

ROCKY FLATS STEWARDSHIP COUNCIL

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Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

Board of Directors Meeting – Agenda

Monday, October 1, 2007, 8:30 – 11:15 AM

**Rocky Mountain Metropolitan Airport (formerly Jefferson County Airport)
Terminal Building
11755 Airport Way, Broomfield, Colorado**

- 8:30 AM Convene/Agenda Review
- 8:35 AM Business Items
1. Consent Agenda
 - o Approval of meeting minutes and checks
 2. Executive Director's Report
- 8:55 AM Public Comment
- 9:00 AM Briefing by Rocky Flats Cold War Museum (briefing memo attached)
- o Board members from the Rocky Flats Cold War Museum recently participated in an Energy Communities Alliance peer exchange.
 - o Museum Board members will brief on the meeting and potential next steps.
- 9:15AM Review Draft Stewardship Council Briefing Materials for Newly-Elected Officials (briefing memo attached)
- o Stewardship Council board members identified the need to prepare briefing materials for newly-elected officials.
 - o The attached documents reflect the Board's input to date.
 - o The Board will review these documents and identify other briefing materials that should be developed.
- 9:45 AM Review Draft Bylaws Amendment Regarding Appointment of Community Representatives to Rocky Flats Stewardship Council (briefing memo attached)
- o The bylaws do not currently provide for Member appointments to the Stewardship Council.
 - o The four community representatives – League of Women Voters, Rocky Flats Cold War Museum, Rocky Flats Homesteaders and Ken Foelske – were

appointed to a two-year term that expires in February 2008. Each is eligible to apply for reappointment.

- The Board must make new appointments for 2008-2009.
- Bylaws amendment provides that the appointments are made by the nine governments that are a party to the Stewardship Council IGA.
- The amendment will be reviewed at this meeting and adopted as modified at the November 5th meeting.

- 10:05AM Board Review of Stewardship Council Activities for 2007 and Initial Review of 2008 Work Plan (briefing memo attached)
- The 2007 Stewardship Council Work Plan provides that the Board shall review the Plan elements to help determine its ability to accomplish the stated mission and objectives.
 - The review shall include an assessment of how the organization can improve in the coming year, focusing on areas of weakness and opportunities for improvement.
 - The review is a first step in developing the 2008 Work Plan.
 - The attached draft 2008 Work Plan is an update of the 2007 Plan.
 - Formal approval of the 2008 Work Plan will take place at the November 5th meeting.

- 10:35 AM FY 08 Budget – Initial Review (briefing memo attached)
- At the November 5th meeting the Stewardship Council will need to approve the fiscal year 2008 budget.
 - At this meeting the Board will review the draft budget. Formal budget hearings will take place at the November meeting.

11:00 AM Public comment

- 11:05 AM Updates/Big Picture Review
1. Member Updates
 2. Review Big Picture

Adjourn

Next Meetings: November 5, 2007
February 4, 2008

Business Items

- August 6, 2007, draft board meeting minutes
- List of Stewardship Council checks

Rocky Flats Cold War Museum Briefing

- Cover memo
- Summary of Energy Communities Alliance historic preservation meeting

Stewardship Council Briefing Materials for Newly Elected Officials

- Cover memo
- General Rocky Flats briefing memo
- Rocky Flats National Wildlife Refuge briefing memo

Rocky Flats Stewardship Council Board Meeting Minutes
Monday, August 6, 2007
8:30 – 11:30 AM
Jefferson County Airport, Terminal Building
11755 Airport Way, Broomfield, Colorado

Board members in attendance: Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Matt Jones (Alternate, City of Boulder), Megan Davis (Alternate, Boulder County), Lori Cox (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Chuck Baroch (Director, Golden), Bob Nelson (Alternate, Golden), Sheri Paiz (Director, Northglenn), David Allen (Alternate, Northglenn), Shelley Stanley (Alternate, Northglenn), Tim Purdue (Alternate, Superior), Jo Ann Price (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Roman Kohler (Director, Rocky Flats Homesteaders), Ken Foelske (Director).

Stewardship Council staff members and consultants in attendance: David Abelson (Executive Director), Rik Getty (Technical Program Manager), Barb Vander Wall (Seter & Vander Wall, P.C.), Erin Rogers (consultant).

Attendees: Cathy Shugarts (City of Westminster), Carl Spreng (CDPHE), Mark Aguilar (EPA), Larry Kimmel (EPA), Sam Garcia (EPA), Vera Moritz (EPA), Shirley Garcia (Broomfield/Westminster), Scott Surovchak (DOE-LM), John Boylan (Stoller), Bob Darr (Stoller/DOE-LM), Linda Kaiser (Stoller), Rick DiSalvo (Stoller), Michelle Hanson (Stoller), Jody Nelson (Stoller), George Squibb (Stoller), Jeremiah McLaughlin (Stoller), Sam Marutsky (Stoller), Amy Thornburg (USFWS), Bruce Hastings (USFWS), Steve Berendzen (USFWS), Sue Vaughan (League of Women Voters), Jennifer Bohn (RFSC accountant).

Convene/Agenda Review

Chairman Lori Cox convened the meeting at 8:35 a.m. She asked if there were any suggested changes to the agenda. There were none.

Consent Agenda

Jo Ann Price moved to approve the May, 2007 minutes. The motion was seconded by Roman Kohler. The motion passed 11-0. (Jefferson County was not present)

Lorraine Anderson moved to approve the checks. The motion was seconded by Jeannette Hillery. The motion passed 11-0. (Jefferson County was not present)

Ratification and Approval of Letter Regarding “The Rocky Flats Special Exposure Cohort Act”

The Board was asked to approve a letter to the Advisory Board on Radiation and Worker Health which was mailed May 23, 2007. The letter, regarding the Rocky Flats workers special exposure

cohort petition, was signed by Chairman Lori Cox. It included all changes that Board members requested be made.

Lorraine Anderson said that it seemed as if workers at other sites got approval of their petitions much easier than the Rocky Flats workers. David Abelson said this was partially true. He said that the system was indeed faster at some of the smaller sites. However, while faster, the Advisory Board's decision was essentially the same as it was here as far as approving only a smaller group of workers from the early years of production. Lorraine asked David to provide her with more information about the issues involved so that she will be able to do some lobbying. David responded that he will discuss these issues further in his report later in the meeting.

Jeannette Hillery moved to approve the letter. The motion was seconded by Roman Kohler. The motion passed 11-0. (Jefferson County was not present)

Executive Director's Report

David began by commenting that even though the cleanup is complete there remains a great deal of work for DOE and the regulatory agencies. Many issues have arisen that warrant the attention of DOE, the regulators, Congress and the Stewardship Council. Some questioned the need for the Stewardship Council but there is clear need for ongoing local government and community oversight.

Regarding the Rocky Flats worker's Special Cohort petition, the Secretary of Health and Human Services has 60 days to decide if he agrees with the recommendations of the Advisory Board. In June, the Board recommended approval of the petition for those who worked at Rocky Flats through the mid-1960s. The Secretary is expected to make a decision this month.

Legislation introduced by Senator Salazar and Representatives Udall and Perlmutter would grant Special Exposure Cohort status to Rocky Flats workers. There was hope that the bill could be tacked onto the Fiscal Year 2008 National Defense Authorization Act. Due to the potential price tag in the hundreds of millions, the House Judiciary Committee blocked that option and has decided to wait for the results of a GAO report on implementation of the Energy Employees Occupational Illness Compensation Program Act (EEOIPCA), the authorizing legislation, before deciding on a legislative course of action. Once the report is released, the delegation will push for hearings on the Rocky Flats bill. David noted that Congress did intend that the workers get compensated, but the costs and ramifications at other sites have led them to look more closely at how to meet these commitments.

Chuck Baroch asked why the mid-1960's was chosen for cutoff for approving worker's petitions. David Abelson explained that it was related to the development of improved safety and monitoring techniques. Chuck noted that the exposure standards were also changed during the time he worked in the nuclear field.

David also informed the Board of a proposal in the U.S. House to put the DOE's Office of Legacy Management (LM) under the Office of Environmental Management (EM). David sees this proposal as both good and bad. The downside for Rocky Flats is that if LM were placed

under EM, LM would lose its line item budget. On the plus side it would better integrate cleanup actions with post-closure responsibilities. This proposal is not in the Senate bill. David said that the Board does not need to take any action yet, just to be aware of the issue and talk to their legislators about the ramifications. Senator Allard will be on the committee that discusses this proposal. David will keep the Stewardship Council informed and let them know when any action may be helpful.

David next discussed DOE's petition to the Colorado Water Quality Control Commission to change the site-specific uranium standard. He noted that if the uranium contributing to the standard is man-made, it would be directly related to Rocky Flats and would become of interest to the Stewardship Council. However, it is more likely that it is naturally-occurring uranium which is causing this need to change the standard. Therefore, David sees this as a topic for this group to watch, but noted that it is more of a typical stream water rule-making issue than anything related to the operations at Rocky Flats. There will be a meeting on Wednesday at the DOE office to discuss this issue with interested stakeholder. The Commission requested that DOE meet with stakeholders to discuss any potential issues. David and/or Rik will attend the meeting and will keep the Stewardship Council apprised. David reported that the next scheduled review of Rocky Flats' site-specific standards is not until 2009. However, DOE will address the Commission next week to ask for a review in January, 2008. Rick DiSalvo said that DOE hopes the Commission will set a hearing in order to apply the state drinking water standard at Rocky Flats. DOE will also keep the Board informed.

