



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL

March 17, 2004

**Re: Exemption Pursuant to R.C.
3734.02(G)
United States Department of Energy
Bechtel Jacobs Company LLC**

Gerald G. Boyd, Manager
U.S. Department of Energy
Oak Ridge Operations Office
200 Administration Road
Oak Ridge, Tennessee 37831

Dear Mr. Boyd:

Here are the Director's Final Findings and Orders (Orders) exempting the United States Department of Energy and Bechtel Jacobs Company LLC from hazardous waste transportation and permitting requirements under Ohio Revised Code §§ 3734.02(G), 3734.13, 3734.14 and 3745.01. These Orders were effective the date of journalization.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Dave Chenault at (740)385-8501.

Sincerely,

Pamela S. Allen, Manager
Regulatory and Information Services
Division of Hazardous Waste Management

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Attachments

cc: Michael A. Savage, Chief, DHWM
Harry Sarvis, Mgr., CAS, DHWM
Fran Kovac, Legal
Heidi Greisner, PIC
Dave Chenault, DHWM, SEDO
Jean Dunkirk, Esq., BJC Co. LLC
Terri T. Slack, Esq., Department of Energy - Oak Ridge Operations
Michael C. Hughes, President & General Mgr. - Bechtel Jacobs Company, LLC
William E. Murphie, Manager - Portsmouth/Paducah Project Office

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director



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March 17, 2004

**Re: Exemption Pursuant to R.C.
3734.02(G)
United States Department of Energy
Bechtel Jacobs Company LLC**

William E. Murphie, Manager
U.S. Department of Energy
Portsmouth/Paducah Project Office
1017 Majestic Place, Suite 200
Lexington, Kentucky 40513

Dear Mr. Murphie:

Here are the Director's Final Findings and Orders (Orders) exempting the United States Department of Energy and Bechtel Jacobs Company LLC from hazardous waste *transportation and permitting requirements under Ohio Revised Code §§ 3734.02(G), 3734.13, 3734.14 and 3745.01*. These Orders were effective the date of journalization.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Dave Chenault at (740)385-8501.

Sincerely,

Pamela S. Allen, Manager
Regulatory and Information Services
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March 17, 2004

**Re: Exemption Pursuant to R.C.
3734.02(G)
United States Department of Energy
Bechtel Jacobs Company LLC**

Michael C. Hughes, Present & General Manager
Bechtel Jacobs Company, LLC
P.O. Box 4699
Oak Ridge, Tennessee 37831-7294

Dear Mr. Hughes:

Here are the Director's Final Findings and Orders (Orders) exempting the United States Department of Energy and Bechtel Jacobs Company LLC from hazardous waste transportation and permitting requirements under Ohio Revised Code §§ 3734.02(G), 3734.13, 3734.14 and 3745.01. These Orders were effective the date of journalization.

If you have any questions concerning compliance with these Orders, do not hesitate to contact Dave Chenault at (740)385-8501.

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Pamela S. Allen, Manager
Regulatory and Information Services
Division of Hazardous Waste Management

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Gerald G. Boyd, Manager - Oak Ridge Operations Office
William E. Murphie, Manager - Portsmouth/Paducah Project Office

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

MAR 12 2004

BEFORE THE REGISTERED DIRECTOR'S JOURNAL
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

United States Department of Energy : **Director's Final**
Portsmouth Gaseous Diffusion Plant : **Findings and Orders**
P.O. Box 700 :
Piketon, Ohio 45661-0700 :

Bechtel Jacobs Company LLC
Portsmouth Gaseous Diffusion Plant
P.O. Box 900
Piketon, Ohio 45661-0628

Respondents

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to the United States Department of Energy (Respondent DOE) and Bechtel Jacobs Company LLC (Respondent Bechtel Jacobs) (together, Respondents) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.02(G), 3734.13, 3734.14 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondents and successors in interest liable under Ohio law. No change in ownership or operation of the Facility, with respect to Respondent DOE shall in any way alter Respondent DOE's obligations under these Orders. The obligation of Respondent Bechtel Jacobs under these Orders shall terminate when Respondent Bechtel Jacobs is no longer listed as a co-operator of the Facility on the permit issued on March 15, 2001; provided, however, that nothing in this Section absolves Respondent Bechtel Jacobs from any liability for any violation which occurs prior to the termination of its obligation under these Orders.

I certify this to be a true and accurate copy of the original document as filed in the records of the Ohio Environmental Protection Agency.

By [Signature] Date 3/12/04

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

The term "Party" means Respondent DOE, Respondent Bechtel Jacobs or Ohio EPA.

The term "Parties" means Respondent DOE, Respondent Bechtel Jacobs and Ohio EPA.

IV. FINDINGS

All of the findings necessary for the issuance of these Orders pursuant to ORC §§ 3734.13 and 3745.01 have been made and are outlined below. Nothing in the findings shall be considered to be an admission by either Respondent of any matter of law or fact. The Director of Ohio EPA has determined the following findings:

1. Respondent DOE owns the Portsmouth Gaseous Diffusion Plant, a uranium enrichment facility, located in Pike County, Ohio, approximately twenty (20) miles north of the City of Portsmouth (Facility).
2. Respondent Bechtel Jacobs is a limited liability company, licensed to do business in the State of Ohio on December 24, 1997. Respondent Bechtel Jacobs has contracted with Respondent DOE to carry out certain day-to-day activities at the Facility, including but not limited to: waste analysis and handling, monitoring, record keeping, reporting, and contingency planning. The United States Enrichment Corporation (USEC) has, since July 1, 1993, leased and operated the uranium enrichment facilities and activities at the Facility. In May 2001, USEC terminated production of enriched uranium at the Facility, but maintains the Facility in a cold standby mode under contract to Respondent DOE.
3. The Respondents are each a "person" as defined in ORC § 3734.01 and rule 3745-50-10 of the Ohio Administrative Code (OAC).
4. Respondent DOE has generated and Respondents now operate storage facilities for Respondent DOE's depleted uranium hexafluoride (DUF_6) at the Facility. The fact sheet titled, "Overview of Depleted Uranium Hexafluoride Management Program" published by Respondent DOE in 2001, states that "when released to the atmosphere, DUF_6 reacts with water vapor in the air to form hydrogen fluoride (HF) and uranyl fluoride (UO_2F_2), both chemically toxic substances."
5. Ohio EPA has determined that the DUF_6 is a "waste" as that term is defined by OAC rules 3745-50-10 and 3745-51-02, and is subject to the waste evaluation

requirements in OAC rule 3745-52-11. Ohio EPA has further determined that, based on the known physical and chemical characteristics of DUF_6 , as described generally above, the quantity of DUF_6 currently stored at the East Tennessee Technology Park (ETTP) near Oak Ridge, Tennessee, is likely to meet the requirements of "hazardous waste" as that term is defined by ORC § 3734.01 and OAC rules 3745-50-10 and 3745-51-03, and that no further characterization of the waste is required at this time.

