOE's waste. Russell asked if the military is still producing depleted uranium. Sheppard

said the military does not produce it but could have uses in the future. He stated that it has been used for shielding purposes.

Ladd stated DOE has title to some cylinders that they do not have custody of. He asked how this relates to the Agreed Order. Sheppard stated the Cylinder Management Plan applies to cylinders in DOE custody. He said the latest agreement with the United States Enrichment Corporation states DOE will take title to certain DUF₆ cylinders, but not custody, until it is time to place that cylinder into the DUF₆ Conversion Facility.

Raper asked if the waste left in the cylinders would decay until a safe level was reached. Sheppard said yes, and that products decay to a level that does not require a risk to the workers. He stated the process is to apply a chemical to stabilize it to LLW, and refill with UO.

Waste Operations Task Force

Russell said the Waste Operations task force had received additional information on the Burial Ground Operable Unit and will make a presentation to the full Board when they gain sufficient understanding of the areas.

Water Task Force

Smart stated the C-400 Proposed Remedial Action Plan is available for review. He stated Three-Phase Heating is the preferred alternative for implementation to the C-400 Cleaning Building area. He said there would be a 45 day comment period after the regulator's comments were incorporated.

Smart reported he would be participating in a groundwater modeling meeting to discuss a scope of work that could be cost productive and useful for an in-depth water balance. He said the water balance is needed to better understand the migration of the plume.

Smart stated Section 2 of the NSDD is complete and fieldwork will begin on Section 1 pending regulatory approval.

Smart reported a section in the Five-Year Review states that there are elevated concentrations of trichloroethylene in the Northwest Plume, bypassing the extraction wells. He said no action has been planned at this time. Smart stated technetium 99 (Tc99) has been detected in the Northeast Plume, but has not been detected in the wells along Metropolis Lake Road. Russell asked if sampling indicates the plume is moving. VanSickle said routine data used to model the plume shows that the plume has shifted and the extraction wells over time are no longer in the most optimum location. He said there is a pump and treat at the Northeast Plume, but there is no significant concentration of Tc99 in the monitoring wells. He stated if the concentration is above a certain threshold level, action would be required. Russell suggested adding the Southwest Plume to the Water task force agenda. Smart agreed.

Smart said the surface water scoping meeting was in January. Outfalls, storm sewers, and sediment controls were discussed. He said the scoping document will be due to the regulators April 30, 2004. Tanner said a recommendation was issued to DOE regarding site-wide sediment controls. Dollins said he would check on the status. Smart suggested adding this issue to the March Water task force agenda.

Long Range Strategy/Stewardship

Tanner reported the Annual Report will be distributed the following week.

Tanner stated the Risk-Based End State (RBES) workshop will be held February 26, at 7:00 p.m. at the EIC.

Tanner said comments have been received from Active Citizens for Truth, Paducah Area Community Reuse Organization (PACRO), and the Ballard County Chamber of Commerce regarding the CAB's draft End State vision recommendation. He said comments are as follows:

- DOE purchase properties with groundwater contamination
- DOE investigate establishing PACRO with a trust fund to be used to repair the Paducah site to accommodate interested companies
- Concentrate on removing the worst burial grounds , if not all
- University of Kentucky research facility transition to production facility
- Set time frame on recommendations

He stated that the CAB's goal was to provide an approved recommendation to send to DOE Headquarters as an attachment to the RBES document on March 30.

Tanner reported that federal law excludes government property from Brownfield regulations and state law excludes sites where radionuclides are present. He said reusers of the Paducah Gaseous Diffusion Plant property will not be able to take advantage of Brownsfield laws. He stated this could be a factor that will contribute to DOE's level of cleanup for the site. Williams stated EPA agrees with the CAB's concern and DOE has to ensure that RBES complies with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). He said if the federal government does have properties that are not cleaned up to reindustrialization standards, they cannot transfer the title for that land. Tanner said he has been in contact with the reuse organization in Oak Ridge with tenants that have agreements with DOE regarding liability of past contamination. He said they are now being held responsible for contamination that has been "stirred up." Tanner said he is concerned that with risk-based cleanup, the site will not reach reindustrialization. Blumenfeld stated CERCLA does hold DOE to strict requirements and they will clean up the site by the requirement of that law.