Each of the local municipalities has been contacted by CDPHE regarding the future of the Rocky Flats Area of Concern, which was established in the early 1970's. Since that time, local governments have been able to request reviews by State radiation staff to evaluate any risks present in potential new subdivisions due to operations at Rocky Flats. Because of cleanup and closure, CDPHE believes that these reviews are no longer necessary and is proposing that the Rocky Flats Area of Concern be discontinued. No serious issues were raised by the governments, so CDPHE will move forward with its proposal.

David sent copies of the quarterly financial report to the Board last month. If there are any questions, please contact him. David also announced that Tim Purdue is the new staff Board member from Superior and Megan Davis has taken over for Jane Uitti from Boulder County.

DOE officially transferred buffer zone land recently to the U.S. Fish and Wildlife Service (USFWS). Therefore, the Rocky Flats Wildlife Refuge now exists. The initial plan from the USFWS anticipated that the Lindsey Ranch trail would be opened during the first year of operation, followed by additional trails in future years. However, since the Refuge does not have the funding available that was anticipated when the plan was written, the Lindsey Ranch trail will not be open during the first year. It is also likely that the construction of additional trails will be pushed back as well. The short-term priorities for the Refuge will be maintenance of habitats and weed control. David said that the February 4, 2008 Stewardship Council meeting will be a good time for the USFWS to update the Board on Refuge issues, as the budget will have been released by this time.

David next updated the group on the status of mineral rights acquisition. Congress approved the acquisition of mineral rights in a few parcels at the site. Charlie McKay opted not to sell his parcel. Three other parcels have been acquired by the Trust for Public Lands and have been transferred to DOE. These parcels are not part of the land that has been transferred to the USFWS.

Parcel C will be the first to be transferred. It has no existing mining permits, so the Department of Justice is working to clear title, which will probably be completed in the fall. One title is clear administrative jurisdiction over the land will transfer to USFWS for inclusion in the Refuge. Two of the parcels (A1 and A2) have been permitted for mining by the State. However, the attached restrictions, including those related to endangered species issues, influence whether it is economically viable to actually remove the minerals. The existing lease is between the Lafarge mining company and DOE as the new owner of the mineral rights. It is a 5-year lease, ending in December, with an option to extend for another five years if the mining company chooses to renew. If the company were to start mining now, it would have to stop after the next five year period. Currently, it is looking like this parcel will not be mined because of the restrictions.

Ken Foelske asked if there are any reclamation requirements if the area was mined for minerals. David said he was not sure what they are. He added that it would be very difficult for the company to start mining in order to meet all requirements. Lorraine noted that Congress set aside a certain amount of money for the acquisition, and asked what would happen to the money that was not spent. David said that Congress appropriated \$10 million, with the unspent balance earmarked for the Colorado Natural Resource Trustees. DOE spent about \$6 million, so the remaining \$4 million is in the hands of the trustees (which include DOE, USFWS, CDPHE and others). These agencies will collectively decide what to do with the money. Lorraine asked if there was an opportunity to use this money to fund the Wildlife Refuge. David said there have been some discussions about this possibility. However, any such funding would need to be only a supplement to the federal appropriation in order to avoid a cut-off of federal funds. Lorraine also asked about whether income from mining the DOE-acquired parcels could provide funding for the refuge. David said the agencies have talked about looking at whether there is any habitat value in the mined areas. For example, Boulder has turned some old mines into waterfowl habitat.

David said he would keep the Board up to date on what happens with Parcels A1 and A2 and will continue talking with the delegation about funding for the Refuge. Scott Surovchak offered that because of the permit requirements associated with these parcels, only about 20 acres could be mined. This means that it probably would not be cost-effective to even try to mine on these lands. Some of the studies required by the permit will take five years to complete. Most of the difficulties involved in mining at the site are related to water. Since Lafarge does not have enough water to run their existing mine all year, Scott does not see any way they would have enough water to open another mine.

David concluded by mentioning that Senator Allard inserted \$500,000 into a Senate appropriations bill for the Rocky Flats Cold War Museum.

Matt Jones asked about a drilling rig he had seen positioned off Highway 93 to the south of Rocky Flats. David said that it is on State Land Board land.

Public Comment

Amy Thornburgh (USFWS) announced that she will be transferring to another location, and that Bruce Hastings will be taking over her position at the Rocky Flats refuge.

Mark Aguilar announced that EPA's Rocky Flats team will be disbanding September 30. He introduced Vera Moritz who will be taking over all Rocky Flats issues.

Legacy Management Quarterly Meeting

DOE briefed the Stewardship Council on site activities for January – March, 2007. The report is available on DOE's website

Surface Water

George Squibb with Stoller discussed the 1st Quarter Surveillance and Maintenance Report for surface water. Site water quality is showing the same trends as previously seen at the 18 surface water monitoring locations, 100 groundwater wells, and 11 treatment system locations.

There were two pond discharges at Rocky Flats in March due to snow melt, as well as another just a few days ago. Current pond levels are around 20%. The total precipitation for the quarter was 3.14". Flow rates are 100-366% of the site average (including pre-closure data). At Indiana Street, they saw more water than any other year.

At the Points of Compliance (POC) all results remain below applicable standards. At Pond B5 there was a reading close to the standard, reflecting the presence of uranium from GS10. There is an updated source evaluation summary in the quarterly report. Plutonium and americium results have virtually disappeared.

Surface water quality results show that both the Original Landfill (OLF) and Present Landfill (PLF) are functioning properly. Lorraine asked about nitrate levels in the landfills. John Boylan responded that this could be from natural sources, but is probably affected by the solar ponds area. Ron Hellbusch asked what they meant by functioning as designed if they are seeing some higher samples. George said the levels have been hovering around those which would trigger the requirement for monthly samples, but it has been going up and down. The last samples were collected about two weeks ago.

Groundwater

John Boylan reported on groundwater monitoring at Rocky Flats. Activities during the first quarter included normal RCRA monitoring at the landfills. They also sampled sentinel well 45605 because it is in a precarious position and will not last much longer. The site performed additional sampling at the Solar Ponds to confirm that the Treatment System is removing nitrates. They saw an increase in concentrations as the flow increased early in the year, but these

decreased with the flow as well. At the OU1 plume well, results were consistent with previous sampling.

Next, John led a demonstration of the site's sampling procedures. Most groundwater sampling is performed with a peristaltic pump. Samples for analysis of metals, uranium, plutonium and americium are filtered. Samples for analysis of VOCs, SVOCs, and nitrate are not filtered. They first measure the level of the water, purge some (using peristaltic pump), measure turbidity (how muddy is it), and try to get water as clear as they can. They also decontaminate the equipment after each use. Shelley Stanley asked what they do if they do not get to certain 'ntu' during purging. John said it would be documented, and that they can use some of these measurements anyway. She asked if they also run splits. John said that there are field duplicates, along with Quality Assurance/Quality Control procedures in place. Mike Bartleson asked how long it takes to sample each well. John said it varies. Because there is not a lot of groundwater at Rocky Flats, it can take as little as a half hour up to multiple days.

Ecology

Jody Nelson reported that most of the work during the winter for the ecologists is paperwork, analysis of data, project support, and vegetation surveys. Planning began to evaluate weed control activities for the 2007 field season. They also prepared an Amendment to the Biological Evaluation for weed control in Preble's mouse to improve the ability to control noxious weeds in the habitat. The ecology staff provided support for the Solar Pond Discharge Gallery temporary flume installation and the Central Operable Unit fence construction. Also, vegetation surveys were conducted on the OLF and PLF. Approximately 69 acres of former roads and parking areas were revegetated using various methods of soil amendments. 450 bare root shrubs were planted and 251 coyote willow stakes were installed along the slump line and the north pond edge at the PLF Pond.

Ken Foelske asked if last year's burn area has been revegetated. Jody said you cannot even tell there was a fire there now and that it looks great.

Air Monitoring

Since October 2006, samples at S-136 and S-138 (both on the site's eastern boundary) are archived pending a need for analysis. Sampling at S-132 (on the west boundary) has been discontinued. Measured isotopes (except for uranium) were generally below detection limits and not measurable. Airborne radionuclides were dominated by uranium isotopes of natural origin. Lacking large-scale soil disturbances, potential air emissions are expected to remain at or below detection limits.

Site Operations

Jeremiah McLaughlin reported on inspections at the PLF. Inspections were performed January 18, February 14 and March 27. The vegetative cover was inspected January 30, February 7, and March 14. They followed the prescribed checklist from the Monitoring and Maintenance Plan (May 2006). A new slump was discovered east of the PLF on February 13. It was inspected by a geotechnical engineer the same day, and was staked and mapped with GPS to monitor movement. There are no significant concerns at the PLF.

Settlement monuments were installed at the PLF in August 2006 (9 monuments across the top of landfill and 6 monuments on the east face of landfill). The monuments were surveyed in March 2007. The movement was within the calculated settlement data.

OLF inspections were performed January 18, February 7, and March 26. The vegetative cover was inspected February 7. They followed the prescribed checklist in Monitoring and Maintenance Plan (Feb 2006).

Seeps 4 and 7 were active. The flow was directed along Berm #3. Subsidence at Berm #4 was discovered on February 7. It was staked and surveyed and was then inspected by geotechnical engineers on February 12. Five settlement monuments were installed in March 2007 and three additional monuments will be installed when the cover dries.