6. By letter dated December 20, 1990, and subsequent letters, Ohio EPA notified Respondent DOE that Ohio EPA had determined that Respondent DOE failed to evaluate the DUF_6 stored at the Facility, in violation of OAC rule 3745-52-11.
7. Respondent DOE responded and notified Ohio EPA that Respondent DOE disagrees with Ohio EPA's determination that the DUF_6 is a waste, and that Respondent DOE disagrees with Ohio EPA's determination that Respondent DOE is subject to and in violation of the waste evaluation requirements in OAC rule 3745-52-11 for its DUF_6 stored at the Facility. Respondents reserve these objections, notwithstanding Respondents' agreement to these Orders.
8. On February 24, 1998, the Director of Ohio EPA issued an order exempting, *inter alia*, Respondent DOE from the requirement to evaluate the DUF_6 waste stream generated at the Facility, and ordered Respondent DOE to implement an approved DUF_6 management plan (February 24, 1998, Orders). On March 31, 1998, the Director of Ohio EPA issued an order which added Respondent Bechtel Jacobs as a Respondent and a Party to the February 24, 1998, Orders (March 31, 1998, Orders). Both the February 24, 1998, Orders and the March 31, 1998, Orders remain in full force and effect with respect to the DUF_6 cylinders generated and stored at the Facility until such time as the Orders expire, in accordance with Order No. 3(B), of the February 24, 1998, Orders, and Paragraph V. of the March 31, 1998, Orders. There are approximately 16,000 cylinders containing DUF_6 currently stored at the Facility. Respondent DOE has contracted with Respondent Bechtel Jacobs to manage the storage of this DUF_6 .
9. Respondent DOE has announced its intention to build and operate DUF_6 conversion facilities at the Facility and at its facility in Paducah, Kentucky. On August 29, 2002, Respondent DOE awarded a contract to Uranium Disposition Services, LLC (UDS), for the design, construction, and operation of the DUF_6 conversion plants, and for the shipment of some of the DUF_6 cylinders currently stored at ETTP, and potentially at other facilities within Respondent DOE's Oak Ridge Operations (ORO) complex, to the Facility for conversion. In addition, Respondent DOE has also contracted with Respondent Bechtel Jacobs for

shipment of some DUF_6 cylinders from ETTP to the Facility, including the earliest shipments to the Facility.

10. Because the Paducah Gaseous Diffusion Plant currently has a larger amount of DUF_6 stored on-site than the Facility, Respondent DOE's preferred alternative assumes that all DUF_6 cylinders currently stored at ORO would be shipped to the Facility. This includes approximately 4,700 cylinders at the ORO containing about 56,000 metric tons of DUF_6 , and approximately 1100 cylinders, most of which contain residual quantities of uranium.
11. Of the cylinders of DUF_6 that Respondent DOE proposes to ship to the Facility, up to 3,000 are believed to be not currently compliant with United States Department of Transportation (DOT) regulations governing the transport of this material. These cylinders are scheduled to be shipped last to the Facility. Neither the DUF_6 Transportation Plan, currently proposed by Respondent DOE, and as identified in Finding No. 15, nor the current DUF_6 Management Plan identified in Order No. 3 and contained in Attachment A to these Orders, addresses the transportation or management of these non-compliant cylinders of DUF_6 .
12. Following conversion of the DUF_6 to a more stable chemical form (such as uranium oxide and hydrofluoric acid), current plans call for the depleted uranium conversion products to be used, or, if uses are not identified, disposed of. The packaging and transportation of the conversion products will be the responsibility of the selected conversion contractor(s), and are not addressed within these Orders.
13. Respondents currently plan to ship DOT compliant cylinders of DUF_6 to the Facility beginning in calendar year 2004. Shipment of all cylinders, including cylinders of DUF_6 which are currently DOT non-compliant is to be completed by 2007. Construction on the conversion plant is expected to begin in 2004, and, following an expected two year construction period, the conversion operation is expected to last at least an additional 25 years, resulting in the need to store the DUF_6 cylinders at the Facility over that period of years.
14. Storage space for DUF_6 currently available at the Facility is limited to approximately 500 additional cylinders. Respondents may design and construct new storage areas by implementing procedures in the DUF_6 Management Plan, identified in Order No. 3 and contained in Attachment A to these Orders.
15. On April 29, 2003, Respondent DOE published a revised "Transportation Plan for the Transport of ANSI N14.1-Compliant UF_6 Cylinders from the East Tennessee Technology Park to the Portsmouth Gaseous Diffusion Plant in Years 2003 through

2005." On February 25, 2004, Respondent DOE published the final "Transportation Plan for the Transport of ANSI N14.1-Compliant UF₆ Cylinders from the East Tennessee Technology Park to the Portsmouth Gaseous Diffusion Plant in Fiscal Year 2004."

16. ORC § 3734.02(F) provides, *inter alia*, no person shall store, treat, or dispose of hazardous waste regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste except at or to a hazardous waste facility operating under a permit issued in accordance with ORC Chapter 3734.
17. Respondent DOE was first issued a hazardous waste installation and operation permit for the Facility effective August 21, 1995; this permit was renewed on March 15, 2001. The permit authorizes Respondent DOE to store certain hazardous and mixed wastes generated at the Facility in two storage areas at the Facility, however the permit does not authorize Respondents to accept hazardous waste or mixed waste which was generated off-site, except for residues from treatment processes applied to wastes generated at the Facility. The permit does not include treatment of hazardous waste, regardless of where the waste was generated. Through a permit modification in 1998, Respondent Bechtel Jacobs was added as a co-operator on the permit.
18. Implementation of Respondent DOE's proposal to ship DUF₆ from ORO to the Facility for long term storage would place Respondents in violation of ORC Chapter 3734. and the rules promulgated thereunder with respect to the management of hazardous waste.
19. Pursuant to ORC § 3734.02(G), the Director of Ohio EPA may by order exempt any person generating, storing, treating, transporting, or disposing of hazardous waste in such quantities or under such circumstances that, in the Director's determination, it is unlikely that public health or safety or the environment will be adversely affected thereby, from any requirement to obtain a permit or license or comply with the manifest system or other requirements of ORC Chapter 3734.
20. Pursuant to ORC § 3734.14, when necessary or desirable to facilitate the exchange and use of hazardous waste, the Director of Ohio EPA may order exemptions from the requirements of ORC Chapter 3734. in accordance with ORC § 3734.02(G).
21. Pursuant to ORC § 3734.02(G), the Director has determined that it is unlikely that public health or safety or the environment will be adversely affected by exempting Respondents from the requirement to obtain a permit for the storage of DUF₆.

generated off-site, provided that the Respondents comply with the requirements set forth in the following orders.

