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FERNALD ENVIRONMENTAL MANAGEMENT PROJECT (FEMP) SITE
DISPUTE RESOLUTION SETTLEMENT AGREEMENT

ALPHA BUILDING (CLASSROOM D)

TUESDAY, AUGUST 26, 1997

6:00 P.M.

1 MS. PASTOR: We would like to get started.
2 My very strict schedule of 6 to 6:10 is slowly
3 slipping away so I will talk fast. My name is Sue
4 Pastor and I am the Community Involvement Coordinator
5 on this project. I work for the U.S. Environmental
6 Protection Agency. I feel very lonely up here. Feel
7 free to move down if you would like. We won't pick on
8 you so you can sit up here. Next to me where I will
9 be sitting in a few minutes is Jim Saric and he is the
10 Project Manager who has a familiar face I am sure and
11 next to him is Brian Barwick and he is our attorney
12 assigned to this project. If we need to refer to him
13 for anything, any questions, he will be happy to
14 answer those as I go through my agenda. We are here
15 to talk about the purpose of the meeting actually is
16 to talk about this dispute settlement that you have
17 probably read in the fact sheet. Hopefully you are on
18 our mailing list and this looks familiar to you but if
19 you did not get this in the mail, we have extras in
20 the back so feel free to pick these up. We are in the
21 middle of a public comment, so if you would like to
22 send in a comment, it needs to be postmarked by
23 September 3. If you would like to make comment
24 tonight for the record that counts as well and when we
25 get to the comment portion of the meeting somewhere

1 around 7:00, give or take, that is the time to make
2 that statement that you are in favor or what we are
3 doing, you have another idea, you have criticism, you
4 have praise, we take it all. That will come after any
5 questions that you have so we will be happy to answer
6 any questions that you have on the dispute and the
7 settlement and all of the components of it and then
8 after that will be the comment portion of the meeting
9 here and we will make a statement for the record. At
10 that time the court reporter would appreciate it if
11 you would state your name for the record and if it's
12 a name that needs to be spelled, I think she would
13 appreciate that as well. Try to speak up for her too.
14 I have instructed her to say that she could not hear
15 something so if she hollers at you, she needs
16 something repeated. Try to help her out. If you
17 decide that you don't have a comment for me in your
18 mind yet and you would like to wait for the end of the
19 comment period. If you don't like to speak before a
20 room full of people, we also have this sheet in the
21 back, in the middle of the back sheet. That is
22 something that you can use to send in your comments
23 and is a self mailer. If you want to write your
24 comment up and hand it to me or Jenn before you leave
25 tonight, you can do that. We also accept comments by

1 e-mails so if you have that type of capability, we
2 will be happy to take your comment over the internet
3 and I think that about covers it. We are am only a
4 couple of minutes behind schedule so I think that I
5 will let Jim come up and talk to you about the dispute
6 and the settlement and all of the other components
7 that go along with that.

8 MR. SARIC: Thank you Sue. What I want to do
9 today is kind of go over our various dispute
10 resolution. A lot of you have the fact sheet that
11 went through there and there are several components of
12 the dispute so I thought that I would do is kind of go
13 over the history, how the whole dispute started. It
14 started last fall and how we ended up coming to the
15 resolution of that document, some of you may have seen
16 the document, if you were really curious over the
17 information center and flipped through it but
18 certainly that fact sheet clarified all the issues
19 that were in it so I figure I will go through the
20 background, go through the components part and then we
21 can answer some questions from there.

22 The Silo project of Operable Unit 4 which many
23 of you are familiar with is composed of four different
24 silos and Silos 1 and 2 are the ones that probably are
25 most famous. You might consider those of the silos

1 containing the waste sludge like material 9000 cubic
2 yards of congo material, the air material that you
3 found. Silo 3 contains about 5000 cubic yards of more
4 of the pottery type of material, the coal metal oxide
5 they call it and the key here to really point out is
6 Silos 1 and 2 are different from Silo 3 and so it is
7 real important that I will refer that as we go on and
8 I know we've had a lot of workshops over the different
9 silo projects and some of you might be familiar, but
10 I thought we would start at the beginning.

11 As far as what happened here, way back in 94
12 it seems like, we signed a record of decision for the
13 silos project and essentially the remedy was extract
14 the waste, stabilize it through vitrification and then
15 disposal in an offsite disposal. That was essentially
16 the remedy that we had. About a year later as part of
17 this remedy on the project, the department then chose
18 to build a pilot scale facility or smaller scale
19 facility first and then build a larger full scale
20 vitrification plant. That is generally the plan or the
21 pathforward. In November we were kind of informed in
22 some of our meetings that there was some problems
23 between the design of the facility and the building or
24 construction of the facility and there were some
25 delays going with the pilot plans and it made delays

1 on the project so at that time we weren't really sure
2 the deadlines were going to be missed for about a year
3 so at that time we started up these weekly conference
4 calls that have been going on since and continue and
5 we went through these weekly conference calls trying
6 to figure out what is the pathforward of the project
7 from a weekly standpoint and try to get what we could
8 on track. We worked with the Ohio EPA and we worked
9 with Fluor Daniel trying to keep the project moving as
10 best we could. Finally in September what had happened
11 was DOE sent in a request for an extension for the
12 milestones for constructing the full scale facility,
13 the much larger facility one that meets the most
14 milestones and we did not, it was with justification
15 or good cause at the time and we ended up denying an
16 extension in October of last year and you know, we
17 denied the extension and that kind of started this
18 whole dispute process and the dispute process can go
19 from an informal level to a very formal level and move
20 right up the chain, all the way up to our headquarters
21 and rather than do that what we decided to do was go
22 and keep it at the informal level and we signed a
23 document that basically said we need some time, keep
24 it at the informal level and try to resolve this
25 dispute and I think that was until May what the

1 informal dispute resolution we set out to do. Now, as
2 part of that, the situation that we had was we needed
3 to figure out what would be the milestones, the new
4 milestone for designing this full scale melter and the
5 pilot plant was just getting started up and running at
6 the time. We were having some problems getting that
7 thing moving. We needed the data, the key data for
8 the pilot plant and use that data to design the full
9 scale facility. That was the key portion of it.
10 Well, what happened was as we started getting the
11 things and about the pilot not working out, of course
12 the pilot plan, the leak occurred in December and that
13 threw a wrench in the whole pathforward saying okay
14 once we get this data back in the pilot plan we can
15 come up with new dates on this full scale facility and
16 move on. Well, when the pilot plan and the leak
17 happened, it kind of threw a wrench in the plans
18 because it was like now what are we going to do with
19 the vitrification. What is our pathforward. Certainly
20 it was not as clear as the vitrification was necessary
21 the way it was going to work right up front so what we
22 did was we got an independent review team and some of
23 you participated or went to the meeting there, DOE
24 brought in some outside groups or independent review
25 teams which came in and we were looking at, you know,

1 Silos 1, 2 and 3, what's the pathforward, what's the
2 way to go forward with that and we were trying to
3 figure out what is the best pathforward and as part of
4 that we finally came to an agreement and we kind of
5 had an idea, you know, through some rod and issues,
6 explanations of significant different issues and what
7 regulatory mechanism we could go forward with, getting
8 input from a lot of the stakeholders and different
9 meetings and we kind of came to an agreement in
10 principal of what our pathforward was and I will go
11 over that because that is really an essential part of
12 the agreement and then finally in July we actually
13 ended up signing this agreement when all of the
14 components were together. So, it took several months
15 go to together but I think the point is here is one of
16 the major reasons for delay is that we were trying to
17 figure out what is the pathforward, involve everyone
18 that we could and there were problems with the pilot
19 plan and it made us have to think twice about what is
20 the best pathforward as far as selecting the remedy
21 for the various silos that went on.

22 Now, there are four components to the
23 agreement. There was the changes to the OU4 schedule
24 and we will go over that in a moment, there is a
25 lessons learned document and that is part of the

1 actual dispute document itself. It's attached if you
2 want to go through that you can see that although I
3 think I have a copy of it here. There is 5
4 environmental projects and we'll go over those five
5 environmental projects and then there is the monetary
6 penalty portion of the agreement and we will touch
7 base on that first.

