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Advisory Board*

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

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

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

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

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

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

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

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

Thank you.