V. ORDERS

Respondents shall achieve compliance with ORC Chapter 3734. and the regulations promulgated thereunder according to the following compliance schedule:

1. Respondent DOE shall make good-faith efforts to evaluate potential use or reuse of the DUF₆, or of the materials, specifically uranium oxide, hydrofluoric acid and calcium hydroxide, generated as the result of the conversion process.
2. On or before the 31st day of December, of each year Order No. 1 remains in effect, until Respondent DOE's evaluation is completed, Respondent DOE shall submit to Ohio EPA a written Annual Report for the previous federal fiscal year that summarizes Respondent DOE's good-faith efforts to evaluate potential use or reuse of the DUF₆.
3. Respondents shall implement and comply with the DUF₆ Management Plan contained in Attachment A to these Orders, and any future amendments thereto approved by Ohio EPA, in accordance with the terms and conditions contained therein. The DUF₆ Management Plan is incorporated by reference herein.
4. Approval by Ohio EPA of the DUF₆ Management Plan pursuant to these Orders shall also constitute the required approval for any amendment to the DUF₆ Management Plan required pursuant to the February 24, 1998, and March 31, 1998 Orders.
5. Amendment of DUF₆ Management Plan
 - a. If Respondents or Ohio EPA identifies a need for Respondents to amend the approved DUF₆ Management Plan, the Respondents or Ohio EPA shall provide written notification of such need and the reasons therefore. The notification shall be of sufficient detail to fully explain the rationale and circumstances that justify such amendment. Such need to amend the approved DUF₆ Management Plan may include transfer of ownership to Respondent DOE of DUF₆ generated by USEC at the Facility.
 - b. Within thirty (30) days after the date of such written notification, or within such other time as agreed by Ohio EPA and Respondents, Respondents shall submit an amended plan to Ohio EPA for review and approval. If

Respondents do not have sufficient information on the proposed amendment in order to submit an amended plan within the required time frame, Respondents may propose an alternative schedule for submitting an amended plan.

- c. In reviewing any proposed amendment, Ohio EPA agrees to consider all reasons provided by Respondents in support of their proposed amendment, including available funding. If Ohio EPA does not expect to approve the proposed amendment, Ohio EPA will provide Respondents with a written statement explaining the reasons. Prior to sending Respondents a written statement explaining the reasons it does not expect to approve the proposed amendment, Ohio EPA will consult with Respondents regarding the proposed amendment.
 - d. Within thirty (30) days after Respondents' receipt of such written statement explaining the reasons or within such other time agreed by Ohio EPA and Respondents, Respondents shall submit a revised amended plan, submit a new amended plan, or submit a written statement explaining Respondents' reasons for not submitting an amended plan.
 - e. Ohio EPA will notify Respondents in writing, in a timely manner, of its approval or disapproval of the amended plan. The amended plan shall be enforceable in the same manner as the approved plan attached to these Orders. Prior to any disapproval of a proposed amendment, Ohio EPA will consult with Respondents regarding the proposed amendment. Any determination by Ohio EPA to disapprove a proposed amendment will be accompanied by a written statement detailing the reasons for disapproval.
 - f. If any Party disagrees with a written notification of the need to amend the approved DUF₆ Management Plan, or if Respondents disagree with any Ohio EPA decisions made according to Order No. 5, any Party may initiate the dispute resolution procedures of Section VII.
6. Except as expressly provided in these Orders, Respondents shall cause all work to be performed in accordance with the DUF₆ Management Plan. It is the responsibility of Respondent DOE to provide necessary funding to implement the DUF₆ Management Plan.
 7. Exemptions, pursuant to ORC § 3734.02(G), from the requirements in ORC § 3734.02(E) to obtain a valid hazardous waste installation and operation permit for the storage of DUF₆, or modify the existing permit to include the storage of DUF₆

that was generated and stored at the Facility, or that was generated or stored at ORO and transported and stored at the Facility, and the requirements in OAC rule 3745-50-45, and OAC Chapters 3745-54/65 and 3745-55/66 are hereby granted to Respondents. The exemptions provided by Order No. 7 extends only to DUF₆ that was generated and is, as of the effective date of these Orders, stored at the Facility, and DUF₆ transported from off-site which is contained in U.S. DOT compliant cylinders, or pursuant to an applicable DOT exemption. The exemptions provided by Order No. 7 shall not be construed to apply to any release to the environment, or any treatment or disposal of DUF₆, except for releases that are remediated pursuant to the approved DUF₆ Management Plan, and shall not extend to any waste other than DUF₆. The exemptions provided by Order No. 7 shall not be construed to apply to empty cylinders which formerly contained DUF₆ and which are not usable for the storage or shipment of DUF₆ conversion products.