8 Now, regarding the schedule changes, to step
9 back, is part of the independent review team and as
10 they move forward, it kind of became evident that
11 there was definitely a need to separate Silos 1 and 2
12 and Silo 3. Partly because of the contact but then as
13 far as looking forward as to what are the best
14 remedies based on the content of the material on Silos
15 1, 2 and 3, it became evident. One of the things that
16 we learned I think that was that the high sulphate
17 content in Silo 3 really didn't make it conducive to
18 vitrification and you know all of the independent
19 review teams came forward with that and we all looked
20 at that and DOE thought the same thing so we thought
21 we needed to do something with that differently than
22 what the pathforward was and continue with the
23 vitrification. For Silos 1 and 2, we felt, based on
24 what we knew about the vitrification and some of the
25 things that happened naturally, it was important to

1 step back and take a look and look at all of the
2 options and go forward from there and try to get all
3 of the information that we could before we made a
4 decision on what was going to happen and I know all of
5 us that have been involved in a lot of this decision
6 process. We said all right, let's look at some of our
7 pathforward from here, what is the regulatory
8 mechanism that we can go with. You have heard a lot
9 about this explanation of significant differences and
10 this process and I know it has confused several of you
11 and I'm going to try to clarify some of that again and
12 Brian can help me out later with some of the questions
13 but when it came to Silo 1 and 2 in looking at these
14 post rod changes, there were three things that we kind
15 of looked at. We looked at essentially what the scope
16 of the remedy is, what the performance of the remedy
17 is and looking at the cost and when looking at the
18 silos project from the original rod in 94 to what we
19 see the remedy is today, if you look at Silos 1 and 2
20 we're continuing with the vitrification, the scope is
21 essentially the same, the performance essentially the
22 same but the cost was going to go up 5 or 6 times or
23 more than that originally composed in the rod and
24 because of that cost increase that is why we said we
25 had to go forward with the rod amendment for Silos 1

1 and 2 and as part of that and it was all right, we're
2 going to do this rod amendment for Silos 1 and 2 so we
3 have this feasibility study proposed plan process, the
4 same process that we did back years ago and we go
5 through that same thing again and had the opportunity
6 to put more data involved and a lot of the citizens
7 came forward and said we really would like the idea of
8 letting the market kind of decide go out and approve
9 the principal testing. Let other vendors come out and
10 say can we do vitrification or cementation or micro
11 encapsulation and take that data and put that into the
12 FS for this revised FS for Silos 1 and 2 and get that
13 information and put that in there and then we'll make
14 that decision down the line. Obviously it takes time
15 and that kind of resulting in some of the scheduling
16 for Silos 1 and 2 as far as the FS and proposed plan
17 for the rod and that is why they got pushed out into
18 the year 2000 because it takes the time it's going to
19 take to get some contractors on line and allow them to
20 kind of prove what we need to get this done. Build
21 your own pilot studies and get the data that we need
22 to help incorporate the decision that we can all make
23 concerning the pathforward.

24 Now, now on the other end of the spectrum is
25 Silo 3. Silo 3 was very evident, based upon a lot of

1 what the people said, some of the experts that the
2 vitrification really is the best pathforward here and
3 let's look at some overall alternatives that we know
4 for Silo 3. And again, we considered that in the
5 scope of the performance and the cost. None of those
6 really were changing for Silo 3. The scope we will
7 change essentially from the vitrification type of
8 stabilization to some other stabilization technology
9 so we can go forward with this ESD or explanation of
10 significance process with the shorter process. It's
11 one document essentially that comes through and we
12 still have a public comment period to do that and so
13 we also felt well we know where we are going on this
14 so let's get that date up front, let's show some
15 progress that, let's keep this project moving so we've
16 got the September 15 deadline when DOE has to submit
17 the ESD, the explanation of significance differences
18 or ESD for Silo 3 and come forward there. I guess as
19 a side note we had a concern at the last meeting there
20 was concern about this onsite and offsite type of
21 treatment that required ESD or rod amendment and, you
22 know, I think I heard everybody pretty loud and clear
23 everyone's views on that at the last meeting and I
24 went back and talked to Brian and Brian went back and
25 talked to some other folks at headquarters about what

1 is the pathforward that we're going to take and could
2 we potentially do an ESD for Silo 3 if there was an
3 offsite treatment and as we kind of talked to some
4 people things were coming up, it looked like we could
5 be able to do that. There is some limitations we are
6 trying to put this thing together and try to get a
7 better handle on what condition we can do it on here.
8 There appears that there is a case and I think we
9 could potentially do an offsite treatment and follow
10 the ESD process and do that rather than having to go
11 through a regular process and a rod amendment so
12 certainly that simplifies matters and there are some
13 things that we've got to put together and get that
14 together but I just wanted to let you know that we
15 have not dropped the ball on this issue.

16 Now, you see the second thing that we have
17 here is the multi technical contract for proof of
18 principal Silo 1 and 2 testing and since the deadline
19 of the feasibility study and the proposed plan of the
20 rod are the dates 2000 and the key thing here on this
21 whole extension for Silos 1 and 2 and what the
22 pathforward was is to allow the contractor to go out
23 and prove that they can get this done and they can
24 meet their waste acceptance criteria, you know for the
25 offsite disposal facilities and that they can, you

1 know basically treat the waste at the proper etc. and
2 we came up with a deadline or milestone as to what the
3 contract needs to be awarded and that is August 10,
4 98. The other deadlines or schedules are there and
5 you can see for Silos 1 and 2, the feasibility study
6 is due February in the year 2000 so that certainly is
7 a ways out there but you know, these dates seem to
8 crawl upon us quicker than we think and then the
9 record of decision amendment, that document is due to
10 us on December 29 of 2000 so basically, that is how
11 it's set up. The immediate thing on our screen is
12 basically Silos 3 and what's happening there and then
13 from there we will have the proof of principal testing
14 falling on which I'm sure we'll all get involved and
15 hear a lot about when that data come back and then
16 we'll have the revised feasibility study and proposed
17 plan and have the same type of comment period just
18 like we did with all the operable units and all of the
19 documents from there.

20 Now, another portion of the settlement
21 agreement is this lessons learned document and during
22 our negotiations and the question, all of us asked is
23 what went wrong and how are we going to keep this from
24 happening again and one of the concepts of this lesson
25 learned document is kind of have DOE lay out, what are

1 some of the things that went wrong and how are we
2 going to kind of hopefully get us all aware so this
3 doesn't happen again or we have better coordination
4 and that's what this thing does. It really kind of
5 looks at the design and operation of full scale pilot
6 scale facilities and full scale facilities. It really
7 covers a lot of detail on how you can better act
8 between the design phase of things and the ultimate
9 construction and certainly that's where a lot of the
10 problems were and how this thing was designed and how
11 it was built and the interaction between the two and
12 the kind of coordination between the two and overall
13 with this portion of the thing really encourages a
14 more integrated project management and certainly it's
15 a very complicated project, not just for the silos but
16 all of the projects on the site and the purpose of
17 this document is not to put together specifically for
18 OU4 but we wanted to look at all of the projects and
19 hopefully on a lot of larger scale construction
20 project and look at them and say let's use this as a
21 document, a lessons learned document and make sure it
22 doesn't happen again. We can be more coordinated
23 there so we're not in the same situation that we were
24 in.

25 Now, the next part of the agreement, the

1 environmental projects. Basically there is five
2 environmental projects that we went through and we
3 looked at the basics and we established as part of
4 this all these environmental projects basically have
5 work plan dates or proposal dates that are kind of
6 established and they will submit documents that will
7 come out for ourselves and Ohio EPA review and comment
8 on so that is part of them and I will kind of go
9 through them briefly. The first is a conservation
10 area near the FEMP site itself and basically that is
11 going to be establishment of the site, probably 30 to
12 100 acres in size. It is kind, you know, an
13 ecological area that we can make near the site and
14 that will be established and we will definitely have
15 a plan as to how that is going to come across and we
16 will probably hear a lot more about that in the future
17 and more than likely maybe near the Patty's Run area
18 or somewhere close to that area. Again, if you look
19 at the long term use of the long portion of the site,
20 you know, I think there is a certain level of
21 recreational uses or undeveloped park type usage and
22 this kind of fits in well with some of the things near
23 the site. The second portion or second project is a
24 research grants for the ecological restoration and is
25 part of the onsite, you know, undeveloped park type

1 thing. There is a need to look at what plans will
2 grow best on the site when it comes to doing the
3 restoration of the facility after all these large
4 scale excavation are going and so this idea of the
5 research grants are the fun project onsite, direct
6 onsite work that would involve potentially planting of
7 grasses or trying to develop wetlands or some habitat
8 on there to find out what is the best thing to do now.
9 It's the same thing that may develop in a larger scale
10 as these excavations and remediations continue but
11 it's a smaller scale project that will work onsite.
12 It is not just paper studies but actually used in
13 plots and plans onsite to develop.