The annual site inspection was performed on March 19. These inspections are to be performed annually, or after a 'Significant Event'. Results are documented with photos. DOE also brings in applicable expertise, such as geotechnical engineers, geologists, or ecologists. Fence construction around the DOE-retained land was suspended December 20, 2006, due to snow. It resumed February 22 and was completed on March 22. 'No Trespassing' signs were posted by March 23. Also, because of heavy snow, surveillance patrols were restricted to the outer perimeter roads. There were no significant concerns with security. Road upgrades to allow for uninterrupted travel through spring months were started March 21 and completed April 3.

Rik referenced the decision to attach flags to the perimeter fence due to deer becoming caught in the fence, and inquired whether this had solved the problem. DOE reported that they had not seen any more deer becoming entangled in the fence. Shelley Stanley asked about the slump at the PLF. Bob Darr said that the main cause was that the whole area was covered with snow. There was a high level of saturation. They also lowered the pond level there, and additional erosion influenced the slump. Ron Hellbusch asked if they monitor the settlement monuments quarterly and was told that they do. He also asked if a consultant was working with DOE on the OLF. Scott said that there have been several engineers working at the site, including one from Stoller corporate staff, an independent geotech consultant from Grand Junction, and Tetrattech.

DOE Briefing on CERCLA Five-Year Review

Rick DiSalvo reported that DOE has submitted the draft CERCLA Five-Year Review to the EPA for approval. The off-site and refuge lands are not part of the review as they have been deleted from the CERCLA National Priorities List and thus are no longer subject to CERCLA. The purpose of the review is to make sure that the cleanup remains protective of human health and the environment. The last CERCLA review was conducted in 2002. The second CERCLA five-year review covers May 2002-April 2007. Based on this review, the remedy remains protective of human health and the environment.

Cleanup and closure of Rocky Flats was completed during the second five-year review period. The final remedy was selected in the September 2006 CAD/ROD, based on results of the July 2006 RI/FS, including a Comprehensive Risk Assessment. The current review assesses the

performance of the final remedy. However, CERCLA Five-Year Reviews do not reopen remedy decisions.

As part of the Rocky Flats closure, the Peripheral OU remedy is no action. The Central OU remedy is physical and institutional controls, and this area will remain on the NPL. OU3 (offsite areas) was addressed under a separate 1997 No Action CAD/ROD.

RFLMA implements the CAD/ROD so the Central OU remedy will remain protective. EPA certified that cleanup and closure is complete and that the Central OU remedy is operating properly and successfully (May 2, 2007). The Notice of Partial Deletion for the Peripheral OU and OU 3 was issued on May 25, 2007. Most Peripheral OU land was transferred to USFWS on July 12, 2007.

Within the Central OU, the PLF and OLF are closed with engineered covers, run-on and run-off controls, and monitoring wells. There is a PLF seep treatment system, in which VOCs are treated in a passive aeration treatment system. Arsenic, boron and manganese were found to be above the surface water standard. This triggered downstream PLF pond water sampling. This has since been discontinued based on DOE, CDPHE and EPA consultation. Boron remained slightly above RFLMA standards at the end of 2006. There are some areas of subsurface soil contamination, including VOCs, metals and radionuclides; remains for former building and infrastructure components; and debris and incinerator ash. Groundwater contaminant plumes include nitrates, VOCs and uranium that may impact surface water quality. Groundwater collection and treatment systems reduce groundwater contaminant loading to surface water. The Mound and East Trenches Treatment Systems treat VOCs, and the Solar Ponds Treatment System treats uranium and nitrates.

Central OU surface soil is contaminated with low levels of plutonium-239/240 and americium-241 which could impact surface water quality if soil disturbance causes erosion and mobilizes contaminants. Subsurface soil contaminated with uranium and VOCs contribute contaminants to groundwater, which may impact surface water. Some subsurface areas have VOC contamination at levels that preclude occupied buildings. Contaminated surface soil in some parts of the Central OU poses risk at the low end of the CERCLA acceptable range of 1×10^{-6} to 1×10^{-4} (2×10^{-6} from plutonium-239/240) to the wildlife refuge worker.

Institutional controls prohibit:

- Soil-disturbing activities that are not appropriately controlled
- Activities that could damage the landfill covers or other components
- Non-remedy-related use of groundwater or surface water

Physical controls consist of signs prohibiting access and listing institutional controls prohibitions. Monitoring includes inspections and maintenance of remedy components and sampling of groundwater and surface water at specified locations and frequencies.

The Five-Year Review team consisted of DOE, DOE's LM contractor, CDPHE, EPA and USFWS staff. The team used EPA's Comprehensive Five-Year Review Guidance, June 2001. The team recapped the site background and chronology, remediation history, and progress since

the first Five-Year Review. They were responsible for focusing on post-closure conditions and final remedy implementation, as closure conditions were achieved in late 2005. The review process included community notice and involvement; document review (remedy selection documents, implementation of RFLMA requirements, ARARs and Comprehensive Risk Assessment (CRA) factors, groundwater and surface water data set for RFLMA locations through December 31, 2006); inspections of the Central OU; review of operation and maintenance costs; and review of new technologies.

The Five-Year Review results in a technical assessment, which is determined through the consideration of a series of questions. Question A: Is the remedy functioning as intended? Answering yes to this question means the remedy is protective. The components of this question include:

- Technical performance of the remedy is consistent with that intended by the CAD/ROD.
- Institutional and physical controls are in place and successfully preventing exposure.
- Monitoring and inspections of remedy components are done per RFLMA requirements.
- No significant items were found that would call into question the protectiveness of the remedy.

The answer to Question A was determined to be ‘yes’.

Question B: Are the exposure assumptions, toxicity data, cleanup levels, and Remedial Action Objectives (RAOs) still valid? The components of this question include:

- The CRA underlying wildlife refuge worker exposure scenarios and parameters remain valid.
- No changes to reference doses or slope factors, or ARARs that would change the protectiveness of the remedy.
- RAOs also remain valid.
 - RAOs for contaminated groundwater are to prevent adverse impacts to surface water quality, prevent exposure to groundwater above MCLs, and restore groundwater to meet surface water standards.
 - RAOs for contaminated soil are to prevent adverse impacts to groundwater and surface water and to prevent unacceptable risk from exposure.

The answer to Question B was determined to be ‘yes’.

Question C: Has any other information come to light that could call into question the protectiveness of the remedy?

- No new information not addressed or anticipated in the CAD/ROD was identified that could call into question the protectiveness of the remedy.

The answer to Question C was determined to be ‘no’.

Issues, Recommendations, and Follow-Up Actions

1) GS10 Uranium Concentrations.

Issue: Uranium concentrations above the surface water standard in 2006.

- Surface water discharged from the Central OU meets RFLMA surface water standards.

- Groundwater with predominantly naturally occurring uranium makes up a larger proportion of stream flow at GS10.

Recommendation: Continue to monitor per RFLMA requirements. Perform LANL analysis to see if natural uranium isotopic signatures have significantly changed.

2) *Uranium concentrations at Original Landfill (OLF) wells.*

Issue: In one of the three wells downgradient from the OLF, uranium in groundwater is below the site standards for groundwater but is higher than the surface water standard.

Recommendation: Continue to monitor in accordance with RFLMA requirements. Perform LANL analysis to see if natural uranium isotopic signatures have significantly changed.

3) *Sentinel Well 45605.*

Issue: Sentinel well is in hillside slump south of former B991.

- Well casing has moved out of vertical, and the serviceability of the well is uncertain.

Recommendation: Continue to monitor this well in accordance with RFLMA. If necessary, after movement in the area stops, replace the well after regrading of the hillside has been completed.

4) *Water Quality Standards Changes.*

Issue: Changes to RFLMA surface water standards for arsenic, copper, and uranium may be promulgated by the CWQCC in 2009 triennial review.

- Temporary modifications to nitrates and certain VOCs surface water standards at Rocky Flats are set to expire in 2009.
- Impacts of any changes will depend on the results of continuing remedy implementation.

Recommendation: DOE should actively participate in the triennial review process to identify issues and collect and provide any necessary data to the CWQCC for its decision-making process.

DOE is in the process of petitioning the Colorado Water Quality Control Commission (CWQCC) to review the Rocky Flats site-specific standard for uranium and to do so in January 2008 prior to the triennial review of the Big Dry Creek Basin in 2009. If the standard is not changed, options for managing the exceedances include, 1) treating the water (which is expensive and time-consuming), or 2) pumping the water upstream and holding it in the ponds with hopes it is diluting by rain.

The CWQCC will decide this month whether to start the formal rule-making process in 2008 or wait until 2009. Rocky Flats discharges should not affect any downstream standards. There is a meeting to discuss these issues Wednesday at 1:00 and everyone is welcome. The Commission wants public concerns aired early in process.

Mike Bartleson asked if the site can continue to track man-made uranium. Rick said it is a possibility they can talk about. David Allen asked why the site wants to accelerate the process even though they do not have much post-closure monitoring data. Rick said they are already

looking at ways to treat if they have need to discharge at above-standard levels. Since treatment is not simple or cheap, going to commission is more cost-effective at this point. Rik Getty clarified that the current Rocky Flats standard is 10 pCi/l, while the state standard is 30 mg/l, which equates to 20 pCi/l. Rick DiSalvo said the site does not anticipate ever hitting 20 pCi/l. Chuck Baroch said that natural uranium concentrations around the country vary greatly, and asked if there are different standards based on this natural variation. Rick answered that there are different standards for different stream segments and that the State does not have one standard. Shelley Stanley asked what the site used for speciation data. Rick said it was 1997-2005. She asked if the 30 mg/l standard is an instant reading. Rick said it was a 12-month rolling average, but since there is no past data, it essentially is instantaneous.