8. Within thirty (30) days after the effective date of these Orders, Respondents shall submit to Ohio EPA a DUF₆ Transportation Plan which shall address the shipment of DOT compliant cylinders. The DUF₆ Transportation Plan, and any modification or revision thereto, or any additional plan specifically developed to address the population of cylinders which are currently DOT non-compliant, will be provided to Ohio EPA for review and comment.
9. An exemption from the requirements of OAC rules 3745-53-11, 3745-53-20, 3745-53-21, and 3745-53-22; which would otherwise apply to the transportation by Respondents of DUF₆ into Ohio, is hereby granted to Respondents, provided that they implement and comply with the requirements of the approved DUF₆ Management Plan. The exemption provided by Order No. 9 extends only to DUF₆ generated at ORO and shipped to the Facility in accordance with these Orders, which is contained in U.S. DOT compliant cylinders or is shipped pursuant to an applicable DOT exemption. The exemptions provided by Order No. 9 shall not be construed to apply to empty cylinders which formerly contained DUF₆ and which are not usable for the storage or shipment of DUF₆.
10. The exemptions for DUF₆ contained in Order No. 7., above, and the Respondents' obligations under Order No. 1. shall expire on February 24, 2008, or when any one of the following events occur, whichever is earlier: (1) DUF₆ is no longer stored at the Facility; (2) Respondent DOE or its contractor(s) fails to perform groundbreaking and subsequent site preparation activities for construction of the DUF₆ conversion plant at the Facility by October 1, 2004, (3) Respondent DOE or other appropriate parties fail to obtain or modify any permits from Ohio EPA prior to beginning construction, (4) Ohio EPA determines that substantial construction or operation of the DUF₆ conversion plant has ceased for a period of six months,

or (5) the Director revokes the exemption in Order No. 7 of these Orders. However, if a DUF₆ cylinder breach is discovered during the term of these Orders, the Respondents' obligations under Section III.B. of the DUF₆ Management Plan contained in Attachment A to these Orders shall continue until all work required by that Section with respect to that breach is completed. If any Party expects an exemption to expire due to the approach of the expiration date, above, the Parties agree to meet and confer in good faith, upon request of any Party, to discuss the possibility of renewing the exemption.

11. The exemptions for the transportation requirements for DUF₆ contained in Order No. 9, above, shall expire on February 24, 2008, or when any one of the following events occur, whichever is earlier: (1) approved storage space is no longer available for additional cylinders at the Facility, (2) Respondent DOE or its contractor(s) fails to perform groundbreaking and subsequent site preparation activities for construction of the DUF₆ conversion plant at the Facility by October 1, 2004, (3) Respondent DOE or other appropriate parties fail to obtain or modify any permits from Ohio EPA prior to beginning construction, (4) Ohio EPA determines that substantial construction or operation of the DUF₆ conversion plant has ceased for a period of six months, or (5) the Director revokes the exemption in Order Nos. 7 and/or 9 of these Orders. In the event that the exemption contained in Order No. 9 is revoked or expires, and upon written notice to Respondents, Respondents shall immediately cease all shipment of DUF₆ from ORO to the Facility. If any Party expects an exemption to expire due to the approach of the expiration date, above, the Parties agree to meet and confer in good faith, upon request of any Party, to discuss the possibility of renewing the exemption.
12. The issuance of these Orders by the Director does not release Respondents from any liability they may have incurred for any violations which may have occurred at the Facility prior to the effective date of these Orders, nor are Respondents released from any liability they may incur in the event of expiration of the exemptions contained in Order Nos. 7 and 9. The issuance of these Orders does not release Respondents from any obligation they have to comply with the State of Ohio's environmental laws, except as otherwise specifically provided herein. These Orders do not exempt Respondents from any other local, state, or federal laws or regulations which are otherwise applicable.

VI. PROJECT MANAGERS

Within five (5) days of the effective date of these Orders, Respondents shall each notify Ohio EPA, in writing, of the name, address and telephone number of their designated Project Manager and Alternate Project Manager. Any Party may change its designated Project Manager by notifying the other Party, in writing, ten (10) business days before the change if possible.

Each Project Manager shall be the primary contact regarding the implementation of these Orders. The Project Managers shall meet periodically, as appropriate, to discuss progress and problems regarding the implementation of these Orders.

VII. DISPUTE RESOLUTION

1. The procedures of this Section shall apply to any good-faith dispute arising under these Orders. For purposes of this Section, the term "Respondents" means DOE, Bechtel Jacobs or both.
2. Within thirty (30) days following the occurrence of circumstances giving rise to a dispute, Respondents and Ohio EPA shall make reasonable efforts to informally resolve the dispute at the Project Manager level. If resolution cannot be achieved informally, the disputing Party may elevate the dispute for resolution pursuant to paragraph 3. of this Section. If Respondents do not submit a written notification of dispute to Ohio EPA within thirty (30) days of the occurrence of the circumstances giving rise to the dispute, Respondents shall be deemed to have accepted the position of Ohio EPA.
3. Within thirty (30) days following the occurrence of circumstances giving rise to a dispute, any Party may initiate formal dispute resolution under this paragraph. To initiate formal dispute resolution, the disputing Party shall submit to the other Parties a written notification of the dispute. The written notification of the dispute shall specify the nature of the dispute, the work affected by the dispute, the disputing Party's position with respect to the dispute and the information the disputing Party is relying upon to support its position.
4. Within thirty (30) days of written notification of a dispute, the Project Managers and designated representatives of the Parties shall attempt to resolve such dispute. For DOE, the designated representative(s) shall include either the DOE Assistant Manager for Environmental Management or a representative from the DOE Portsmouth/Paducah Project Office, or both and the Bechtel Jacobs-Portsmouth Manager of Projects. For Ohio EPA, the designated representative(s) shall include the Assistant Chief of the Division of Hazardous Waste Management.
5. Within thirty (30) days of written notification of the dispute, if the Project Managers and designated representatives of the Parties are unable to resolve the dispute, any Party may submit a written statement of the dispute to Ohio EPA's Chief of the Division of Hazardous Waste Management. The Chief may meet with the Project Managers and designated representatives of the Parties and may request additional information regarding the nature of the dispute and the respective positions of the Parties. Within thirty (30) days of receipt of the written statement of dispute, the Chief will consult with the DOE Assistant Manager for Environmental Management,

a representative from the DOE Portsmouth/Paducah Project Office and the Bechtel Jacobs-Portsmouth Manager of Projects.

The Chief will notify the Project Managers and designated representatives of the Parties in writing of Director's final decision regarding the dispute. The Director's final decision shall be signed by the Director. Except as otherwise provided under paragraph 6. below, the Director's final decision shall be binding on the Parties.

6. Within thirty (30) days of Respondent's receipt of a Director's final decision concerning an Ohio EPA notification of need to amend the approved DUF₆ Management Plan, Respondents shall notify the Director, in writing, of their acceptance or non-acceptance of the Director's final decision. If Respondents accept the Director's final decision, or fail to notify the Director of non-acceptance, in accordance with this paragraph, such decision shall be binding on the Parties. If Respondents notify the Director, in accordance with this paragraph, of non-acceptance of the Director's final decision, it will not be binding on the Respondents. Under Section XII., the Parties have reserved rights as to any further action.
7. Upon written request by the Respondents, Ohio EPA will extend the time period for completion of work affected by the dispute. Such extension shall include but not exceed the actual time taken to resolve the dispute in accordance with this Section. The Chief will notify the Parties, in writing, of the extension.
8. Within thirty (30) days of a resolution or final decision under this Section, Respondents shall incorporate and implement such resolution or final decision, subject to administrative or judicial appeal or review of a Director's final decision according to applicable law. The time periods designated in this Section may be extended by mutual written agreement of the Parties.