14 The wild bird and wild flower habitat area
15 that will actually be an area onsite developed to
16 increase the habitat for wild birds and wild flowers
17 in the area and may be even have a trail through there
18 but certainly it's going to be consistent with some of
19 the long term plans for certain portions of the site
20 that may be there and we're going to develop that and
21 we will hear hearing a lot more about that.

22 The last two projects, the railroad tract
23 recycling and the structural steel debris recycling,
24 those or each one of these projects involve 300 to 500
25 tons of the railroad track that will be recycled, much

1 of it which may have gone to the onsite disposal
2 facility but instead will be recycled, you know,
3 reused, and the same thing within the structural steel
4 and debris that will be involved that will also be
5 part of that that will again be work plans that will
6 be submitted for those which will be approved and they
7 will be available for you to look at when the time
8 comes for that. Certainly all projects most directly
9 impacting the site, you know, some impacts for future
10 use or some recycling projects, you know, we're
11 thinking along the lines of trying to put less
12 material on the onsite disposal itself and when we're
13 putting that together.

14 Finally, the last portion of the agreement is
15 a monetary penalty portion. Basically the monetary
16 penalty here involved was \$100,000 cash, that is
17 essentially what it was and DOE requested that for the
18 98 budget. Now to control expenditures we need to
19 consider how much money we're going to need to spend
20 to implement a bunch of these projects as well as a
21 cash component penalty which is around 1.1 million
22 dollars total but essentially the whole package
23 involves, you know, as far as establishing schedules,
24 looking at, you know, watching these projects and then
25 paying this monetary penalty as part of the whole

1 package for the settlement and I think that, from
2 E.P.A.'s perspective it's been a very difficult or
3 complicated issue from the beginning. It has not been
4 a simple one and I'm thinking you have a pathforward
5 going on and you have problems with some of the
6 technology and these things happen, typically when you
7 have technology such as vitrification which, you know,
8 would be considered innovative which certainly goes on
9 there. You know, we work very hard with DOE and Ohio
10 EPA are coming forward with what is the best
11 alternative to make a decision and I think we are
12 pretty pleased with how it's ending up. We still have
13 a lot of work to do and we're going to need a lot of
14 input from everyone and I mean certainly when the
15 information comes back from the vendor for Silos 1 and
16 2, that date is going to be placed in the proposed
17 plan and these bullets that say documents and it's
18 going to require a lot of input from everyone as far
19 as what is the best pathforward so we're kind of
20 looking forward to your input in there. If you have
21 any questions, I can let Sue take it from here.

22 MS. PASTOR: Well, Jim threw a lot at you in
23 about 20 minutes and it sounds like we got the answer
24 to a few questions, but questions do you have for us?

25 MR. HANSON: Ray Hanson is my name. The \$1

1 million, does it include that contamination and
2 shipment for the recycling the metal?

3 MR. SARIC: Yeah, they had expenditure for
4 that project I think is around, each of the recycling
5 projects I think they were estimating around \$275,000.

6 MR. HANSON: Are they going to test the metal?

7 MR. SARIC: Basically, that estimate is based
8 on some numbers that the DOE had developed on some of
9 the recycling costs. I think they were there and they
10 estimated about the buying based on the recycling
11 costs per volume of material that they've got onsite
12 today. It was their numbers that we -- they submitted
13 the work plan to us and we'll be going through that
14 again and we'll be making sure that it is consistent.

15 MS. YOCUM: While we're on that one hundred
16 million dollars cash, that is presented to congress
17 and congress refuses due to budget costs, what happens
18 then to the penalty, how is it handled then?

19 MR. SARIC: Well, first of all I don't think
20 I have seen a case where it has been refused, you
21 know, on that thing, for the budget that we're going
22 to have.

23 MR. BARWICK: I haven't seen a case. If
24 that did happen it would, I suppose we would ask them
25 to request it in the next budget but if Congress

1 refuses to allocate monies for it, then it is beyond
2 DOE's power, they cannot allocate money out of their
3 own budget for civil penalties, they have to
4 specifically ask Congress to appropriate those funds.

5 MS. YOCUM: And this money would then be
6 coming out of the 99 budget?

7 MR. SARIC: Yes, that would be the next
8 budget's cycle when they can request it, as I
9 understand it.

10 MS. YOCUM: Yeah, it says here -- I have one
11 more question too, concerning the environmental
12 project. The conservation area near the FEMP site,
13 why not on the site?

14 MR. SARIC: Well, I think we looked at trying
15 to expand beyond the limits. I think we will have the
16 wild bird and wild flower sanctuary there on most of
17 of the site particularly in that quarter is going to
18 have a lot of that information there and stuff and
19 we're trying to expand at that time --

20 MR. SCHNEIDER: Tom Schneider, Ohio EPA, one
21 thing that might be added, you know, a lot of the site
22 will be taken up by your natural resource, damage
23 assessment claims --

24 MS. YOCUM: Right.

25 MR. SCHNEIDER: And so I think it is probably

1 best to work this activity offsite and the other thing
2 it lets you do is to establish and take immediate
3 action versus waiting 10 or 8 or whatever the number
4 of years calling it. That number of years to be able
5 to implement the conservation activity, that is
6 something you can do short term.

7 MS. YOCUM: That answers my other question
8 because wasn't all this natural resource and
9 ecological restoration, wasn't that included in the
10 clean up project?

11 MR. SCHNEIDER: Actually the standard is no,
12 you go out there and you hear it and you do your clean
13 up and you go back and you grade it out and you seed
14 it so you don't necessarily to go the extent to
15 returning it to what it was. That's part of the whole
16 natural resource damage assessment project that we are
17 going through with the trustees and you should be
18 hearing more about during the interim future.

19 MS. YOCUM: Okay, so like you said, the
20 natural resource project is going through the trustees
21 which is entirely different when it comes to the clean
22 up period that is never included or involved with
23 clean up at all then --

24 MR. SCHNEIDER: You've got to make it harder
25 questions. The NRDA stuff is associated with the

1 impact to environmental resources, natural resources
2 -- pardon me, those claims are then, you know,
3 reimbursed and in the case of Fernald, our goal is to
4 reimburse them by restoring or expanding upon the
5 habitat that they are following for restoration so
6 yes, it is separate from clean up in its requirements
7 -- no, it is not separate and really the goal is to
8 integrate with the clean up and not do it in two
9 different places but do it right after you get done
10 with the clean up.

11 MS. CRAWFORD: She knows who I am. I want
12 to stay on the, on the conservation thing. I have had
13 several of my members in my organization who have
14 expressed a lot of concern about this number of the
15 conservation area near the site and we specifically
16 asked them what are your concerns. A long term
17 commitment is one of them. You pick 300 acres and,
18 you know --

19 MR. SARIC: Yeah, I think it would be less
20 than that but as far as you are concerned about the
21 long term concern of that --

22 MS. CRAWFORD: The long term commitment
23 concern is a cost concern and several folks that live
24 around Paddy's Run Road who are concerned, you take
25 two or three, 100 acres and make it into a wild life

1 or conservation area or whatever and eventually the
2 people forget about it or the land owner decides he
3 doesn't want to do it anymore and then you end up with
4 this overgrown area and a couple of the concerns that
5 we heard were it will breed mosquitos, I mean, you
6 know, this is just a really big concern by local folks
7 and I think if you're going to do something like this,
8 there needs to be a long term commitment and the cost
9 issue is a big one, you know, how much is it going to
10 cost 200 or 300 acres adjacent to the school?