5) *OLF Cover.*

Issue: Historical seeps and small areas of slumps and slides on the OLF cover need to be addressed and repaired as necessary to continue to meet cover design criteria.

Recommendation: Continue to inspect and repair the OLF cover in accordance with RFLMA and OLF M&M Plan so that design criteria continue to be met. Complete engineering evaluation to identify possible causes and approaches to address the causes.

6) *Solar ponds Treatment System Treatability Study.*

Issue: Routine maintenance for this system is difficult and inefficient.

Recommendation: Complete a treatability study to determine whether and less management-intensive system could be designed and installed. Based on the results, a proposed modification should be developed in accordance with RFLMA.

Additional Issues

The RFLMA requires an evaluation of actions that could reduce the need to rely on institutional controls. The reviewers surveyed new technologies that might reduce groundwater contamination faster and more efficiently than the current remedy. None were identified for further investigation at this point. The RFLMA also specifies that the inspection frequency of the final cover and stormwater management systems for the OLF and PLF be evaluated. The reviewers recommend that the frequency be reduced to quarterly for the PLF.

For the next Five-Year review, Central OU contaminants are expected to remain at levels that do not allow unlimited use or unrestricted exposure. Also, the Central OU will require continued remedy implementation for the foreseeable future. A third five year review will be required.

Chuck asked how many years the site will have to be monitored and whether this is specified anywhere. Rick said it is not specified or known at this point. They will have to monitor until they meet the Remedial Action Objectives and the site is removed from the NPL. Chuck asked which controls are in place to keep people off of the site. Rick said this was ensured through signage, security, personnel, and, if necessary, the Jefferson County sheriff can come onsite to address problems. Mark Aguilar clarified that the entire site was cleaned up to refuge worker standards.

Public Comment

There was none.

Updates/Big Picture Review

The next Stewardship Council meetings are scheduled for:

- October 1, 2007. Topics include an initial review of the 2008 budget; annual review of Stewardship Council activities; beginning discussions on the 2008 work plan; and the DOE petition to the Colorado Water Quality Control Commission regarding uranium standards.
- November 5, 2007: Topics include: budget hearings for the 2008 budget; 2008-09 the Stewardship Council membership/interviews; review the Stewardship Council communications and outreach; host LM quarterly public meeting; and approve 2008 Work Plan.
- February 4, 2008: Elect 08 officers; host LM public meeting; DC briefing materials; meet with USFWS; and DOE FY09 budget briefing.

David Abelson explained that the Stewardship Council was set up so that non-government members are appointed for two-year terms and are then allowed to re-apply. The initial terms expire this winter. The February 2008 meeting will be the transition to the new membership. The Stewardship Council needs to get applications out to new and re-applying members. The government members on the Board will interview and then select the new members. Applications will be distributed in mid-September, will be due in mid-October, and will be approved at the November meeting. David suggests vetting the application through the Executive Committee, and then placing an ad in paper. The Board agreed with this path forward.

David next explained that the Board will need to amend its bylaws in order to carry out the process as defined. The bylaws require 9 votes to approve a motion, which includes both governmental and community representative votes. However, DOE guidance states the member governments shall appoint the community representatives. The bylaws will therefore need to be amended to clarify that all nine government shall appointment the community members. The Stewardship Council can amend the bylaws to clarify this process, but they will need two meetings. A proposed amendment will be presented in October, and will be voted on at the November meeting. Once the bylaws have been amended, the Board will be able to approve membership appointments at the end of the same meeting.

Lorraine asked if the Stewardship Council could look at communications and outreach with respect to ongoing communication with the newer government representatives that do not have any historical knowledge about Rocky Flats. David said he could prepare a standard briefing packet that can be distributed and kept updated over time. He will start working on that. It may be 3-5 pages long, bulleted, with some quick facts at the beginning.

The meeting was adjourned at 11:27 a.m.

Respectfully submitted by Erin Rogers.

2:05 PM

09/15/07

Rocky Flats Stewardship Council
Check Detail
 July 14 through September 15, 2007

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check		8/26/2007		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Bill Pmt...	1190	8/5/2007	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,080.10
Bill	7/31/...	7/31/2007		Personnel - Contract	-6,900.00	6,900.00
				Telecommunications	-123.81	123.81
				TRAVEL-Local	-19.89	19.89
				Supplies	-36.40	36.40
TOTAL					-7,080.10	7,080.10
Bill Pmt...	1191	8/5/2007	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-375.00
Bill	0743	7/31/2007		Accounting Fees	-375.00	375.00
TOTAL					-375.00	375.00
Bill Pmt...	1192	8/5/2007	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-58.75
Bill	51924	6/30/2007		Attorney Fees	-58.75	58.75
TOTAL					-58.75	58.75
Check	1193	8/5/2007	Qwest	CASH-Wells Fargo-Operating		-73.58
				Telecommunications	-73.58	73.58
TOTAL					-73.58	73.58
Check	1194	8/5/2007	Qwest	CASH-Wells Fargo-Operating		-27.60
				Telecommunications	-27.60	27.60
TOTAL					-27.60	27.60
Check	1195	8/5/2007	Purchase Power	CASH-Wells Fargo-Operating		-250.00
				Postage	-96.40	96.40
				Postage	-153.60	153.60
TOTAL					-250.00	250.00
Check	1196	8/5/2007	Excel Micro	CASH-Wells Fargo-Operating		-10.75
				Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75
Bill Pmt...	1197	9/7/2007	Blue Sky Catering, Inc.	CASH-Wells Fargo-Operating		-255.00
Bill		8/31/2007		Misc Expense-Local Government	-255.00	255.00
TOTAL					-255.00	255.00
Bill Pmt...	1198	9/7/2007	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,562.65
Bill		8/31/2007		Personnel - Contract	-7,325.00	7,325.00
				Telecommunications	-174.60	174.60
				TRAVEL-Local	-63.05	63.05
TOTAL					-7,562.65	7,562.65

2:05 PM

09/15/07

Rocky Flats Stewardship Council
Check Detail
July 14 through September 15, 2007

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill Pmt...	1199	9/7/2007	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-487.50
Bill	0750	8/31/2007		Accounting Fees	-487.50	487.50
TOTAL					-487.50	487.50
Bill Pmt...	1200	9/7/2007	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-197.25
Bill		7/31/2007		Attorney Fees	-197.25	197.25
TOTAL					-197.25	197.25
Check	1201	9/7/2007	Excel Micro	CASH-Wells Fargo-Operating		-10.75
				Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75
Check	1202	9/7/2007	Qwest	CASH-Wells Fargo-Operating		-27.28
				Telecommunications	-27.28	27.28
TOTAL					-27.28	27.28
Check	1203	9/7/2007	Qwest	CASH-Wells Fargo-Operating		-73.13
				Telecommunications	-73.13	73.13
TOTAL					-73.13	73.13

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City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

MEMORANDUM

TO: Board

FROM: David Abelson

SUBJECT: Rocky Flats Cold War Museum Briefing

DATE: September 21, 2007

Board members of the Rocky Flats Cold War Museum will brief the Stewardship Council on the recent Energy Communities Alliance (ECA) historic preservation peer exchange. Attached to this memo is Kim Grant's write-up of the meeting.

As background, The Rocky Flats Cold War Museum's mission is "to document the historical, environmental, and scientific aspects of Rocky Flats, and to educate the public about Rocky Flats, the Cold War, and their legacies. These goals will be accomplished through preservation of key artifacts, and development of interpretive, educational, and outreach programs." The Museum last briefed the Stewardship Council at the November 2006 meeting.

For more information on the Museum please go to www.rockyflatscoldwarmuseum.org. For copies of the minutes from the November 2006 Stewardship Council meeting please go to www.rockyflatssc.org/meeting_minutes.html.

ECA Historic Preservation Peer Exchange *Report by Participants to Rocky Flats Stewardship Council*

On August 23-24, 2007, three representatives of the Rocky Flats Stewardship Council, including Lorraine Anderson (City of Arvada) and Kim Grant and Ann Lockhart (Rocky Flats Cold War Museum) participated in a 1 ½ day peer exchange at the Energy Communities Alliance (ECA) headquarters in Washington, D.C. The purpose of the meeting was to learn about historic preservation successes and challenges at Manhattan Project and Cold War era sites and to discuss ways to move these efforts forward. Representatives of the following cities and their allied organizations participated: US Department of Energy, Energy Communities Alliance, National Park Service, Atomic Heritage Foundation, Los Alamos NM, Hanford WA, Oak Ridge, TN, Idaho Science Center, and Rocky Flats, CO. The common thread linking the efforts of all participants was the desire to preserve historic assets from the various sites while promoting education and heritage tourism efforts across the DOE complex. Each site area grouping was invited to make a presentation, the highlights of which included:

Atomic Heritage Foundation

President Cindy Kelly provided an overview of the AHF's efforts to preserve Manhattan Project sites and history, including the release of the new book *The Manhattan Project*, the successful preservation of the V-Site (garage at LANL used for assembly of the atomic device tested at Trinity), development of a traveling exhibit, and the upcoming opera "Doctor Atomic" composed by John Adams which be presented at the Lyric Theatre in Chicago on January 5, 2008. The AHF presentation also discussed the status of the National Park Service Study about the possibility of jointly designating the Manhattan Project cities as a National Park (see below).