VIII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a Party to these Orders, for any liability arising from, or related to, the operation of Respondents' Facility.

IX. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and

United States Department of Energy
Bechtel Jacobs Company LLC
Portsmouth Gaseous Diffusion Plant
Page 12 of 15

regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondents.

X. MODIFICATIONS

These Orders may be modified by agreement of the Parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

XI. NOTICE

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southeast District Office
Division of Hazardous Waste Management
2195 Front Street
Logan, Ohio 43138
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
122 South Front Street, P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Manager, Engineering and Risk Assessment Section

For deliveries to the building:

Christopher Jones, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
122 South Front Street
Columbus, Ohio 43215
Attn: Manager, Engineering and Risk Assessment Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XII. RESERVATION OF RIGHTS

Nothing contained in these Orders, including Section VII, shall be construed to prevent the Director from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against the Respondents for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the Respondents to perform additional activities at the Facility, including closure or corrective action pursuant to ORC Chapter 3734. or any other applicable law in the future. Nothing herein shall restrict the Respondents from raising any defenses with respect to such actions.

Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek penalties for violations of these Orders. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders. Nothing herein shall restrict the right of the Respondents to raise any administrative, legal or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of the Respondents. Nothing in these Orders shall be construed as a waiver of Respondent DOE's jurisdiction over source, by-product, or special nuclear materials under the Atomic Energy Act of 1954, as amended, 42 U.S.C. § 2201, *et seq.* Nothing in the preceding sentence alters the Respondents' duty to comply with these Orders.

The Director reserves the right to revoke these Orders, or any portion hereof, upon a determination by Ohio EPA that such revocation is necessary to protect human health or safety or the environment. The Respondents reserve the right to seek administrative or judicial review of any such revocation.

It is the position of Ohio EPA that the federal Anti-Deficiency Act, 31 U.S.C. § 1341, as amended, does not apply to any obligations set forth in these Orders, and obligations hereunder are unaffected by the Respondent DOE's failure to obtain adequate funds or appropriations from Congress. It is Respondent DOE's position that the obligations set forth in these Orders are subject to the provisions of the Anti-Deficiency Act and are subject to the availability of funding. The Parties agree that it is premature to raise and resolve the validity of such positions at this time.

XIII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, Respondents consent to the issuance of these Orders and agrees to comply with these Orders. Respondents agree that these Orders are lawful and reasonable and that the times provided for compliance herein are reasonable. Respondents, by acceptance of these Orders, agree to comply with all conditions of these Orders and acknowledge that the Respondents' failure to do so may result in further legal action by Ohio EPA.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIV. EFFECTIVE DATE

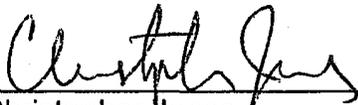
The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XV. SIGNATORY AUTHORITY

Each undersigned representative of a Party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such Party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



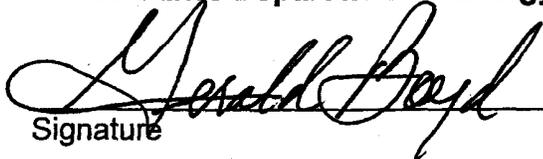
Christopher Jones
Director

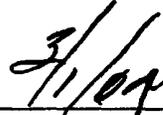
MAR 12 2004

Date

IT IS SO AGREED:

United States Department of Energy


Signature

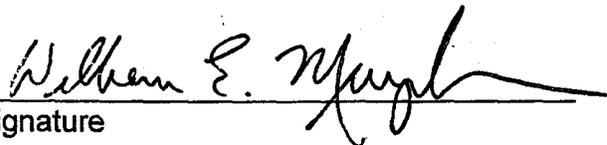

Date

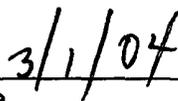
Gerald G. Boyd

Printed or Typed Name

Manager, Oak Ridge Operations Office

Title


Signature


Date

William E. Murphie

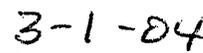
Printed or Typed Name

Manager, Portsmouth/Paducah Project Office

Title

Bechtel Jacobs Company LLC


Signature
for


Date

Michael C. Hughes

Printed or Typed Name

President and General Manager, Bechtel Jacobs Company, LLC

Title

Attachment A to Director's Final Findings and Orders

February 24, 2004

DEPLETED URANIUM HEXAFLUORIDE (DUF₆) MANAGEMENT PLAN

This DUF₆ Management Plan addresses only the management of Portsmouth DOE-managed DUF₆ cylinders and the ANSI-compliant DUF₆ cylinders shipped from ORO, and may be amended prior to acceptance at the Facility of ANSI non-compliant cylinders.

I. **DUF₆ Cylinder Surveillance Program.** The cylinder surveillance program consists of inspections, ultrasonic thickness testing and radiological surveys.

A. **Inspections.** The inspections shall be documented on a checklist which shall include the size, type, cylinder identification number, location, and physical description of all DUF₆ cylinder defect criteria. All accessible areas of all cylinders shall be visually inspected, using the following criteria:

1. **DUF₆ Cylinder Defect Criteria**

a. **General Cylinder Criteria**

Hole in cylinder
Visible leakage/contamination on cylinder or ground
Bulge - protruding one-half inch or more
Gouge - greater than one-sixteenth inch of metal moved
Dent - greater than one-sixteenth inch deep
Bent stiffening ring - cracked weld or separation of ring from body
Severe corrosion - local or extensive pitting and/or scaling that is evident on one third or more of the bottom shell and scaling consisting of layered flakes over one-eighth inch thick and over two inches in diameter

b. **Cylinder Body Contact Point**

Dent caused by lifting lug contact - greater than one-sixteenth inch deep
Concrete saddle - cracking, chipping, corrosion or sinking
Wood saddle/resting block - cracking, splitting, rotting, or sinking

c. **Valve End of Cylinder**

Evidence of contamination on valve
Bent valve body
Bent/separated skirt

Scale in skirt
Weep hole in skirt plugged
Packing nut missing/cracked
Port cap missing/cracked
Bent or sheared valve stems
Cracked bent valve protector
Identification (I.D.) plate missing
I.D. plate loose/cracked welds
New nameplate attached to skirt/valve/plug (as applicable)

d. Plug End of Cylinder

Evidence of contamination on plug
Bent or damaged plug
Bent/separated skirt
Scale in skirt
Weep hole in skirt plugged