11 MS. PASTOR: It's 30 acres.

12 MS. CRAWFORD: I thought you said 300.

13 MR. SARIC: No, it's 30 --

14 MS. CAMPBELL: Okay, 30, how much, how many
15 miles, how many am I looking at?

16 MR. SARIC: The one we're working on is around
17 \$100,000.

18 MS. CRAWFORD: I mean, that's an awful lot
19 of money for a conservation area. When we get all
20 done the site's going to be a damn conservation area.
21 I mean, you know, I think we need to get real real
22 about that and that one poses a lot of questions for
23 us. The second one that I have, I would like to see
24 more specific information on that, you know, who do
25 you foresee getting these grants and --

1 MR. SARIC: Well, we're going to get to and
2 we're going to see more specifically information on
3 all of them, all of them have a work plan or proposal
4 and come toward us and we will have all of the details
5 on that, you know, where they may inquire as to the
6 conservation area and, you know, what university
7 project or intention they may want. All of the
8 information was scattered onsite. You don't be in the
9 dark and I mean that.

10 MS. CRAWFORD: Okay, that's all. Any time
11 you know, I mean, that's what everybody is doing these
12 days, it's a research grant, there's a research grant
13 for everything --

14 MR. SARIC: Oh I know, believe me.

15 MS. CRAWFORD: You know, that is a concern
16 for us is to communicate because you really don't let
17 a 1.1 -- you know what I mean, you don't put 1 million
18 dollars out there. I guess I want to see it spent
19 onsite and something for the site and personally I
20 don't want to put money in the neighbor's pocket
21 anymore. I'm getting a little tired of that. We're
22 putting monies in everybody's pockets around here
23 these days and I think those of us are sitting here
24 and saying okay, everybody has enough money.

25 MR. SCHNEIDER: I think the research grants

1 will happen if a long term commitment and it's
2 probably something that had to be, we had thought to
3 be -- I think that's going to be changed, I thought
4 they were big rewards and the proposed restoration
5 area, that is definitely 100% and --

6 MS. CRAWFORD: Yeah, I like the railroad
7 recycling, I like the structural skills recycling
8 stuff, those are the kind of things that I like. I
9 would rather take all the money and do the recycling
10 stuff so that we can say we really did something here.
11 You know, birds, bird habitats and flower habitats,
12 those are great. We have a lot of them around here,
13 you know, we have the parks who owns half of the
14 township out here and I really would like to see and
15 I would really like for you to seriously think about
16 do we really need the funds for a research grant and
17 I feel like we have funded everybody and their brother
18 out here and I would like to see that money
19 specifically spent on something that we can see,
20 something that has been recycled and there's less
21 going into the waste cell or whatever. I have real
22 serious questions about 1 and 2.

23 MS. PASTOR: Someone else?

24 MR. SARNO: Doug Sarno. Are these projects
25 done deals or is this still, are these sort of still

1 at a talking point?

2 MR. SARIC: Well, we've come forward here and
3 we've talked quite a bit and we anticipate kind of
4 putting it together and looking at things that, you
5 know, we thought we could show improvement on site
6 both long term when we're down and remediation and
7 short term for recycling. I'm sure you know, if there
8 are other projects that we might need to consider,
9 there are certain limits of things we can and cannot
10 do.

11 MR. SARNO: I guess I'm more complacent. I
12 just want. I'm just echoing Lisa's concern in terms
13 of how many is going to be allocated and if it looks
14 like the conservation area does not make sense, how
15 will the decisions be made?

16 MR. SARIC: Well, I think we will come back
17 and take all of the comments and take a look at them
18 and see how we can go from there. I think, you know,
19 if we decide basically there is another project that
20 we want to look into and review that, I think right
21 now our intentions are to implement these projects
22 that we've got right now and get the work plans from
23 DOE and see what they want and be in more detail and
24 go from there and showing the task force the layout
25 and then, you know, a lot of the projects really do

1 have a direct impact on what is going on so, both long
2 term and short term.

3 MS. DUNN: She knows who I am too. I've got
4 some comments about all this but since we are talking
5 about the environmental project.

6 MS. PASTOR: Now, are you asking questions or
7 is this for a comment? There is a difference, if you
8 want some comments for the records we'll get that at
9 the end.

10 MS. SARIC: Do you want to respond in writing?

11 MS. DUNN: No, I just need to ask a question.

12 MS. PASTOR: I just wanted to make sure we're
13 doing it the right way.

14 MS. DUNN: I mean if you wanted to make
15 formal comments, I can do that later on, write them
16 down.

17 MS. PASTOR: No.

18 MS. DUNN: That's in the conservation area,
19 see, I am not opposed to that. As far as I am
20 concerned that is all that is anyway is a nature
21 preserve because you will still have 50 to 80 parts of
22 uranium in the soil and 500 years from now who is
23 going to know that you don't need to be going in there
24 and digging stuff up but I guess -- are you going to
25 target, more or less, if it's got to be offsite rather

1 than onsite I am still personally concerned about the
2 money and how they're going to incorporate deed
3 restrictions into that for hundreds of thousands of
4 years if they don't actually purchase the land and
5 make it part of the site and will that be focused up
6 around the onsite disposal facility rather than over
7 by the railroad tracks off of Paddy's Run?

8 MR. SARIC: Well I think that the exact
9 location, if it's going to be the disposal or where,
10 I'm not sure. I don't know right now. We have not
11 gotten that are or at least as far as I have seen the
12 DOE, as far as where we are on that. I think as far
13 as enforcing long term deed restrictions, the other
14 question that is not, is not an easy thing to do by
15 any means but I think as Tom pointed out, we kind of
16 looked at it first as up front at what type of short
17 term type of activities they can do near the site that
18 may link in with something on part of the site. Maybe
19 a disposal cell where you have property adjacent to
20 the logical fit with the onsite and offsite transition
21 or it could be near Paddy's Run but we are certainly
22 going to try and see what we can do and put the
23 restriction and try to enforce it as long as you can
24 but with hundreds and thousands certainly a difficult
25 question --

1 MR. SCHNEIDER: I think Pam, there are lot of
2 experience out there doing conservation and that is
3 not a new concept. The nation does it, park districts
4 do it, it happens a lot, whether you're looking to set
5 up conservation for hundreds or thousands of years is
6 not realistic, but to think that you can get it over
7 a shorter duration, the 25 to 50 year duration, I
8 think is not out of sight.

9 MS. DUNN: And on the research grant, I just
10 want to make sure that I understand this, these are to
11 be done in conjunction with the clean up so instead of
12 there being a moon scape there, these grants are
13 actually linked into what is best to take it from
14 being a moon scape after it has been dug up and to
15 blending in with what is going to be left, that is not
16 going to be messed with?

17 MR. SARIC: Yeah, I guess the way I can kind
18 of envision it is being, you know, certainly when
19 you've got the moon scape and when you are done with
20 that, maybe you throw grass on it but certainly to
21 develop some of this undeveloped park nature area you
22 know, what kind of grass is going to grow best for
23 what other kind of species will be best in a plot of
24 land, how would you start a wetland and you can
25 actually do tests, how do you measure success?

1 How do you measure if the stuff is working or not?
2 Even some of the natural resources that the town's
3 got, you know, there are plenty of acres of wetland
4 and to show if it is working or growing and there are
5 definitely ways to measure that but there is a way
6 that the, the plans would need to be applied at the
7 site and then be able to definitely work that way or
8 go towards something that we would go into in the
9 future and we would be planting this grass so we
10 wouldn't have to do it in the future, let's do it now
11 so we know this will work and this won't.

12 MS. DUNN: So that's how that would work go
13 along with the RDRA Operable Unit --

14 MR. SARIC: Exactly, exactly. And when you're
15 done with the waste pits or rather something else, you
16 know, grass or leveling it off or some other use or
17 develop it for some other ecological use of that
18 nature to make sure it's going to work or it's going
19 to be beneficial and the grass is going to grow, etc.
20 and we do these types of research plans now to help
21 you later.

22 MS. DUNN: The other question that I got on
23 the recycling because they just released the final
24 recycling methodology document over here and they have
25 to go back -- will they have to go back and amend

1 that, and take this into consideration, I mean,
2 because we have had heated discussions on this
3 oversized material going in the cell and the fact that
4 right now they are saying it is not cost effective to
5 recycle and it's like yeah, but you want to, you
6 visited it before so I mean was that taken into
7 consideration when they did this document in May or
8 does that document need to be revisited to take this
9 into account?