Los Alamos, New Mexico

In addition to collaborating with the AHF, the Los Alamos Historical Society and Los Alamos Historical Museum have worked on preservation of the V-Site and Oppenheimer House; management of its archives, collections and oral histories on the Manhattan Project; and development of a walking tour and companion brochure of downtown Los Alamos. These organizations also supported the publication of the book: *Silent Voices of World War II: When the Sons of the Land of Enchantment met Sons of the Land of the Rising Sun*, focusing on the contributions of New Mexico citizens toward the World War II effort, which is now used in the curriculum of the state's school system.

Oak Ridge, Tennessee

Highlights of efforts in Oak Ridge include the successful "Secret Cities Festival" which attracts thousands of visitors to the city every summer (including the Oak Ridge Boys), preservation of a portion of the K-25 U Historic Site (massive gaseous diffusion plant used to produce uranium-235), and the release of two documentary films related to the community's role in the Manhattan Project. The local historical society, chamber of commerce, and American Museum of Science & Industry have been very successful in building awareness of Oak Ridge and promoting it's heritage tourism potential.

Hanford, Washington

A multi-faceted approach to preservation of Hanford's role in the Atomic Age focuses on preservation and future tours of the B-Reactor site (first large scale nuclear reactor that produced the plutonium for the Trinity Test), development of the Hanford Reach National Monument (and

new visitor's center), and participation in general heritage tourism efforts in the Pacific Northwest.

Idaho Science Center

These efforts relate to preserving the history of DOE's Idaho National Laboratory and development of a small local museum called the Idaho Science Center, which includes a partially buried nuclear submarine and other visitor attractions.

Rocky Flats

The Rocky Flats Cold War Museum presentation focused on a brief history of the plant and its operations; the collection of artifacts, photographs and paper documents; site planning and development issues; and the successful oral history project (including participation in the National Oral History Conference in Oakland). A revised power point program on the museum development effort was presented, as well as several handouts, including the latest newsletter. The presentation also looked at general museum development trends (especially architecture) and what other museums or visitor centers around the DOE complex have been doing lately.

National Park Service Study on Manhattan Project sites

A conference call was held between peer exchange participants and National Park Service staff (Carla McConnell in Denver) about the study authorized by Congress to determine if the four primary Manhattan Project cities (Los Alamos, Hanford, Oak Ridge and Dayton) could qualify as a National Park. The park would be somewhat unique in that the sites are not contiguously located, although there is some precedent for this. At this point, it appears that 3-4 alternatives will be presented in the final study, but that full status as a National Park will be a long-shot.

Conclusion

Participants learned a great deal from each other at the ECA peer exchange and agreed to continue to work jointly on promoting our efforts and in working with the US Department of Energy and its Office of History and Heritage Resources. For the Rocky Flats participants, the meeting was a valuable opportunity to raise the profile of our museum project and reiterate the importance of preserving this remarkable historical legacy.

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MEMORANDUM

TO: Board
FROM: David Abelson
SUBJECT: Briefing Materials for Newly-Elected Officials and Others
DATE: September 20, 2007

I have scheduled 30 minutes for the Board to begin reviewing the attached briefing papers. In particular I would like the conversation to address the substance of the papers, the formats I have used, and additional briefing materials we should develop. What I am providing to you is preliminary and more is clearly needed.

These briefing materials follow the Board's direction at the August Board meeting that we develop briefing papers for newly elected officials at the state and local level. In addition, I envision posting these materials on our website and providing them to new Stewardship Council Board Members, should we have any in the coming year.

The first paper is the one I provided to you in early September. The only changes I made were to adjust the size of the site and to add the word "drinking" when discussing a federal drinking water standard. One comment I received on the first paper was that there was too much information and that I needed to add an executive summary or, alternatively, develop topic specific briefing papers that included executive summaries. For now, instead of editing the first the first paper I opted to developed a topic-specific briefing paper so that the Board can get a better sense of how those papers might look. The first topic-specific paper focuses on the Rocky Flats National Wildlife Refuge.

Should the Board endorse developing topic-specific papers, I anticipate developing additional papers that address

1. The scope of the cleanup
2. How clean is clean
3. Ongoing management needs
4. Worker issues
5. Talking points

Each paper would be 1-3 pages and would complement and expand on the topics included in the initial briefing paper.

Please let me know what questions you have. Thanks.