2. Inspection Frequency (See Table 1)

a. All DUF₆ cylinders in storage shall be visually inspected at least every four (4) years using the DUF₆ cylinder defect criteria in I.A.1.

b. DUF₆ cylinders determined to have at least one of the following conditions shall be visually inspected annually using the DUF₆ cylinder defect criteria in I.A.1:

Severe corrosion of cylinder surfaces
Severe corrosion of skirt areas
Heavy rust scale on cylinder body

Note: heavy means over one eighth inch thick and over 2 inches in diameter

Rust/scale in skirt
Weep hole in skirt is plugged in the valve end of the cylinder
Weep hole is plugged in the plug end of the cylinder

c. Valves with evidence of leakage (i.e., buildup of DUF₆ reaction products, discoloration around valve/plug) shall be inspected monthly for three months in order to verify if this is a leaking valve. Appropriate actions to mitigate the leak will be taken. This inspection consists of the following:

- 1) Ensuring the plastic bag is still in place;
- 2) Checking the bag for clarity or new buildup of DUF₆ reaction products on valve; and
- 3) Taking a radiological swipe sample in accordance with 10 CFR 835 from the valve to determine if uranium contamination levels exist greater than 1000 dpm/100 cm² as

specified in Appendix D of 10 CFR 835 (10 CFR 835.1101 and 1102 to Appendix D limits).

Note: For swipe samples exceeding 1000dpm/100cm², the area will be boundaried and posted and decontamination activities will be completed in accordance with written procedures. The valve or plug will be evaluated for repair or replacement.

- d. Breached DUF₆ cylinders shall be inspected daily until the situation is mitigated. Inspections shall consist of the following:

Note: A breached cylinder means a cylinder whose wall has been compromised so that it no longer performs the design function of containment.

- 1) Ensuring that tarps are in place to prevent precipitation from coming in contact with the cylinder and a catch pan placed beneath the cylinder to prevent material from dropping to the pavement.

- 2) Ensuring that contamination boundaries are in place.

Note: A contamination boundary is an area established using a yellow and magenta rope or tape at the perimeter of an area determined by survey to be where no contamination has spread.

- 3) Determining Hydrogen Fluoride (HF) content in air.

Note: HF content in the air is determined by hand-held HF detectors using a HF detection tube (such as Draeger Model 21/31, or equivalent) which are calibrated instruments to read out in concentration of HF.

- 4) Collecting DUF₆ reaction products for weighing (accountability);

- 5) Determining loose surface radiological contamination levels per 10 CFR 835 of pad areas adjacent to the breach. Levels of loose uranium contamination shall not exceed 1000 dpm/100 cm² as specified in 10 CFR 835 Appendix D (10 CFR 835.1101 and 1102 to Appendix D limits), or the area shall be controlled; and

- 6) Determining radiation levels at the breach.

Note: Determining radiation levels at the breach shall be accomplished by utilizing calibrated radiation instruments to

determine contact readings and general area radiation dose levels in mrem/hr.

- 7) Upon identification of a cylinder breach, interim steps will be taken to minimize impacts to worker/public safety and the environment, pending evaluation and determination of appropriate action to affect repair. These appropriate actions may include epoxy, weld, transfer, etc.

- e. All DUF₆ cylinders shall be visually inspected before movement. The pre-move inspection shall consist of the following:

Note: For ETPP cylinders arriving at PORTS – a pre-move inspection will be conducted within five calendar days of offloading. The cylinder will be relocated to the appropriate storage location in the PORTS cylinder storage yards or indoor storage locations, where it will receive a post-move inspection within five calendar days of relocation. If the cylinder is not moved to the long term storage location within 30 calendar days, another pre-move inspection will be conducted prior to movement and a post-move inspection will be conducted within five calendar days following relocation.

- 1) Lifting lug weld (if lug is to be used for lifting the cylinder) - examining for cracked weld, bent lug, elongated lug lifting hole
- 2) The cylinder in general - examining for deep cracks, gouges, and cuts in shell (See Section I.A.1.)
- 3) Areas immediately next to saddle contact points - examining for evidence of DUF₆ reaction products or severe corrosion
- 4) Areas of previous lifting lug-to-cylinder contact points - examining for evidence of DUF₆ reaction products

- f. All DUF₆ cylinders shall be visually inspected once it is lifted. This visual inspection of the contact points and all previously inaccessible areas shall be conducted to determine and assess whether there is evidence of DUF₆ reaction products, cracks, gouges, cuts, and/or severe corrosion.

- g. All DUF₆ cylinders shall be visually inspected using the DUF₆ cylinder defect criteria (See Section I.A.1) immediately after movement of the cylinder.

- h. If any of the following defect conditions are noted during any inspections required by this DUF₆ Management Plan, recognized national industrial standards and practices shall be used to determine the nature and extent of the defect condition and the method of repair or dispositioning of the DUF₆ cylinder. The national Boiler Inspection

Code (NBIC) provides guidelines and interpretations including methodology, acceptable degradation, repairable defects and acceptable repair techniques to the inspectors to assist in evaluating the "code" status or code-ability of the vessel. These guidelines are referenced in ANSI N14.1. The NBIC commissions inspectors (generally through state administered programs) to determine the ASME "Code" status of pressure vessels. The commissioned inspectors are responsible for evaluating the vessel's condition to ensure its fitness for service. The NBIC-commissioned inspectors meet the "qualified code" inspector definition. ASME Code inspectors shall be used to evaluate the nature and extent of the defect condition if not previously evaluated (See Section IX for training qualifications). Depending on the condition of the DUF₆ cylinder, the code inspectors and appropriate personnel (See Section VI.B) shall recommend repairing cracks in welds, patching thinned cylinder wall areas or cold transfer of the contents to a new cylinder prior to movement.

- 1) Cracks in welds
- 2) Dents and gouges (See Section I.A)
- 3) Presence of DUF₆ reaction products on the cylinder shell.