10 MR. SARIC: There will be a new document that
11 is going to be developed regarding those projects and
12 forward details. Now, some of the methodology and how
13 they are recycled will be some of the existing stuff
14 onsite, but as far as they're going to deal with it
15 and how it's going to compare will be in future
16 documents. And that will be around September --

17 MS. DUNN: Of this year?

18 MR. SARIC: Of this year, September 15.

19 MS. DASTILLUNG: In going with the
20 environmental projects, have you given any thoughts to
21 just giving the money basically to a park like say
22 Governor Bebb's Park since Miami Whitewater seems to
23 be getting too big and Governor Bebb's is up on Morgan
24 Township. If you bought adjoining property there,
25 that would become part of the park system and you

1 might get more bang for your buck and you might get
2 more acreage and there is a creek that runs through
3 that park and if you brought along the corridor along
4 that creek, something to explore. The other thing I
5 was wondering about, we have been going through how
6 clean is clean in order for things to be recycled? Is
7 the site going to continue discussing with the
8 stakeholders that whole aspect of things and maybe get
9 us feeling a little more comfortable with that before
10 we go forward on this recycling stuff?

11 MR. SARIC: I don't know, I guess I'm not sure
12 what the plans are for, as far as when their next
13 recycling meeting is and how they're going to receive.
14 I know there are different things that precede these
15 projects and I think you might certainly want to get
16 involved and is this clean enough, how does that work,
17 what techniques are they going to use for the railroad
18 and structural steel and the material for
19 recycling. You might definitely want to get your
20 input on that and get involved but I really don't know
21 what their next pathforward is as far as other
22 meetings I know everything is, has to be resolved over
23 that. Anybody else have any questions? Okay, I don't
24 see anyone else --

25 MS. DUNN: Just one more. We're going to

1 lesson to learn ~~document~~ and I mean, the first
2 sentence on the fact sheet says that they have
3 prepared this document and then you go on down and it
4 says in addition the document will highlight -- we are
5 talking both past and future tense here. What is the
6 status of this document?

7 MR. SARIC: Ms. Dunn, it is attached to the
8 back of a document itself. I guess it's, what is
9 there, it is just a document. That's already
10 finished. Not going to be changed in anything, just
11 kind of part of the agreement that we attached and
12 it's in the fact sheet so if you look in our
13 agreement, what is this thing? What is lesson learned
14 document all about and then you have this 8 or 10 page
15 thing. This is really what happened with a pilot plan
16 at the project here is ways that DOE is going to, you
17 know, learn from this and try to implement and do
18 other larger scale projects.

19 MS. DUNN: Are we allowed to comment on that,
20 too?

21 MS. CRAWFORD: It's not attached to my copy
22 of the agreement --

23 MS. DUNN: The fact sheet.

24 MR. SARIC: They said should be attached to it
25 if it's not --

1 MS. CRAWFORD: You forgot to attach it -- oh
2 wait, here it is.

3 MR. SARIC: I thought you just tore it off.

4 MS. DASTILLUNG: How do you know that the
5 people are going to read it. The preparers have seen
6 it but how do you know for sure that the rest of the
7 DOE people read it, the contractors and all of the
8 subs they will be hiring?

9 MR. SARIC: I think we got their attention, at
10 least I hope we got their attention. The last few
11 months, you know, I have been talking to Johnny, we
12 have talked about this and he has shown it to his
13 folks and they were involved, putting it together and
14 you can go to Johnny.

15 MS. DASTILLUNG: Are you going to hand it out
16 to them and have them sign on the dotted line and say
17 read this before you start any work?

18 MR. REISING: (Noddingheadaffirmatively.)

19 MS. CRAWFORD: I would like to -- it is kind
20 of imbedded in here. It might be a really good idea
21 for it to be a free standing document with a bright
22 cover sheet on it with great big huge letters on the
23 front of that cover sheet that says lesson learned.

24 MR. REISING: I wasn't going to say
25 anything this evening but I guess I have to. You were

1 right Lisa, we are trying to share all of the operable
2 units and all of the major projects that we have at
3 the site and also trying to share these types of
4 document with other sites throughout the complex.
5 With vitrification, there has been some concerns
6 throughout the complex and we are trying to share with
7 other sites to not make some of the pitfalls that we
8 had made but also at the site any other DOE site we
9 have a well established lesson learned process that we
10 go through as far as all types of different activities
11 that we have so you are right, we will continue to
12 share this with the subs and additional contractors of
13 the Fernald site and any other members of our DOE and
14 all of these are basically living documents and this
15 is -- and Jim is right, when we had the OU2 dispute
16 resolution 3 or 4 years ago, we went through the same
17 process. How can we recognize how we got to where we
18 are and what can we do to preclude this from happening
19 in the future and that is exactly what these kinds of
20 documents are intended to be and there is another
21 number of them generated and this is a very, very good
22 one and one of the first things that I did when I had
23 seen this and I shared this with all of my team
24 leaders with DOE respectfully and shared with their
25 counterparts to make sure that we are looking at this

1 from an integrated site standpoint. You cannot just
2 look at your project, you have to look at what touches
3 you and what you touch and integration and be aware of
4 these pitfalls.

5 MS. DASTILLUNG: Is it on the website?

6 MR. SCHNEIDER: There is a lesson learned
7 section on the website. I'm not sure if it addresses
8 these lessons or Johnny's lessons learned.

9 MS. DASTILLUNG: It might be a good idea and
10 I intend to look at the website.

11 MR. REISING: We can look at getting it on
12 the website.

13 MS. CRAWFORD: Under the documents and the
14 milestones in the date section, the Silo 3 ESD, it is
15 DOE -- is that due from DOE to you guys on September
16 15?

17 MR. SARIC: Yes.

18 MS. CRAWFORD: And that is a draft?

19 MR. SARIC: Yes, draft.

20 MS. CRAWFORD: Will we get to see that draft
21 and comment on that draft?

22 MR. SARIC: Yes.

23 MS. DUNN: Do we get to see it prior to the
24 15th or do we have to wait until you see it?

25 MR. SARIC: I think that will be released to

1 all of us at the same time.

2 MR. SCHNEIDER: It will be pretty standard
3 that you would get it before us though.

4 MS. CRAWFORD: Are we talking a big big
5 thick document?

6 MR. SARIC: No, it's not that thick, around 30
7 pages or so.

8 MS. CRAWFORD: I will wait for that to
9 appear on my doorstep.

10 MS. DASTILLUNG: Due to the schedule changes,
11 I have some questions about the bent night cover in
12 Silo 1 and 2. The effectiveness has been declined
13 somewhat since the installation and I have not seen
14 numbers as to where we stand. Originally it was like
15 keeping 90 some percent of the missions down. I guess
16 this is a request for you, Johnny, could you get us a
17 number as to where we stand now and I don't know how
18 you would answer the question but will we have to do
19 some more work with the bent night as we wait and as
20 we are delaying the process of getting, you know,
21 depending on what to do with the Silos 1 and 2.

22 MR. SARIC: I think right now we are kind of
23 looking into, you know, because my concern is the same
24 as yours are Vicki. What are we going to do between
25 now and when we are extending the dates and we are

1 going to look into the bent night performance. Right
2 now we don't have any intention putting more bent
3 night into the silos. We have to see what we have to
4 do. Certainly the DOE is going to go back and look
5 more into the silo stability, structural stability and
6 do more tests there and we're really going to make
7 sure and watch and look at the performance of the
8 silos. It's not going to be ignored you know, and
9 there may be other things for me to look at, for me to
10 do, between now and, you know, these dates and we will
11 look and see if other things need to be done.

12 MS. PASTOR: Anybody else?

13 MS. DUNN: Yes.

14 MS. PASTOR: Which one --

15 MS. DUNN: Actually it's a question. The 1.1
16 million, have you readjusted the baseline of the 2006
17 for that and if not, when will you do it and when will
18 we see these numbers?

19 MR. REISING: The 1.1 million or the amount
20 of BA that we are allocating to these projects. We
21 have set up control accounts with an NDF and fiscal
22 year there of 97 of the baseline and moving them into
23 the baseline and we are charging activities towards
24 this so we can show Jim, Tom and yourself the monetary
25 monies towards those and yes, we have accounted for

1 that 1.1 million dollars and the account is being set
2 up and the baseline present.