Blumenfeld stated the RBES Vision Document is not a decision document, but an analysis under a certain scenario. Dollins said DOE has to factor in the balance of environmental cleanup with economic viability. He said the site needs to be cleaned up

for potential reindustrialization, and for human health and the environment. Tanner proposed the Board issue comments to DOE expressing their concern that the RBES Vision document will become a decision document without public input and does not allow adequate time for review due to the complexity of it's content. **The Board approved the comments to DOE by consensus.**

Public Comment and Questions

English stated the web link that was given in the newspaper to access the draft RBES document is faulty. She said the entire document will not download. Cook said it could take an hour due to the maps and length of the document. He said electronic copies are available at the EIC. English commented that this meeting was the first time she had experienced the Board work together and think about what they are here to do. She said she would like to congratulate each member and tell them they are doing a good job. She stated all the members are unified in discussing the subjects at hand.

Jurka said people should object to the timeframe of the document. She said Paducah was told at the September 2003 Chairs Meeting that they would be held to the same timeframe as the other sites. She said the government should have been better stewards of the money allocated to them, because a tremendous amount of money has been wasted at this site that should have been used for cleanup and now some things can't be cleaned up because there is not enough money. Jurka said the document is incoherent and is grammatically incorrect. She said DOE surely cannot expect the public to comment on a document of this nature.

Quinton stated that the complexity of the document is beyond the scope of the average person. He said if DOE is serious about wanting input from the general public, then the document needs to speak the public's language.

Administrative Issues

Review of Workplan

Tanner stated Conflict of Interest is scheduled however, DOE Headquarters does not have adequate staff at the present time to conduct a presentation. He said a teleconference could be arranged for the March or April Board meeting if there are questions from the members. Ladd asked if there was a booklet or video available. Dollins said he would research other resources.

Review of March Agenda

Kay suggested leaving Conflict of Interest as a placeholder. The Board agreed.

Retreat

Kay stated approval of the proposed agenda for the Annual Planning Retreat is required. He asked if there were any modifications or objections. There were no objections. **The Board approved the agenda by consensus.**

Tanner said eleven Board members have signed up for the retreat. Kay reminded the Board the self-evaluation forms need to be filled out and returned before the end of the meeting.

Chairs Meeting

Tanner reported the Chairs meeting will be held on April 21 and 22, 2004 at the DOE Headquarters in Washington D.C. He proposed the Chair, Vice-Chair, the immediate past chair, and one support staff attend the meeting due to funding issues. He said Dollins would also be attending. There were no objections. **The Board approved the proposed attendants by consensus.**

Tanner reported the topics of discussion being considered for this Chairs meeting:

- RBES
- Fiscal Year 2005 Budget
- Transuranic waste permit modification for Waste Isolation Pilot Plant
- Discussion of a potential workshop

Budget

Tanner said Dollins has worked very hard to provide a more complete accounting of the CAB's budget to the Board. Dollins said the Board needs to make wise decisions regarding the budget. He said he will review the monthly budget with the Chair. Tanner said the budget will need to be watched very closely in order for the Board to operate the entire year.

Action Items

All action items were closed at this time.

Subcommittee Reports

Community Concerns

The Community Concerns subcommittee did not meet in January.

Nomination, Membership, and Public Involvement

Lambert said the group reviewed the Member Handbook and the upcoming *CABfare*. She said staff is researching the cost of increasing the quarterly publication of the

CABfare to four pages. Lambert also reported member attendance was discussed. She suggested adding guidelines to the Operating Procedures distinguishing excused absences and the issuance of a registered letter after three unsuccessful contact attempts for missed attendance.

Executive Committee

Tanner said the Executive committee reviewed the January Board meeting and the retreat agenda.

Tanner stated the Member Handbook needed approval by the full Board to be provided at the Annual Planning Retreat. **The Board approved the handbook by consensus.**

Tanner said he hopes to accomplish a revised workplan incorporating milestones and Agreed Order commitments at the retreat.

The meeting adjourned at 9:20 p.m.