Caution: The presence of reaction products represents a potentially unsafe condition and the area must be evacuated immediately and the emergency procedures for a breached cylinder must be followed. (See Section VI)

B. Ultrasonic Thickness Testing

1. The following locations on the 10- and 14- ton DUF₆ storage cylinders shall be evaluated with ultrasonic thickness (UT) probe measurements:
 - a. Two measurements at the 12 o'clock position (top of cylinder)
 - b. Two measurements at the 3 o'clock position (side of cylinder)
 - c. One measurement near the center of the head, valve end
 - d. One measurement directly beneath the valve,
 - e. One measurement near the center of the head, plug end
 - f. One measurement directly beneath the plug
 - g. Five measurements at the 6 o'clock position (bottom of cylinder) on skirted cylinders
 - h. Five measurements as close as possible to skirt/head interface.
2. 150 cylinders shall be inspected (on an annual basis) using UT measurement techniques. These data will be analyzed and the number of cylinders whose wall thickness is measured by UT shall be adjusted (e.g. increased, decreased, or the selections of candidate cylinders for sampling otherwise changed) based on the results of the analysis.

C. Radiological Surveys. Dose rate surveys of all DUF₆ cylinder storage yards shall be conducted. In addition, all DUF₆ cylinders shall be radiologically surveyed. The scope and frequency of the surveys are noted below:

1. A dose rate survey of the cylinder yards shall be performed annually using a dose-rate instrument per 10 CFR 835 (10 CFR 835.101 (c), and 402) to ensure the established dose rate boundary has not changed from the previous year. Boundaries will be established in accordance with 10 CFR 835 (10 CFR 835.603). The boundaries shall delineate the areas that exceed 5 mR/hr or more conservatively as directed by management.
2. A radiological swipe survey of the valve and plug areas for cylinders shall be done annually to determine levels of removable surface uranium contamination. The levels for loose uranium contamination (1000 dpm/100 cm²) found in 10 CFR 835 Appendix D (10 CFR 835.1101 and 1102 to Appendix D limits) shall be employed in making the determination of whether additional actions or controls are necessary. Decontamination, reposting, boundary control, or whatever other actions are necessary will be taken to ensure compliance with the requirements specified by 10 CFR 835 (10 CFR 835. Subpart F and G) for the applicable area classification.

II. The DUF₆ Cylinder Maintenance Program shall consist of the following:

- A.** Renewing the protective coating of cylinders as necessary to avoid excessive corrosion; skirt cleaning; and replacing valve port cap and packing nuts on an as-needed basis. Any discrepancies discovered during this activity requiring maintenance action and during routine inspection of the yards shall be entered into the Cylinder Information Database (CID) within ten (10) working days.

Note: The CID database is a computerized tracking system for the documentation of cylinder activities at PORTS and other DOE sites. Data is submitted by the respective facility managers resulting from the work performed at their cylinder yards.

- B.** On-going inventory control shall consist of identification tag replacement and accountability of nuclear materials by cylinder and location. Inventory of nuclear materials is managed through an established computerized database. Any discrepancies discovered during the course of this activity and during routine inspection shall be entered in the CID system within ten (10) working days.
- C.** Cylinder maintenance shall be done in the cylinder storage yards. If breached cylinder contents must be transferred, it shall be done in the cylinder storage yards, the X-344 transfer facility, or a process building, depending on the type of transfer required and condition of the cylinder. Using the information collected in Section 1.A.1 above, DUF₆ cylinder defect criteria, cylinders shall be analyzed to determine method of repair or dispositioning. All transfers shall be done using established procedures for the appropriate method of transfer (autoclave or cold transfer).

III. DUF₆ Cylinder Storage Yard Surveillance and Maintenance Program

- A. All DUF₆ storage yards shall be monitored for DUF₆ releases using (1) annual radiological surveys of all cylinders and yards, (2) monthly radiological surveys on valves/plugs suspected to be leaking, (3) existing environmental monitoring programs (i.e., soil sampling, surface water monitoring, and sediment sampling), and (4) annual and quadrennial visual inspections. Monthly surface water run-off samples for total uranium analysis shall be collected at the established collection basin for X-745E Yard and a depression on the south side of the X-745C Yard and at appropriate locations for any new or additional storage yards. The analytical methods are in-house procedures for alpha, beta and total uranium. The alpha/beta procedure is the same as SW-846, method 9310 except for the calibration standards. The total uranium is an inductively Coupled Plasma/Mass Spectrometry (ICP/MS) procedure capable of detecting down to 1 ppb Uranium.
- B. In the event that a breached cylinder is discovered, soil located in the surface water runoff areas of the pad shall be sampled for radiological constituents. USEPA approved analytical methods for radiological analysis will be used. Soil sample results and any corrective actions shall be documented. Rate and extent of any contamination found shall be defined and remediated in a manner that controls, minimizes, or eliminates contamination to the extent necessary to protect human health and the environment. These procedures shall include the following:
1. Soil showing visible contamination shall be excavated immediately.
 2. A statistically valid sampling plan that considers the soil type, properties of the spilled material, area affected, volume of the spill and other factor shall be developed.
 3. This sampling plan shall guide the confirmatory sampling and any additional excavation and remediation.
 4. Background for soils shall be determined by samples taken adjacent to the cylinder yard in locations approved by Ohio EPA and outside the spill area.
 5. Excavation of any soil contamination is required as expeditiously as possible and shall continue until the sampling analyses show results less than the mean plus two sigma of the background.
 6. Any soil excavated as required by this plan shall be containerized and evaluated according to OAC rule 3745-52-11.
 7. Remediation of any ground or surface water contamination resulting from the spill shall be in accordance with the provisions of Section VII of the Ohio Consent Decree and applicable portions of the U.S. EPA Administrative Consent Order.
 8. If a DUF₆ cylinder breaches during the pendency of the Order, the provisions of this Section shall apply until all work required by this Section is completed.

- C. Routine maintenance activities for the storage yards shall consist of: (1) identifying and controlling vegetation, (2) identifying and repairing water retention areas (See Section I.A.2.b), (3) identifying and replacing or repairing signage (i.e., radiological postings), (4) identifying and replacing damaged barricades, and (5) identifying and repairing defective lighting. Any discrepancies found shall be entered into the work order system within ten (10) working days.