3 MS. DUNN: So this is in addition, over and
4 above this money we have to get in addition to that,
5 is that what you are saying --

6 MR. REISING: This is money I have to
7 earmark out of my 97 allocation for this activity.

8 MS. DUNN: What about the outputs?

9 MR. REISING: We hope to have identified
10 it. I have carved out the 1.1, 1.2 million dollars
11 and have set that aside from the BA account so I have
12 captured that now and hope that that will take us
13 though. I will keep going and we will have the FOC
14 carry on.

15 MS. DUNN: Now headquarters still have to
16 answer to this penalty for screwing up.

17 MR. REISING: The monetary penalty is
18 \$100,000 and that we have to go with. Our 99 budget
19 appropriation to congress specifically makes that
20 request. That is a totally different line item and
21 totally different process. The one, 1.1 million
22 dollars that we have to put toward these projects is
23 totally different and that is coming out of our BA for
24 97, our budget for 97.

25 MS. DUNN: I think you should make that part

1 of the penalty because DOE does not get it unless you
2 have to ask congress and tell people that they have
3 been penalized, can't you guys do that?

4 MS. CRAWFORD: Can't you guys specify that
5 it is 1.1 million and make Congress --

6 MR. SARIC: In the settlement of the agreement
7 going forward, what the DOE was to do is we looked at
8 what would be the penalty and what is going on and
9 look forward to the schedule and getting the project
10 to get it and we felt that the monetary amount of
11 penalty was appropriate and that's what they're going
12 to have to go and request, you know, to Congress and
13 you know, it is still an issue of requesting that
14 money to Congress.

15 MS. DUNN: No offense to the site but I would
16 like to see headquarters to go up there and grabble
17 for an extra million dollars cause they did not have
18 to do a job.

19 MR. TABOR: Bob Tabor here. On this 1.1
20 million as far as part of the penalty and what you've
21 got earmarked for the site to do, would you be doing
22 that anyhow if he did not have the penalty?

23 MR. SARIC: No.

24 MR. SCHNEIDER: That is basically why we got
25 the project that we got that, we have a whole list of

1 requirements for which you have to set up that you can
2 do projects that -- one of them is you would do it all
3 right and the big benefit of recycling the steel is
4 the current methodology suggest that you would never
5 recycle steel because it is too expensive. It would
6 go in the ESD and there you pay the price and the
7 price is recycling the steel so those are projects
8 that would not happen without (inaudible).

9 MR. TABOR: But projects such as, you are
10 going to be doing a lot of excavation around here and
11 moving dirt and I would imagine as part of that
12 excavation plan or part of, what's the word called,
13 remediation overall effort to look at the lay of the
14 land, that you would have to figure out anyhow what am
15 I going to put back there, what kind of trees will
16 grow and what kind of grass will be beneficial and
17 what would best be there, you would be doing that
18 anyhow.

19 MR. SARIC: Actually in a lot of the sites,
20 that is not the case. You re-grade it and re-seed it
21 with grass and be done with it. But with the project
22 that we are talking about and beyond that would be if
23 you developed in case of the waste pit, if you were
24 going to excavate and develop wetlands around those
25 areas, what would be the best grass, what would go

1 there and how would be the best way to do it. You may
2 have to do that until, you know, we may not have
3 gotten to that point as far as (inaudible), you may
4 not have gotten there for maybe ten years but this way
5 we are looking at some of that stuff now. We don't
6 have to up front look into all of that, that is not a
7 requirement. It can be graded and seeded.

8 MR. TABOR: Well, is the agreement to do that,
9 did I hear you say that that ties into part of the
10 strategy for resolution of the natural resources?

11 MR. SARIC: Yes.

12 MR. TABOR: Okay.

13 MS. PASTOR: Any other questions? This side is
14 awfully quiet. Anybody else have any questions?

15 MS. CRAWFORD: On the document millstone
16 dating here, by December 29 the year 2000, we are
17 going to have the draft record of decision. When do
18 you foresee us actually beginning to do the work, soon
19 thereafter?

20 MR. SARIC: Well, the concept that we have all
21 looked at was, you know, some of these contractors
22 would go out and do their pilot scale facility and
23 show that they could do it, proof of the principal
24 that it can be done and we get in and incorporate that
25 the rod that is done and shortly thereafter they would

1 let the contract out for the full scale, for final
2 vendors, the vendors they would get it, build a full
3 scale facility so they would have to design the
4 facility and implement it from there and I think you
5 are probably looking at 2-4 years is what, before we
6 started moving on.

7 MS. CRAWFORD: That kind of blows that 2006
8 time out of the water, doesn't it?

9 MS. DASTILLUNG: Was it ever in the water?

10 MR. SARIC: Yes.

11 MS. CRAWFORD: And other thing, trying to
12 get on with what Vicki said in looking at the Silos 1
13 and 2 since we are kind of backing up here, I don't
14 remember if it was 1985 or 1986 there was a report
15 done called the Camargo Report, structural integrity
16 of the silos and at that point, which was 12 years
17 ago, I believe it was 1985 at the time, it was done,
18 that was 12 years ago and at that time the Camargo
19 Report said they did not have a life span anymore. It
20 is pretty much gone. I am wondering as we sit here if
21 we need to kind of sit 1 and 2 on the back burner
22 here. I know we are going to keep our eye on them, I
23 know we are and I hope that you all are that maybe we
24 need to spend a little bit more money and do another
25 -- we know there is no structural integrity, but I

1 want to make sure the damn things are not going to
2 fall apart.

3 MR. SARIC: I agree. I think that there was
4 another study since then and I know the DOE will go
5 back and do something, you know, as far as other
6 studies that will be done on the silos and there very
7 well may be, I mean, we may need to do something every
8 now and then.

9 MS. CRAWFORD: You know research grants,
10 ecological restoration, I would take that money and do
11 structural integrity look at Silos 1 and 2 because
12 technically we're just going to sit them on the back
13 burner and they're just going to sit there.

14 MS. AKGUNDUZ: Nina Akgunduz.

15 MS. PASTOR: Could you spell your last name for
16 the court reporter?

17 MS. AKGUNDUZ: A-K-G-U-N-D-U-Z. We
18 currently have in the baseline a silo -- we currently
19 have the baseline, we have the silo integrity testing
20 scope in there first we are going, going to do the
21 corresponding on Silos and get that data and see what
22 kind of data we have gotten back like we are looking
23 to go back, in fact, there were two different
24 integrity testing done in the past and those two data
25 showed somewhat of a different result because they

1 were two different methods used so what we are looking
2 for this time was basically to go back and see what we
3 can correlate to one of those sets of data and also
4 use that core testing on Silos 1, 2 and 3 as well to
5 see if we can come up with a better data to give us
6 some sort of idea -- this type of data will also help
7 us in designing the waste -- the silo support
8 structure. The scope in the future when we are going
9 to receive the waste so that part of the scope is
10 already in the baseline.

11 MS. PASTOR: Anyone else have any questions?

12 MS. DUNN: This is for Brian. I know I have
13 asked them at the site, I guess it is not an easy
14 thing to explain but our EIS is imbedded in the
15 feasibility operable unit 4 so are you guys going to
16 be monitoring that as well when that feasibility study
17 is amended? What happens to our EIS --

18 MR. _____: The EPA is going to put you
19 through the rod amendment and all you are reopening is
20 parts of the rod that it proposes to change. We are
21 not reopening the rod in its entirety.

22 MS. DUNN: But we are amending the
23 feasibility study which is where our EIS is -- I mean,
24 how can be assured that our environmental impact
25 statement will not be contested?

1 MR. BARWICK: I would argue that it is
2 outside the scope of the amendment that we are
3 proposing.

4 MS. DUNN: So I mean that is DOE doing that
5 integration, not you guys. That means that we have to
6 make sure that they are not following both with the
7 EIS when this happens.

8 MR. SARIC: I think the amendment the
9 feasibility study, when it comes in, we will be
10 addressing these changes and I am sure this amended
11 feasibility will look at the criteria but it will not
12 see characterization of the silos that we did. It is
13 going to be looking at the various alternatives, that
14 is where it's going to be focusing on. That is the
15 revised FS and what it's going to look at.

