

**Paducah Gaseous Diffusion Plant
Citizens Advisory Board
Meeting Minutes
August 21, 2003**

The August 21, 2003 Citizens Advisory Board (CAB) meeting was held at the CAB office in Paducah, Kentucky at 5:30 p.m.

Board members present: Richard Dyer, Fred Jones, Vicki Jones, Rebecca Lambert, Linda Long, Douglas Raper, Jim Smart, Dorothy Starr, and Bill Tanner

Board members absent: Ricky Ladd and John Russell

Ex Officio members and related regulatory agency employees present: Brian Begley, Gaye Brewer, Jon Maybriar, Tuss Taylor, Lori Veal, Kentucky Division of Waste Management, and Tim Kreher, Kentucky Department of Fish and Wildlife

The Deputy Designated Federal Official present: Dianna Feireisel

The DOE Federal Coordinator present: David Dollins

DOE-related employees present: Gary Bodenstein, Melanie Brewer, Greg Cook, Gordon Dover, Greg Felts, Mary Claire Hayden, Chuck Jenkins, Debora Jolly, Frank Juan, Steve Kay, Lynn Link, Steve Meiners, Bill Murphie, Glen Newtown, Kendra Payne, Bruce Phillips, and Glenn VanSickle

Public: Jim Covert, Mark Donham, Ruby English, Charles Jurka, Vicki Jurka, Merryman Kemp, Dick Peebles, Gregory Waldrop, and Ken Wheeler

Agenda

Raper called the meeting to order at 6:00 p.m. Feireisel informed the CAB that due to the limited number of members left on the Board (11 at this time), the U.S. Department of Energy (DOE) legal counsel had advised that no decisions or recommendations be made at this meeting until a twelfth member can be appointed by DOE. She said that DOE was actively working on the appointment of a new member. Kay stated that this would be an informal meeting. Kay asked if there were any proposed modifications. Raper said there would not be a Kentucky Pollutant Discharge Eliminate System (KPDES) permit presentation or a Conflict of Interest presentation. Raper said there would be a draft presentation for the Chairs' Meeting. Raper said the August 22 Dinner Meeting has been cancelled. Tanner requested discussion regarding a letter to Jessie Roberson of DOE be added to the agenda. **The Board adopted the modified agenda with no objections.**

Minutes

Kay stated the July draft minutes could not be modified or approved until the Board regains full membership.

Deputy Designated Federal Official's Comments

Feireisel reported that seven Board members resigned on August 14. She said DOE regrets their decision, but thanks the resigned members for volunteering their time and effort. She said DOE is pleased to know that the resigned members will continue to provide input through the many avenues of public participation.

ES&H Issues

Feireisel stated there were no new occurrences. She reported that the Nevada Test Site (NTS) conducted an audit in late July. She said once corrective actions are complete, DOE expects waste shipments to resume in September.

Budget Updates

Feireisel reported the House Appropriations Committee and the Senate have completed the FY04 budget. She said after the Senate votes on the budget, it will be sent to the Conference Committee.

Project Updates

Feireisel reported that DOE, the Commonwealth of Kentucky and the U.S. Environmental Protection Agency (EPA) have resolved the dispute regarding the Remedial Design/Remedial Action (RD/RA) Workplan for the North-South Diversion Ditch (NSDD) Surge Basin.

Feireisel reported that DOE has received approval from Headquarters to proceed with the preliminary design for the Depleted Uranium Hexafluoride (DUF⁶) Conversion Facility.

CAB Recommendation Status

Feireisel said that the Landowner Compensation CAB recommendation is still pending a response due to litigation issues. She also said the cleanup scope proposal has been superseded by the Letter of Intent.

Other

Feireisel said Roberson's office has issued a letter concerning removal of the CAB support from the prime contractor. She said the deadline to make the switch is September 30 and that DOE is working toward that deadline. Murphie said the CAB has provided input on the issue and that DOE will contact the CAB before the decision is made.

Murphie reported DOE and Kentucky have signed the Letter of Intent. He said DOE is excited about reaching an agreement with the Commonwealth of Kentucky. He stated DOE has requested to meet with Kentucky and EPA next week.

Murphie said DOE's motive is to try to clean up the Paducah Gaseous Diffusion Plant (PGDP) site all at one time. He said Kentucky agreed with DOE's offer of settlement and that there are still details that must be worked out by September 15.

Murphie said the Letter of Intent expires October 1. If negotiations to enter into an agreed order are unsuccessful, he said the parties would decide whether or not the Letter of Intent would continue or expire. He said Governor Patton made clear his desire to keep the project moving forward.

Questions:

Tanner asked if the Letter of Intent and the agreed order follow Federal Facility Agreement (FFA) guidelines. Taylor said Kentucky intends to follow FFA guidelines. Tanner asked if the Letter of Intent meets FFA requirements. Taylor said the Letter of Intent does not conflict with FFA requirements.

Federal Coordinator Comments

Dollins stated appreciation for the Ad Hoc for Chairs' Meeting Preparation Subcommittee's work in forming and reviewing the draft presentations for the Chairs' Meeting. He said the deadline to register for the meeting is August 25.

Dollins encouraged Board members to become involved in the task forces.

Ex-Officio Comments

There were no comments.