Rocky Flats Briefing Paper

~~~~~  
*Draft #2, September 21, 2007*

## **Background Narrative**

Rocky Flats operated from 1951 until 1989 and served as the primary nuclear weapons trigger production facility. Production of triggers (known as pits) and other classified work resulted in widespread contamination within the buildings and throughout portions of the 6,200-acre site, with the greatest contamination and thus hazards within the 384-acre core industrial area. Site operations and fires in the production buildings also spread contamination to off-site lands and into off-site water supplies.

Production ceased in 1989 after the FBI and EPA raid on the site, yet DOE did not announce an end to the nuclear weapons production mission until 1993. Cleanup, which began in earnest in 1995 and was closely regulated by both the United States Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE), took 10 years and cost \$7 billion. Local governments and community organizations closely tracked site issues and engaged on numerous issues, including cleanup levels and future use determinations.

The cleanup focused on four principal activities:

1. Stabilizing materials
2. Decontaminating and demolishing buildings
3. Shipping all waste to off-site receiver sites (note: the two landfills that were used during production were capped in place)
4. Remediating contaminated soils and contaminated groundwater, and protecting surface water quality

The overarching goals for the cleanup project included:

1. Ensuring waters leaving the site are available for any and all uses – at Rocky Flats the surface water standard for plutonium is 100 times cleaner than the federal drinking water standard
2. Demolishing all buildings and removing foundations to 6' below grade
3. Remediating soils to levels that support a wildlife refuge – in fact, most of the site is clean enough to support residential and/or industrial use
4. Developing and implementing a comprehensive post-closure stewardship plan

DOE, EPA and CDPHE determined off-site lands were not contaminated to levels that warranted remediation. Cleanup activities ended in October 2005, and in late 2006 and early 2007, DOE, EPA and the CDPHE declared the cleanup complete. The former buffer zone and off-site lands were removed from the Superfund list and 4000 acres of the former buffer zone were transferred to the Department of the Interior to be protected as the Rocky Flats National Wildlife Refuge.

The core production areas where the greatest hazards remain will be under DOE's jurisdiction. DOE's responsibility is to ensure the cleanup remedies are working as designed and to protect the remedies from human intrusion.

## **Ongoing Management**

While the entire site meets or exceeds all federal and state regulatory standards, cleanup did not eliminate all risk. To ensure the remedies remain protective of human health and the environment, DOE's responsibilities include:

1. Monitoring and maintaining the two landfills and the passive groundwater treatment systems
2. Conducting environmental monitoring, including surface water and groundwater monitoring, and repairing systems as necessary.
3. Maintaining legal and physical controls, including but not limited to:
  - a. Prohibiting excavation, drilling, tilling and other such intrusive activities except for remedy-related purposes and in conjunction with plans approved by the EPA or CDPHE
  - b. Ensuring surface water and groundwater on-site is not used for drinking water or for agricultural purposes
  - c. Maintaining groundwater wells and surface water monitoring stations
  - d. Prohibiting activities that may damage or impair the proper functioning of any engineered control, including treatment systems, monitor wells, landfill caps, and/or surveyed benchmarks
  - e. Maintaining signs and fencing demarcating the Refuge lands from the DOE-retained lands

## **Future Use of the Site**

After many years of discussion and negotiation between DOE, the state of Colorado, Congress and the affected communities, the parties agreed that vast portions of Rocky Flats would be protected as a national wildlife refuge upon the completion of cleanup activities. The implementing legislation, "The Rocky Flats National Wildlife Refuge Act of 2001", was championed by Senator Wayne Allard and Representative Mark Udall. With the exception of Rep. Scott McInnis, the entire Colorado House delegation co-sponsored the bill. The bill was broadly supported by local governments.

## **How Clean is Clean**

Cleanup actions included:

1. Demolishing 800+ buildings and facilities
2. Consolidating 21 metric tons of weapons-grade nuclear materials and 100 metric tons of plutonium residues
3. Excavating and/or consolidating 275,000 cubic meters of radioactive wastes
4. Analyzing and remediating as necessary 360 individual hazardous substance sites
5. Shipping these and other materials to off-site locations

The most difficult question to answer is "how clean is clean." Following are a few benchmarks:

1. Cleanup meets or exceeds federal and state standards.
2. Water leaving the site meets all applicable standards. In the case of plutonium, the standard is 100 times cleaner (more protective) than the federal drinking water standard.

3. The vast majority of the site can support residential and/or industrial use. The reason the DOE lands are not part of the Refuge and thus open to the public is to protect the remedies from humans; access is not restricted to protect humans from residual risk.
4. One of the key drivers for designating Rocky Flats as a national wildlife refuge was to protect this important resource from future development.
5. DOE calculates the greatest risk from residual contamination is to a refuge worker with an increased cancer risk estimated to be  $2 \times 10^{-6}$ , or 2 in one million.
6. A refuge worker's annual dose would be less than 1 mrem/year. The dose visitors to the Refuge would receive would be significantly less. 1 mrem compares to other doses as follows:

Average dose to US public from all sources: 360 mrem/year  
 Average dose to US public from natural sources: 300 mrem/year  
 Average dose to US public from medical sources: 53 mrem/year  
 Average dose to US public from nuclear power: < 0.1 mrem/year  
 Average US terrestrial radiation: 28 mrem/year  
 Terrestrial background (Atlantic coast): 16 mrem/year  
 Terrestrial background (Rocky Mountains): 40 mrem/year  
 Cosmic radiation (Sea level): 26 mrem/year  
 Cosmic radiation (Denver): 50 mrem/year  
 Radionuclides in the body (i.e., potassium): 39 mrem/year  
 Building materials (concrete): 3 mrem/year  
 Drinking water: 5 mrem/year  
 Pocket watch (radium dial): 6 mrem/year  
 Eyeglasses (containing thorium): 6 - 11 mrem/year  
 Coast to coast airplane roundtrip: 5 mrem  
 Chest x-ray: 8 mrem  
 Dental x-ray: 10 mrem  
*(source: Idaho State University, Radiation Information Network)*

### **Congressional support for the cleanup**

In October 2005 following completion of cleanup activities Representative Mark Udall offered the following:

“The cleanup of Rocky Flats is a major achievement for which we can all be proud. The success here at Rocky Flats stands as a hopeful symbol that we can tackle the challenges at those facilities and turn bombs to birds, weapons to wildlife, and liabilities into community assets.”

Senator Wayne Allard voiced similar support, commenting:

“Rocky Flats is the best example of a nuclear cleanup success story ever. Words can not completely describe the transformation that has taken place at Rocky Flats.”

### **Worker Benefits**

The Energy Employees Occupational Illness Compensation Program Act (EEOIPCA) was approved by Congress in 2000 to compensate former nuclear weapons workers who suffer from cancer and other specific diseases as a direct result of their work. The program has been fraught

with problems, from DOE being unable to successfully manage a key component of the program to data reliability. Rocky Flats workers petitioned the Administration to grant special exposure cohort status, a status that would rectify the many problems by simplifying the process and altering the causal links necessary to achieve compensation under the EEOIPCA.

In June 2007, the Advisory Board on Radiation and Worker Health recommended limiting special exposure cohort status to a narrow group of workers – those exposed to neutron radiation from 1952 to 1966. In early August the Secretary of Health and Human Services, Michael Leavitt, accepted this recommendation. The Colorado Congressional Delegation has voiced its opposition to this action and Senator Salazar and Representatives Udall and Perlmutter introduced legislation to grant special exposure cohort status to the workers. The Rocky Flats Stewardship Council shares their concerns.

Without special exposure cohort status workers can petition the Administration to be compensated under the EEOIPCA, but that process is extremely lengthy and, as noted above, is fraught with problems.

### **Talking Points**

1. The cleanup of Rocky Flats represents a major achievement few could have imagined.
2. The site is closed and cleaned to levels that support the future use of the site.
3. The site is protected from development and redevelopment, a critical community interest.
4. Cleanup, however, does not mean the end of the federal presence for there are ongoing management needs necessary to ensure the site remains protective of human health and the environment.
5. Congressional, state, local government and community oversight remains a high priority to ensure the cleanup remains protective and that federal agencies have the monies they need to fulfill their long-term mission.
6. The Administration's recent decision to deny class status to former Rocky Flats workers seeking compensation under federal law is deeply troubling.

### **Rocky Flats History – Timeline of Key events**

(adapted from *The Politics of Cleanup*, Energy Communities Alliance, 2007)

- 1951 On March 23<sup>rd</sup>, *The Denver Post* reports “There Is Good News Today: U.S. To Build \$45 Million A-Plant Near Denver.” Dow Chemical becomes the initial operating contractor.
- 1957 A major fire occurs in Building 771, later deemed the most dangerous building in the complex. Community is not told about fire until 1970 despite the spread of contamination to off-site lands.
- 1969 A major fire in a glove box in Building 776 – later declared the second-most dangerous building in the complex – results in the costliest industrial accident in the nation at the time; cleanup took two years.

- 1970 After independent scientists find plutonium on off-site lands, the Atomic Energy Commission (AEC) announces the contamination is the result of the 1957 fire, the first the community had heard about the fire, and leaking waste drums containing radioactive and hazardous materials.
- 1972 AEC determines it needs to expand the buffer zone around the production buildings; Congress agrees to spend \$6 million to buy an additional 4,600 acres, bringing the total site acreage to approximately 6400 acres. (In later years, jurisdiction over roughly 200 acres were transferred to another DOE program office, thereby effectively reducing the site size to 6,200 acres.)
- 1973 In April, the Colorado Health Department finds tritium in downstream drinking water supplies but does not alert local officials for five months; the AEC initially denies the presence of tritium at Rocky Flats but later admits to its presence.
- 1974 Gov. Richard Lamm and Rep. Timothy Wirth establish the Lamm-Wirth Task Force on Rocky Flats. The group, which includes site workers and anti-nuclear activists, is charged with making recommendations regarding the future of the site.
- 1975 Rockwell International replaces Dow Chemical as managing contractor.
- 1978 In April, large-scale protests begin at Rocky Flats when 5,000 people turn out for a rally at the west gate; protestors begin camping on railroad tracks leading into the Plant site and occupy the tracks until January 1979 when plans are made for a large-scale protest.
- 1979 In April, 9,000 protestors rally outside of Rocky Flats; 300 are arrested, including Pentagon Papers whistle-blower Daniel Ellsberg; in August the United Steelworkers of America, the main site union, holds a counter demonstration that draws 16,000.
- 1983 On October 15, 15,000 protestors nearly encircle the 17-mile perimeter of the Rocky Flats site.
- 1986 DOE, the Colorado Department of Health, and the Environmental Protection Agency sign an agreement to allow regulation of radioactive/hazardous waste at Rocky Flats.
- 1987 Rocky Flats Environmental Monitoring Council forms, a community oversight organization. It is replaced in 1993 by the Rocky Flats Citizens Advisory Board.
- 1989 On June 6, as part of Operation Desert Glow, 80 armed federal agents raid the site to investigate allegations of environmental violations; contractor Rockwell International later agrees to pay an \$18.5 million fine, the largest in the nation as of that date.
- 1990 EG&G takes over operation of Rocky Flats from Rockwell International.
- 1991 An interagency agreement among DOE, the Colorado Department of Health and EPA is signed, outlining multiyear schedules for environmental restoration studies and remediation activities fully integrated with anticipated National Environmental Policy Act documentation requirements. The approach stymies progress leading the parties five years later to sign the Rocky Flats Cleanup Agreement, which provides the regulatory basis to accelerate cleanup.
- 1992 In the State of the Union address, President George H.W. Bush announces the end of the W-88 warhead program, effectively ending the mission at Rocky Flats.