16 MS. DUNN: They should not mess with the EIS
17 --

18 MR. SARIC: No, I don't see any reason.

19 MS. DUNN: It is imbedded.

20 MR. SARIC: No, I don't see any reason.

21 MR. WOOD: Eric Wood. The EIS was imbedded
22 through the FS and we have talked about going ahead
23 and amending the EIS as well. The changes that would
24 occur would be addressed to CERCLA process same as we
25 did before. We integrated NEPA and dealt with the

1 NEPA along with --

2 MS. DUNN: So you guys are going to be making
3 sure that we are doing it right?

4 MR. SARIC: Yeah, I think once you do the
5 super fund clean up it's NEPA and we always had that
6 position as far as an agency standpoint, you know, the
7 super fund and CERCLA and RI/FS rod and NEPA.

8 MS. DUNN: Is that thing to be broken out
9 separate, are we going to be able to see that
10 separately?

11 MR. WOOD: Remember the last time we did the
12 original HS, we explained the integrity process work
13 we were able to satisfy the acquisition throughout the
14 documents but the public concern, the NEPA evaluation
15 went right along with those and (inaudible) along with
16 the documents and similar approach and integrated
17 right along with the FS and we will explain that to
18 you as to what happened.

19 MR. REISING: Remember each of the EIS was
20 an accumulative process. The original EIS was
21 imbedded in the OU4 and each subsequent FS we had
22 accumulative EIS processing. That is just another of
23 that EIS project, it will be updated.

24 MS. DUNN: I just want you all to keep your
25 eye on it since they're going to be messing with it.

1 MR. SARIC: All right.

2 MS. PASTOR: Any more questions?

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(Discussion)

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MS. PASTOR: Okay, let's move along to the comment portion of the meeting and once again a statement form and those will be addressed and your response will be addressed in writing later on so you can tell us what you think or give us your thoughts or your opinion in the form of a statement and again for the court reporter, even though I know she knows who you are, if you would be so kind as to state your name and if you belong to some sort of an organization or some form of the government, that's fine too, just yourself, whatever, that's fine too. Let's just go on the record and have your thoughts. Who would like to go first? Anybody have any ideas, thoughts, compliments, concerns in the form of a statement?

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MS. CRAWFORD: My name is Lisa Crawford and I am President Fernald Residents for Environmental Safety and I am also a resident. I'm going to give you bullet as we go through here. I am also on the citizens advisory board and I'm also on the citizens for reuse, whatever that thing is called. I know you

1 don't want to hear this Jim but I'm going to say it
2 again anyways. My organization is still upset and
3 we're probably going to be upset for a little while
4 over the fact that decisions are made at a
5 headquarters level and we were just kind of told what
6 was going to happen with this issue and you got jumped
7 over that several months ago but that really ticked us
8 all off so we are still a little bit peeved about that
9 one.

10 We got the lessons learned document. I'm
11 trying to go through my notes here. I still have some
12 very, very serious questions about this conservation
13 area close to the site. I am really concerned about
14 a long term commitment. I think that is an issue that
15 you really need to check into and I think the money
16 issue plays there for me. The research grant,
17 personally I need some more information before I can
18 say yea or nay and endorse that. I think there is
19 just not enough information here for me. I like the
20 recycling stuff and again I think we may need to go
21 back and look at the methodology documents that were
22 just recently released and one may play off of another
23 one and we need to be real careful with that. The
24 Silo 3 and the Silos 1 and 2, I think we need to take
25 a good hard look at the RFP's as they start to come

1 out. I know with the Silos 3 we worked on that and
2 still kind of watching that as it plays and we want to
3 make sure again we all get to look at that before it
4 goes out so that we are prepared and we know what we
5 are putting out there and what we are going to get
6 back. I really think that we need to look at the
7 structural integrity of 1 and 2 since we are putting
8 them on the back burner and I think Nina mentioned
9 there is something imbedded in the budget but I would
10 like to see something that is really focused since we
11 are not going to technically do anything for maybe six
12 or eight years. I go back to my earlier question and
13 comment about I think and I agree with Pam that I
14 think the DOE should have to ask Congress for the
15 whole 1.1 million. Congress does not like it when DOE
16 gets fined and if we go up there and they say well,
17 they fined us \$100,000, that's just a spit in the
18 bucket. Even if they just have to clearly show that
19 they got fined \$100,000 or they got supplemental
20 projects or whatever they are called for the millions,
21 I think Congress needs to know that and I would
22 encourage you all to make sure that they are told
23 that. Congress can slap their hands a lot better than
24 we can. That's it.

25 MS. PASTOR: Thank you for those comments.

1 Someone to comment?

2 MR. TABOR: I don't have a comment, I don't
3 know if it is appropriate. I need to qualify that
4 first. I think I talk loud enough without stepping up
5 to the mic. I have some -- as the Silos 3 project
6 part of the concerns of this evening as well?

7 MS. PASTOR: Now that is a question. We can go
8 back and answer questions but --

9 MR. TABOR: I need to understand that first
10 before I go on but if it's not, I'm not going to go
11 ahead and express my concern.

12 MR. SARIC: Is the question is the Silo 3
13 project -- yes, all of the Silos are part of the OU4.

14 MR. TABOR: My concern is this. First of all
15 I can identify I am a worker at the site and part of
16 the Fernald site associates advisory board and part of
17 the community re-use organization, part of everything
18 else and my concern right now is that something that
19 I am just beginning to have some awareness over and I
20 guess that has to deal with whether or not, does EPA,
21 if they don't, it would be nice if they could have
22 some influence on maybe headquarters and DOE -- I
23 guess I could be real straight forward with this, as
24 far as I am concerned, they are dragging their feet on
25 some of the decision making processes that we need to

1 go through in some of the Silos projects and I need to
2 understand how maybe other than public comment that
3 has been made a number of times to Mr. Alm if there
4 are any other agencies that have influence that can
5 get Mr. Alm's boys off their dead duffs and
6 specifically that is on some decisions on Silo 3
7 relative to the RFP and their review of that process
8 before this issue -- Mike, I don't know if I really
9 know what I'm talking about but I think I do.

10 MS. PASTOR: If there's someone out there with
11 some influence, you would like them to use it?

12 MR. TABOR: I guess my concern is this
13 particular project or at least it is my perception and
14 it deals with the privatization of this particular
15 project, requires approval at that end of the road,
16 what causes privatization and some of the dollar
17 savings that have been earmarked, you know, and what
18 we could benefit or save by going and privatizing, if
19 they don't get off their dead duff they are going to
20 eat up twice the amount of savings in administrative
21 costs to administer their decision making processes.
22 So what in the world is the benefit then of even doing
23 any of this or having them involved in that process?
24 I need people that got clout to tell those folks that
25 we don't like that down here.

1 MS. PASTOR: Got that big comment, thank you.
2 That was a big comment. Anyone else like to make a
3 comment?

4 MS. DUNN: You can hear me okay, right? Pam
5 Dunn, FRESH advisory board, nearby resident, etc. etc.
6 etc. Where to start? I'm going to re-emphasize the
7 fact to what Lisa said too, I think DOE needs to
8 specify that 1 million is over and above the Congress
9 to OMB because they seemed to be the only way to get
10 four stall's attention and make them aware of what is
11 going on out there. I really would like you all to
12 consider making them have to explain to Congress in
13 their budget request that that is part of the penalty
14 for what happened and the conservation project, like
15 I said before, I don't really have a problem with
16 those but I really think I would rather see if you go
17 ahead with the 30 to 100 acres. I would rather see
18 that as additional areas of the site that is committed
19 to conservation resources over and above, I don't know
20 what the initials are that Tom used but in conjunction
21 with the state lawsuit, the natural resource thing or
22 habit in the area of the onsite disposal facility. To
23 me that just makes a little bit more sense. Most of
24 the site has to be natural resources anyway. I really
25 want to see EPA keep an eye on this feasibility

1 studies since they are going to be messing with the
2 environmental impact statement and NEPA. I get the
3 impression that you guys did not think that was going
4 to be messed with but it actually is so I just want to
5 make sure that somebody at the site is watching
6 besides us, doing that because we are not attorneys to
7 be able to know all of the little stuff and, ifs, ors
8 or buts they can be slid in there to give a whole new
9 meaning to what it was intended to mean. I am
10 concerned that Silos 1 and 2 are taking a back seat
11 when they are actually the worse of the 3 silos as far
12 as confidence goes. I think John still shows
13 reconstruction proof that that is the leading source
14 of the radon emissions because of all of the radium in
15 there. I am concerned that they have to wait and that
16 Silo 3 will move ahead and that it is strictly based
17 on the issue of cost. I realize cost is important but
18 at some point what is best environmentally and to
19 protect human health has got to come ahead of the cost
20 and I am concerned that it can -- I know you all
21 talked about the precedent setting and that is why you
22 split this instead of doing an all out rod amendment
23 and the whole bit to decide if there was an ESD but I
24 am also concerned that you were setting a precedent
25 for people to low-ball and come back and say well now

1 it's going to cost us too much so we don't have to do
2 that remedy anyway. I am concerned that the
3 technology is suffering here that was originally cited
4 in Silos 1 and 2 and maybe it is not the technology's
5 total fault that the cost is over, has gone over the
6 budget as bad as it has and I really want you guys to
7 look at those cost numbers hard and if they are really
8 realistic in what has happened and if it is
9 attributable to the technology or if it is because of
10 inefficiencies and ineffectiveness and management
11 because I don't think the technology should suffer for
12 that. Thank you.