IV. Design and Construction of New Storage Yards

- A. The new storage yards, at a minimum, shall be constructed in accordance with "Facility Safety," DOE Order 420.1A. Concrete saddles shall be utilized for cylinder storage. Prior to utilizing any new yard for storage of DUF₆, U.S.DOE shall provide notice to Ohio EPA, and allow the inspection of the yard by Ohio EPA.
- B. DUF₆ cylinders shall be stored by cylinder type (i.e., fourteen and ten ton). Fourteen and ten ton cylinders shall be stored with aisle spacing of about four feet. Cylinder center-to-center shall measure about sixty inches. Full DUF₆ cylinders exceeding 12-inches in diameter shall be stacked no more than two high. See attached drawing

V. Inside Storage of Small Diameter DUF₆ Cylinders.

The Small Diameter DUF₆ Cylinders surveillance program consists of inspections and radiological surveys.

- A. **Storage.** The storage of small-diameter (less than 30-inch) cylinders containing DUF₆ will be stored indoors within the limited area. Cylinder location is available through the Cylinder Information Database (CID).
1. Some of the small diameter cylinders may be placed in various containers such as drums or boxes for the convenience of storage.
 2. There are no stacking limits on small diameter DUF₆ cylinders. The cylinders will be stored in a manner that will make them easily accessible for inspection.
 3. The storage areas shall be maintained free of standing water.
- B. **Surveillance.** The surveillance of small-diameter (less than 30-inch) cylinders containing DUF₆ will be inspected in the following manner.
1. The small-diameter cylinders shall be inspected on the same inspection frequency criteria applicable to the large diameter cylinders (large diameter means 30-inch and 48-inch diameter). See Table 1.
 2. The small-diameter cylinders defect codes are applicable and are the same as for the large-diameter cylinders.
 3. The small-diameter cylinder inspections shall be documented on the appropriate checklist.

4. The small-diameter cylinder inspection data is maintained in the Cylinder Information Database (CID).

C. Radiological Surveys. The radiological survey of the small-cylinders shall be performed in the following manner.

1. The radiological surveys of these small-diameter cylinders (some overpacked may be performed on the outer package and unpacking is not required for the purpose of radiological survey measurements) shall be conducted on an annual basis.
2. The surveys and limits are based on 10 CFR 835 (10 CFR 835.401, 1101 and 1102 to 835.202 limits and Appendix D limits). The applicable radiological uranium contamination limits are 1000 dpm / 100 cm² as specified in Appendix D of 10 CFR 835 (10 CFR 835.1101 and 1102 to Appendix D limits).
3. The area where the small-diameter cylinders are stored will be surveyed according to 10 CFR 835 (10 CFR 835.401 to 835.202 limits) for dose rates and posted accordingly. The dose rate to post the area is 5 mR/hr or more conservatively as management determines.

VI. Contingency Plan

- A. In the event of an emergency involving DUF₆ storage areas, the Portsmouth Emergency Plan response procedures shall apply and the following actions taken:
 1. Evacuate the area immediately.
 2. Notify supervision and the Plant Shift Superintendent (PSS) immediately.
- B. Appropriate personnel such as code inspectors, health physicists and metallurgists shall be summoned to evaluate the breach after the area is determined by the incident commander to be safe to enter.
- C. Notification shall be made to the Ohio EPA within 24 hours.
- D. Breaches shall be evaluated on a case-by-case basis and corrective actions taken as appropriate.

VII. Records

- A. Procedures and/or checklists shall be used to implement the surveillance and maintenance requirements.
- B. All DUF₆ cylinder and cylinder storage area surveillance and maintenance activities shall be logged/recorded.

- C. Records for activities (i.e., logs and checklists) required by this exhibit shall be maintained at the facility until cylinder disposition.
- D. Computerized records may be used in lieu of logs and checklists.

VIII. Reporting

- A. All records, (i.e., logs and checklists) required by the DUF₆ management plan and requested by Ohio EPA shall be provided. Within 24 hours of discovery, releases from DUF₆ cylinders shall be reported to Ohio EPA verbally detailing all pertinent information known at the time. Within 5 working days of the incident, a written report shall be submitted to the Ohio EPA documenting the details of the release, environmental monitoring that has been completed, corrective actions completed to-date, and any further actions to be taken. Recorded information shall include cylinder yard, section, row, position, breach size, possible causes, amount and location of product released, and nameplate information (e.g. cylinder number, model).
- B. Within 30 days of receiving a written request by Ohio EPA, U.S. DOE and the Operating Contractor shall provide to Ohio EPA a report that documents the surveillance and program improvements activities for the past quarter that were conducted in accordance with the DUF₆ management plan as described in Sections I, V, and X of this plan. Nothing in this paragraph shall limit any statutory or regulatory authority that Ohio EPA may otherwise have to request information from inspection of DUF₆ at PORTS.

IX. Training

DOE shall train all personnel directly involved in handling and inspection of cylinders, in order to comply with DOE procedures and the DUF₆ Management Plan. Class room instruction and on-the-job training shall be used. Refresher training shall occur for all involved personnel on an annual basis. Training shall be specific to the job performed, and shall include, if applicable, safe operation of cylinder handling equipment, lifting and moving of cylinders, and emergency response procedures. Inspectors shall also be trained on proper inspection procedures, including identification, description, measurement, and recording of all inspection criteria. DOE shall maintain records of training at the facility.

A code inspector shall be trained in the use of precision measuring instruments and various industrial practices/methods and interpretation of data. Code inspectors shall be tested by a certified American Society for Non Destructive Testing (ASNT) examiner. Records of this training shall be retained at the site.

X. Other

At the request of U.S. DOE, the Operating Contractor, or Ohio EPA, those parties shall meet in January of each year to discuss improvements to U.S. DOE's DUF₆ management program.

Prior to shipment of ANSI non-compliant cylinders to PORTS, the parties will meet to determine if changes to this Plan are needed.

Table 1. PORTS DUF₆ Cylinder Inspection Frequency

Criteria	Daily	Monthly	Annually	Quad
Radiological Survey			X	
Ultrasonic Testing / Inspection (150 cylinders)			X	
Nominal DUF ₆ Cylinders				X
DUF ₆ Cylinders with the following defects -severe pitting corrosion -heavy rust/scale on cylinder -rust/scale in skirt of valve end -rust/scale in scale of plug end			X	
DUF ₆ Cylinders with evidence of valve leakage		X		
Breached Cylinder * Daily until mitigated/annual after mitigated	*X		*X	