Public Comments and Questions

Donham asked if there would be a public meeting concerning the Letter of Intent. Murphie said a public meeting has not been scheduled and if there are any questions to please call DOE or the Commonwealth of Kentucky. Donham asked if the agreement states that waste containing 39.2 parts per million (ppm) of trichloroethylene (TCE) will be placed in the C-746-U Landfill. Taylor said yes, concerning environmental media. He said that there is no risk once the TCE is removed from the ground and placed in the landfill.

English inquired about hazardous waste being placed in the C-746-U Landfill. Murphie said nothing in the agreement changes the status of the landfill. He said DOE will still comply with the C-746-U Landfill permit. He said non-hazardous waste from the site will be placed in the landfill.

Wheeler expressed appreciation on behalf of Mayor Bill Paxton, Judge Danny Orazine, and himself regarding the effort of DOE and the Commonwealth of Kentucky. He said both parties have worked hard to keep the community protected.

Administrative Issues

Review of Workplan

Kay stated the Six-Phase Heating Treatability Study would be a placeholder for November.

Kay said the FFA milestone for the S&T Landfill Scoping Plan is a placeholder for September.

Dollins said the dispute for the RD/RA Workplan for the NSDD surge basin was resolved August 7. Kay stated an update on the NSDD would be a placeholder for September.

Review of Next Month's Agenda

Kay reported the S & T Landfill Scoping Plan and the NSDD RD/RA Workplan are presentation placeholders for next month. Kay said the elections for Chair and Vice-Chair will occur at the beginning of the meeting.

Action Items

Tanner said there has not been any notification from Kentucky regarding the KPDES permit.

Payne reported the Resource Conservation and Recovery Act (RCRA) training is tentatively scheduled for November 12. She said she would contact Russell to work out the details.

Kay said the operating procedures revision regarding the cancellation of task force meetings is still pending.

Draft Presentation for the Chairs' Meeting

Raper and Tanner presented to the Board the draft presentations for the Chairs' Meeting.

Questions:

Murphie suggested including more details in the presentation for clarification. Link said the presentation must be completed before the next Board meeting. She said the Ad Hoc for Chairs' Meeting Preparation Subcommittee would make the revisions at their next meeting. After the revisions are made to the presentation, it will be sent via email to the Board.

Water Task Force

Tanner reported the Water Task Force met on August 1. Tanner said he was told that the Kentucky law, which requires sites to certify that their sewers do not leak prior to being issued a KPDES permit, does not apply to the Paducah site. He said he will pursue this issue more. Tanner reported the Six-Phase Heating Treatability Study has successfully removed TCE from the area. Tanner said the Commonwealth of Kentucky would not allow the system to run past September 6, due to air quality issues. Dover said the air limits have not exceeded what was expected. It was Tanner's understanding that if the decision is made to turn the study into a full-scale system, other options besides the granulated activated carbon (GAC) vessels will be explored. Tanner reported that the NSDD dispute between DOE and the regulators has been resolved and that there will be additional testing and monitoring of the ditch.

Waste Operations Task Force

The Waste Operations Task Force did not meet in August.

Long Range Strategy/Stewardship

Tanner reported the Long Range Strategy/Stewardship Task Force met on August 14. Tanner said that the July task force meeting minutes are in the Board packet. At the July task force meeting, he said he emailed the Board, ex-officios, EPA, Kentucky, and the public asking for input on the end-use of the site. He said he received comments and that he would compile the information for the September Board meeting. He also said that there was discussion on stewardship questions and that the proposed policy on cancellation of task force meetings has been put on hold.

Tanner said there was discussion at the August task force meeting regarding a letter from the Board that will be sent to Roberson concerning the seven Board members that resigned. Due to the nature of this informal meeting, the Board was unable to vote on whether or not the letter will be sent to Roberson. Taylor suggested each Board member sign their own letter and send it as individuals. Smart suggested the letters not be printed on CAB letterhead.

Community Concerns

The Community Concerns Subcommittee did not meet in August. Fred Jones asked to be added to this subcommittee.

Membership, Nomination and Public Involvement

Lambert reported the Membership, Nomination and Public Involvement Subcommittee will meet August 27 at 1 p.m. to discuss nominations for Chair and Vice-Chair and membership applications. She said that Raper has served two years as Vice-Chair and is ineligible to serve in that position again. She said nominations for Chair and Vice-Chair need to be submitted to her by August 25. Lambert also reported a copy of the August/September 2003 CABfare is in the meeting packet for review. She requested the Board submit comments to Payne.

Ad Hoc for Chairs' Meeting

Long reported the Ad Hoc Committee for Chairs' Meeting Preparation met August 18 to discuss preparation for the September Chairs' Meeting in Paducah. She said Heavenly Ham will cater the site tour lunch. Long stated badging for the site tour will be completed at the hotel. She said Whaler's Catch will cater the reception at Yeiser Arts Center. The next subcommittee meeting will be September 11 at 3 p.m. Link asked Board members to contact her if they plan to attend the Chairs' Meeting.

Other

Due to the resignation of seven board members, Channel 2 has requested an interview with Tanner and Kemp on "Berry Craig's Notebook." The interview will air August 28 at 5 p.m.

The meeting adjourned at 7:50 p.m.