13 MS. PASTOR: Somebody else like to make a
14 comment?

15 MS. DASTILLUNG: I would turn the question
16 that I had before into a comment. Vicki Dastillung
17 and I'm a member of FRESH and a resident. The first
18 concern that I have is that the integrity of the silo
19 and bent night cap may not last the period of time
20 that we are having to wait for rod changes so I hope
21 that the site and EPAs will monitor that situation
22 carefully. The other thing is that as they award
23 these multi-technical contracts for proof of
24 principal, I would hope that they would not allow
25 those contracts to be given that would push us away

1 from vitrifications and I can see that vitrification
2 is more innovative than some other kinds of technology
3 that may have us bias toward leading away from
4 vitrification and I feel it is something that we
5 should be looking at as seriously as any other
6 methodology of stabilization. Number 2, as far as the
7 environmental projects, I think that the conservation
8 areas and research grants are nice, however I would
9 want to see the details of those projects and find out
10 more about how the money was going to be spent to make
11 sure it was being spent in a wise manner and I guess
12 the last comment that I have is that DOE spent quite
13 a bit of money hiring people to do independent
14 reviews with the team and with inside DOE and I hope
15 that they have gone back and looking at all of the
16 recommendations that came out of that and they are
17 looking at what they need to be working on so that
18 they have all of the information in place to move
19 forward on OU4.

20 And one other thing is I still have concern
21 about how clean is clean for the things that we sent
22 out to be recycled. That's all, thank you.

23 MS. PASTOR: Somebody on this side?

24 MR. STORER: Gary Storer, Crosby trustee.

25 S-T-O-R-E-R. I have several questions about how

1 decisions have been reached on those documents so I
2 just want to express that in the comment period. I
3 also do not agree with the silo priority. I think
4 that question needs to be looked at due to the
5 dangerous effects that a couple of the silos I think
6 are being neglected need to be prioritized a little
7 bit better. As a member of CRO I am a little bit
8 concerned when I look through the documents and see
9 the conservation area. When I got this document it
10 was the first I had ever heard of this and as a member
11 of CRO, I think our understanding at least up to this
12 point was that a lot of final decisions are going to
13 be made by this, that particular organization and I'm
14 really confused right now about that. We meet again
15 this Tuesday night so I would like to invite everyone
16 that is here to attend. That is at Ross High School on
17 Tuesday evening at 7 and I think there will be a
18 number of people confused about this idea about a
19 conservation area when we have not really discussed
20 that. Whether they agree with it or not still there
21 is another issue as far as the placement or locations.
22 If agreement is met on the location of it, I think we
23 need to decide, I mean, if there is an agreement made
24 as to have the conservation area, I think there still
25 needs to be quite a discussion on where the placement

1 should be.

2 I brought in a community map with me, as soon
3 as I can get my hands together here and we put it
4 together and it shows a map, this map is from 1993 and
5 it shows the property of the DOE site and it also
6 shows property of the Hamilton County Park District
7 which I want to pass around because I think the public
8 needs to see how dynamic when you see our township,
9 how much property is taken up by the Hamilton County
10 park, Whitewater park and also the DOE site. These
11 are also areas that do not generate any tax dollars
12 for us and we are very concerned we want to turn this
13 facility into a tax generating facility in the future
14 for the township and you can see from the map
15 basically half of the township has generated no tax
16 dollars for us for many years and the park just
17 recently has acquired additional property down on 128
18 near Whitewater Township for a soccer field and that
19 really stirred up a hornet's nest as far as the public
20 goes. The public has a real sensitive ear to this
21 right now and is real edgy and as far as a
22 conservation area, I hate to talk about that so much
23 right now, I don't think that's going to go over real
24 well with the public. I might be wrong but I think we
25 are going to have trouble with that.

1 I don't think it's in the best interest of
2 some of these decisions are in the best interest of
3 the public or the township and unfortunately as I look
4 around here this evening, I don't see Ross
5 representatives. I do not see Morgan and a lot of the
6 townships that are going to be affected by this final
7 decision. Generally I look around and I see me, as
8 far as elected officials go which is disappointing to
9 me but I am around these guys and I talk with them and
10 I should say not around these guys, but around these
11 representatives and --

12 MS. CRAWFORD: They are all guys.

13 MR. STORER: I think you're right. But I think
14 they feel basically what I am trying to express here
15 they are very concerned about the outcome and they
16 want it to be something productive for their
17 communities too. Why they don't come and express
18 that, I don't know. Any time that I have, well, I
19 will say enough there. I think we need to solicit
20 somehow more input. I think there is a lot of people
21 in the public that sit back and they want me to attend
22 this and they think FRESH will handle all this and
23 they just sit back and watch the action. I wish on a
24 decision like this that is going to affect us the rest
25 of our lives we can solicit some other input from the

1 public, whether it could be a phone solicitation; I
2 don't know if mailings work or not but I feel like
3 there is a lot of people that have our feeling and we
4 really need to solicit their input somehow though I
5 would like to see a little more effort made in that
6 but to end up where I started, I question a lot about
7 how the final decisions are made, especially in this
8 document. Thank you.

9 MS. YOCUM: Ethna Yocum and I would like to
10 make a comment about the conservation area. I believe
11 that it should be onsite and the research grant and
12 the wild bird and flower habitat monies for that
13 should be given to the recycling reuse program. I
14 feel that is more beneficial at this time and that's
15 all right now. Excuse me, sorry I would like to ditto
16 all of Pam Dunn's, Vicki Dastillung and Lisa
17 Crawford's comment as mine also.

18 MS. PASTOR: That's the easy way out. Okay,
19 anyone else have any comments?

20 MS. DASTILLUNG: One more concerning the
21 conservation, I would just like to remind everybody
22 that Butler County lost 300 and some acres when the
23 girl scout camp closed partly due to fears about
24 Fernald and that area would have remained pretty much
25 a natural habitat, you know, on forward through time

1 and so I would imagine that Butler County might be
2 more interested in conservation areas within Butler
3 County.

4 MS. YOCUM: One more comment on the
5 conservation area by that being offsite that again I
6 am from Crosby Township, that would be taking land use
7 away from the community which is what we, what Crosby
8 Township needs. Thank you.

9 MS. PASTOR: Someone else like to make a
10 comment? No more comments? Going once, going twice,
11 gone. Well, we will close the portion of this meeting
12 as labeled down on your agenda as public comment and
13 take the next couple of minutes to wrap up and say
14 thank you for coming and putting up with us tonight
15 and I know it is warm in here but we are glad you made
16 it and you had some good questions and some good
17 comments and we will take those all under
18 consideration and respond to those in writing in a
19 little document that we call response to summary and
20 that will be made available whenever he is finishing
21 it up which will be in a day or two. And if you
22 didn't make a comment tonight I want to remind you
23 that you can still use this little insert and mail it
24 in or send it via airmail if you would like. You
25 don't have to use this if you don't want to but if you

1 want to make a bigger comment and use more paper, you
2 can do that too. Believe me it happens all the time
3 but that's okay, we have a lot to say. Otherwise, we
4 will look forward to more information and we will be
5 back and thank you for coming and we will be around
6 for a few minutes if you want to talk to us.

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10 Meeting concluded at 8 p.m.

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