- 1993 Gov. Roy Romer and Rep. David Skaggs form a 29-member Citizens Advisory Board to provide advice on technical and policy decisions related to cleanup and waste management activities at Rocky Flats.
- 1995 In July, Kaiser-Hill LLC signs contract to clean up site with a target completion date of 2010 for an estimated cost of \$7.3 billion.
- 1995 In July, the Future Site Use Working Group issues a comprehensive report of the future use of the site, which includes protecting the 5,816-acre buffer zone as open space, but leaving open the questions regarding the future use of the 384-acre core production area (the Industrial Area).
- 1997 DOE and the regulatory agencies agree to no on-site burial of Rocky Flats waste.
- 1998 The Industrial Area Transition Task Force issues a report listing six alternatives for use of the Industrial Area. Final determinations about use of the Industrial Area are made in 2001 with the passage of “The Rocky Flats National Wildlife Refuge Act of 2001.”
- 1999 In February, seven surrounding local government form the Rocky Flats Coalition of Local Governments (RFCLOG) to give affected governments greater leverage over cleanup and future use decisions.
- 2001 Rocky Flats National Wildlife Refuge Act signed into law, as part of the 2002 National Defense Authorization Act (P.L. 107-107); it directs protection of the entire site as national wildlife refuge following completion of cleanup activities and expressly prohibits reindustrialization of the site or local government annexation of the property.
- 2003 DOE, EPA and CDPHE agree to site-wide cleanup levels for soils contaminated with radioactive materials.
- 2005 On October 13, Kaiser-Hill announces physical completion of Rocky Flats cleanup, more than 14 months ahead of schedule.
- 2006 In September, EPA and CDPHE grant regulatory approval of the cleanup.
- 2007 Rocky Flats buffer zone and off-site lands are deleted from superfund list.
- 2007 On July 12<sup>th</sup> jurisdiction over nearly 4000 acres of the former buffer zone is transferred to the Department of the Interior to be managed as the Rocky Flats National Wildlife Refuge. DOE retains jurisdiction of the vast majority of the former core production area and settling ponds (1309 acres), as well as jurisdiction over active mining claims (929 acres).

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## **Rocky Flats National Wildlife Refuge Briefing Paper**

*October \_\_, 2007, DRAFT #1*

### **SUMMARY**

“The Rocky Flats National Wildlife Refuge Act of 2001” provides that following completion of the cleanup project, the vast majority of Rocky Flats would be protected as a national wildlife refuge. Cleanup was completed in October 2005 and on July 12, 2007, the Department of Energy transferred jurisdiction over 3953 acres of the former Rocky Flats buffer zone to the Department of the Interior to be managed as the Rocky Flats National Wildlife Refuge.

The purpose of the Rocky Flats National Wildlife Refuge is to restore and preserve native ecosystems, provide habitat for plants and wildlife, conserve threatened and endangered species, and provide opportunities for scientific research. Importantly, the Refuge Act prohibits reindustrialization of the site and annexation by local governments. The Comprehensive Conservation Plan guides site management.

### **National Wildlife Refuge System Mission**

The first national wildlife refuge was established in 1903. The refuge system, which has grown to more than 92 million acres, now includes 500 refuges (at least one in every state) and over 3000 waterfowl production areas. The Rocky Flats National Wildlife Refuge is one of three refuges in the Denver-metro area; the other two are The Rocky Mountain Arsenal NWR (Commerce City) and Two Ponds NWR (Arvada).

The refuge system mission is:

To administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

### **Rocky Flats National Wildlife Refuge Act of 2001**

“The Rocky Flats National Wildlife Refuge Act of 2001” (Refuge Act) was championed by Senator Wayne Allard and Representative Mark Udall, and was broadly supported by local governments and community members surrounding the plant.

The Refuge Act identifies four uses for the Refuge:

1. Restore and preserve native ecosystems
2. Provide habitat for and populations management of native plants and migratory and resident wildlife
3. Conserve threatened and endangered species
4. Provide opportunities for compatible scientific research.

The Refuge Act also provides wildlife-dependent uses and environmental education and interpretation are priority public uses, and prohibits future development and annexation by local governments.

### **USFWS Planning and Management Goals**

The U.S. Fish and Wildlife Service (USFWS), a program office within the Department of the Interior, manages the Rocky Flats Refuge. In 2004 USFWS developed the following goals to guide refuge planning and management:

1. Wildlife and Habitat Management: Provide a riparian community representative of historic flora and fauna in a high valley of the southern Rocky Mountains to provide habitat for migratory birds, mammals, and river-dependent species.
2. Public Use, Education and Interpretation: Provide visitors and students high quality recreational, educational and interpretive opportunities and foster an understanding and appreciation of the Refuge's xeric tallgrass prairie, upland shrub and wetland habitats; native wildlife; the history of the site; and the National Wildlife Refuge System (NWRS).
3. Safety: Conduct operations and manage public access in accordance with the final Rocky Flats' cleanup decision documents to ensure the safety of the Refuge visitors, staff and neighbors.
4. Effective and Open Communication: Conduct communication outreach efforts to raise public awareness about the Refuge programs, management decisions and the mission of the USFWS and the NWRS among visitors, students and nearby residents.
5. Working with Others: Foster beneficial partnerships with individuals, government agencies, non-governmental organizations, and others to promote resource conservation, compatible wildlife-related research, public use, site history and infrastructure.
6. Refuge Operations: Based on available funds, provide facilities and staff to fulfill the Refuge vision and purpose.

### **Comprehensive Conservation Plan (CCP)**

The Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan (CCP) outlines the management direction and strategies for refuge operations, habitat restoration and visitor services. The CCP "balances wildlife and habitat management needs, compatible wildlife-dependent public uses and budgetary constraints." It was approved in April 2005 and is effective for 15 years.

Habitat Management: Habitat management will include prescribed fire, mowing and grazing to simulate and maintain native grassland communities.

Wildlife Management: USFWS will work with the Colorado Division of Wildlife to manage deer and elk populations. Management options include public hunting, culling and other means. Hunting will be limited to two weekends per year and will be solely for youth and the disabled. USFWS will also evaluate the suitability of reintroducing native species, such as the sharp-tailed grouse.

Public Use: Public use programs will include environmental education programs for high-school and college students, as well as interpretative programs. Visitor use facilities will include 12.8 miles of multi-use trails, 3.8 miles of hiking-only trails, a visitor contact station, interpretative overlooks, viewing blinds, and parking facilities.

### **Detailed Management Plans**

The CCP describes the desired future conditions of the Refuge and provides long-range guidance and management direction. In the coming years, USFWS will conduct additional, more detailed planning for vegetation and wildlife management, fire management, visitor services (which includes interpretation, environmental education, hunting and research protocols), health and safety, and historic preservation. These plans are in addition to the 2007 plan that addressed entrance signs for the Refuge.

### **USFWS Priorities**

USFWS has identified the following funding priorities:

- Prevent habitat degradation
- Maintain law enforcement presence
- Continue Wildlife monitoring
- Maintain migration corridors for wildlife
- Develop trails

### **Trails Opening**

The CCP anticipates the Refuge would be open for public use starting in 5 years. USFWS also planned to have the trail to the Lindsay Ranch open within the first year after the transfer. However, there are no funds available to staff the Refuge or place safety fencing around the Lindsey house to keep visitors out of an unsafe building. USFWS now says it will likely be several years before any of the trails are open to the public.

### **Department of Energy at Rocky Flats**

The Refuge Act provides DOE shall retain jurisdiction over lands that require ongoing management to ensure the cleanup remedies remain protective of human health and the environment. Subsequent legislation addressed active mining claims. Accordingly, DOE retained jurisdiction of the vast majority of the former Industrial Area and the settling ponds (1309 acres), as well as jurisdiction over active mining claims (929 acres).

Importantly, should contamination be found on Refuge lands that requires remediation, the Refuge Act provides cleanup trumps Refuge management.

**For more information about the Refuge please go to: <http://www.fws.gov/rockyflats/>**

## **Draft Bylaws Amendment**

- Cover memo
- Draft bylaws amendment
- Stewardship Council bylaws

## **Board Review of Stewardship Council Activities for 2007 and Initial Review of 2008 Work Plan**

- Cover memo
- Draft 2008 Work Plan

## **FY 08 Budget – Initial Review**

- Cover memo
- Draft 2008 Budget
- Approved 2007 Budget

# ROCKY FLATS STEWARDSHIP COUNCIL

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League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

## MEMORANDUM

**TO:** Board

**FROM:** David Abelson

**SUBJECT:** Draft Amendment to Stewardship Council Bylaws

**DATE:** September 21, 2007

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As discussed at the August 6, 2007, meeting, in order to facilitate appointments of community representatives, called "Members" in the bylaws, to the Stewardship Council Board of Directors for 2008-2009 the Stewardship Council will need to amend its bylaws. The proposed amendment and bylaws are attached.

The four community representatives – League of Women Voters, Rocky Flats Cold War Museum, Rocky Flats Homesteaders and Ken Foelske – were appointed to a two-year term that expires in February 2008. Each is eligible to apply for reappointment.

The proposed amendment is needed because the bylaws provide that the Board, which is comprised of elected officials and community representatives, votes on matters before the Board. In the case of Member appointments to the Board of Directors, three issues arise. First, DOE guidance provides the governmental parties are responsible for appointing the Members to the Board. Second, in any given year either Golden or Northglenn has a vote, but not both. Third, it would be a conflict of interest for Members to vote for themselves when appointing Members for 2008-2009. For these reasons, the proposed amendment provides that the nine governments, which include both Golden and Northglenn, shall nominate and vote to appointment the Members.

The amendment will be reviewed at this meeting and adopted as modified at the November 5<sup>th</sup> meeting.

**FIRST AMENDMENT TO THE BYLAWS  
OF THE BOARD OF DIRECTORS  
OF THE ROCKY FLATS STEWARDSHIP COUNCIL**

This FIRST AMENDMENT TO THE BYLAWS OF THE BOARD OF DIRECTORS OF THE ROCKY FLATS STEWARDSHIP COUNCIL (the "Amendment") is made and effective as of the \_\_\_\_ day of \_\_\_\_\_, 2007 by the Board of Directors of the Rocky Flats Stewardship Council (the "Stewardship Council").

ARTICLE XI. **Miscellaneous** is hereby revised to incorporate the following new paragraph F.

**F. Selection Process for Members.** At least two months prior to the expiration of the Members' terms, the Stewardship Council shall publish a Notice advertising the Stewardship Council's solicitation of Member Applications. In addition to any other means selected by the Stewardship Council, notice shall be provided by a one-time publication in a newspaper of general circulation, and posted on the Stewardship Council website. Any entity or person who desires to become a Member of the Rocky Flats Stewardship Council shall submit a Membership Application on the form provided by the Stewardship Council. The Executive Director shall forward all completed Membership Applications to the Board for review. The Director representatives for the Permanent and Rotating Parties shall interview representatives of the prospective Members, at a public meeting as determined by the Board. Following completion of the interviews, at a Stewardship Council Board meeting the Director representatives for the Permanent and Rotating Parties shall nominate and vote to appoint up to four (4) Members from the Membership Applications. The procedures for voting shall be pursuant to a process identified by the Board in advance.

ROCKY FLATS STEWARDSHIP COUNCIL

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By: Lori Cox  
Chair, Board of Directors

ATTEST:

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Secretary

First Reading: October 1, 2007  
Second Reading: November 5, 2007  
RFSCO/Bylaws  
BTW1517  
0756.0005/.0007

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## **BYLAWS OF THE BOARD OF DIRECTORS OF THE ROCKY FLATS STEWARDSHIP COUNCIL**

*Approved March 6, 2006*

### **PREAMBLE**

The object of the Rocky Flats Stewardship Council (the “Stewardship Council”) shall be to carry out its purposes as described in and pursuant to the Intergovernmental Agreement establishing the Rocky Flats Stewardship Council (the “IGA”) and amendments thereto.

### **ARTICLE I.**

#### **Offices**

**Principal Office.** The principal office of the Stewardship Council shall be located within the boundaries of any Party to the IGA and amendments thereto, as designated by the Board of Directors. The Stewardship Council may have other offices and places of business at such places within the State of Colorado as shall be determined by the Board.

### **ARTICLE II.**

#### **Board of Directors**

**A. Number, Qualifications and Term of Office.** The business and affairs of the Stewardship Council shall be managed by a Board of Directors not to exceed twelve (12) members, not including ex-officio members. When used herein, the term "Director" shall include that Director's alternate director, as provided in the IGA, unless the context requires otherwise. Each Director shall be appointed pursuant to the provisions of the IGA for a term of one year, from February 1 to the succeeding last day of January; provided, however, that the initial Directors shall be appointed as of the effective date of the IGA and serve until the last day of January, 2007. There shall be no limitation on the number of terms to which a Director may be appointed.

**B. Performance of Duties.** A Director shall perform his/her duties as a Director, including his/her duties as a member of any committee of the Board upon which he/she may serve, in good faith, in a manner he/she believes to be in the best interests of the Stewardship Council. An alternate Director shall serve in the absence of the Director for which he/she is an alternate.

**C. Vacancies.** Any Director may resign at any time by giving written notice to the chair of the Board of Directors. Such resignation shall take effect at the time specified therein; and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. In the case where the Director is an elected official, a Director's office shall be deemed to be vacant upon the failure of any Director to be re-elected to public office of the Director's designating Party. A vacancy will occur if a Director dies during his or her term of office. Any vacancy occurring on the Board of Directors shall be filled as provided in the IGA.

**D. Expenses.** By resolution of the Board of Directors, any Director may be paid his/her direct expenses, if any, of attendance at meetings or other Stewardship Council business.

**E. Conflict of Interest.** No Director (including alternate Directors who are elected public officials) may enter into an employment relationship with the Stewardship Council (1) while serving on the Board or (2) for twelve months thereafter. An alternate Director who is not an elected official may not enter into an employment relationship with the Stewardship Council (1) while serving on the Board or (2) for twelve months thereafter.

**F. Ex-Officio Members of the Board.** At its discretion, the Board may appoint ex-officio members to the Board from federal and state agencies, including the U.S. Department of Energy, the Environmental Protection Agency, the Colorado Department of Public Health and Environment, and/or the U.S. Fish and Wildlife Service. Ex-officio members shall not be a Party to the IGA but shall have the ability to designate a non-voting representative to the Board of Directors.

**G. Removal of Directors.** Any Director may be removed from the Board by a vote of the Board of Directors with or without cause whenever in its judgment the best interests of the Stewardship Council will be served by such removal. A Director who is absent for three consecutive regular meetings of the Board of Directors and whose absence is deemed unexcused by the Board of Directors shall automatically be removed from the office of Director.

### **ARTICLE III.**

### **Officers of the Board**

**A. General.** The Chair, Vice Chair, and Secretary/Treasurer shall be elected annually by the Board of Directors. The terms shall commence at the first meeting of the Board held on or after February 1 of each year. There shall be no limitation on the number of terms for which a person may serve as an officer, except as provided in Article III.G. herein.

An officer shall hold office until he/she is no longer qualified to serve or his/her successor is chosen, until his/her death, or until he/she shall resign. All officers of the Stewardship Council shall be Directors of the Stewardship Council; provided, however, that an alternate Director shall not assume any office held by the Director for whom the alternate Director is substituting.

**B. General Duties.** All officers and agents of the Stewardship Council, as between him or her and the Stewardship Council, shall have such authority and shall perform such duties as may be provided in these Bylaws or as may be determined by resolution of the Board of Directors not inconsistent with these Bylaws.

**C. Vacancies.** When a vacancy in one of the Board offices occurs due to any of the reasons listed in paragraph III.A., it shall be filled by a resolution of the Board of Directors at the following meeting of the Board at which a quorum is present.

**D. Chair of the Board.** The Chair of the Board shall preside as chair at meetings of the Board of Directors. He/she shall, in addition, execute resolutions and documents, represent the Board and Stewardship Council at public functions and perform such other duties as the Board may prescribe.

E. **Vice-Chair.** The Vice-Chair shall fulfill the responsibilities of the Chair when the Chair is unavailable to do so.

F. **Secretary/Treasurer.** The Secretary/Treasurer shall perform both the duties of a secretary and of a treasurer, as follows:

- The Secretary/Treasurer shall keep or cause to be kept, in books provided for that purpose, the minutes of the meetings of the Board. The Secretary/Treasurer may have one or more assistant secretaries, which need not be Directors and which shall be appointed by the Board.

- The Secretary/Treasurer shall have oversight of Stewardship Council funds and assets. He/she shall review accounts of receipts, disbursements and deposits of all Stewardship Council monies and other valuable effects in the name and to the credit of the Stewardship Council and report to the Board of Directors upon request. The Secretary/Treasurer or his/her designee shall provide a detailed quarterly financial statement to the Board. The financial statement shall include all revenue, revenue sources, expenditures and balances, and include quarterly and year-to-date figures.

G. **Delegation of Duties.** Except for the Chair, whenever an officer is unable to perform the duties of his/her office for any reason, the Board may delegate the powers and duties of an officer to any other officers or to any qualified Director or Directors.

## ARTICLE IV.

### **Stewardship Council Staff**

At its discretion, the Board may hire an Executive Director who shall serve at the pleasure of and report directly to the Board of Directors of the Stewardship Council, and who shall be responsible for implementing the Board's policies, and for the overall management of all activities of the Stewardship Council.

## ARTICLE V.

### **Meetings of the Board**

A. **Place of Meetings.** The regular or special meetings of the Board of Directors or any committee designated by the Board shall be held at the principal office of the Stewardship Council or at any other place within or without the boundaries of the Parties that the Board of Directors, any such committee, or Stewardship Council staff, as the case may be, may designate from time to time.

B. **Regular Meetings.** The Board of Directors shall meet quarterly, or as otherwise determined by a quorum of the Board of Directors, for the purpose of transacting such business as may come before the Board.

C. **Special Meetings.** Special meetings of the Board of Directors may be called by any three members of the Board of Directors, and held at any time.

D. **Notice of Meetings.** Notice of the regular or special meetings of the Board of Directors or any committee designated for such notice by the Board shall be as follows:

(1) Regular Meetings. The time, date and place of regular meetings shall be set by the Board and notice thereof shall be provided (a) to the city/county/town clerk of all Stewardship Council Parties for posting in a public place, with at least seven (7) days advance notice of the meeting time, place and date, (b) to the Directors and alternate Directors, with at least seven (7) days advance notice of the meeting time, place and date, and (c) to those members of the public who so request.

(2) Special Meetings. Written notice of each special meeting of the Board of Directors setting forth the time and the place of the meeting shall be given as follows: (a) by telefax or electronic mail to each Director not less than 72 hours prior to the time fixed for the meeting; provided, however, that in the instance of any Director who in writing requests that such notice not be given by telefax or electronic mail, the notice shall be by hand delivery to an address within the boundaries of the Parties designated in writing; (b) to the clerk of each Stewardship Council Party for posting in a public place, not less than 72 hours prior to the time fixed for the meeting; and (c) to those members of the public who so request.

(3) Emergency Special Meetings. When necessary, an emergency special meeting may be called with notice given in the same manner as provided for special meetings, except that notice may be given not less than 24 hours prior to the time fixed for the meeting, in accordance with the Colorado Open Meetings Act.

Unless notice is required herein to be given by telefax or delivery, all notices of meetings may be given either by sending a copy of the notice through the United States mail, or by telegram, telex, telefax or electronic transmission (unless a Director requests in writing that such notice not be given by electronic mail), any charges prepaid, to the work or home address of each Director and alternate Director and to the designated addresses of Stewardship Council participants, and the public who so request appearing on the books of the Stewardship Council. If mailed, such notice shall be deemed to be delivered 72 hours after deposit in the United States mail so addressed, weekends and holidays excluded. If notice be given by telegram, telex, telefax or electronic mail, such notice shall be deemed to be delivered when the telegram, telex, telefax or electronic mail is transmitted.

The general nature of the business proposed to be transacted at, or the purpose of, any meeting of the Board of Directors shall be specified in the notices of such meeting where possible. The Board of Directors' ability to act on matters brought before it at a special meeting is restricted to those items specified in the notice.

**E. Voting.**

**1. Quorum.** At meetings of the Board of Directors, nine (9) of the appointed Directors (or their alternate if a Director is not present) shall be necessary to constitute a quorum for the transaction of business. If a quorum is present, an affirmative vote of at least nine (9) Directors shall be required to be the act of the Board of Directors

**2. Consent Agenda.** Within a meeting agenda, Stewardship Council staff may place on the consent agenda any one or more items which staff believes do not give rise to

discussion by the Board, and which may be acted upon by singular action and vote of the Board. Any Director may pull from the consent agenda any one or more items which shall then be separately and individually discussed and voted on by the Board.

**F. Conduct of Meetings.** The Board may adopt such rules of procedure as it deems proper. To the extent any rules adopted by the Board do not specify how an item of business of the Board is to be conducted, Roberts' Rules of Order shall apply.

## **ARTICLE VI.**

### **Open Records and Open Meetings**

A. All accounts and records of the Stewardship Council and its committees shall be open to the public as provided for in the Colorado Open Records Act and any other applicable laws, at all reasonable times under reasonable regulation, except where a specific determination is made by the Stewardship Council that there is a legitimate public purpose achieved by withholding a document concerning legal, personnel, or private proprietary information.

B. All meetings of the Board of Directors of the Stewardship Council and any of its committees are open to the public as provided for in the Colorado Open Meetings Act. Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation or other formal action occurs or at which a quorum of the Board is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public as provided herein. In accordance with Colorado statutes, executive sessions may be held upon the affirmative vote of two-thirds of the quorum present, for the sole purpose of considering any of the following matters: the purchase, acquisition, lease, transfer, or sale of any real, personal or other property interest;

conferences with legal counsel for the Stewardship Council for the purpose of receiving legal advice on specific legal questions; matters required to be kept confidential by federal or state law or rules and regulations; specialized details of security arrangements or investigations; determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators; personnel matters; or consideration of any documents protected by the mandatory nondisclosure provisions of the "Open Records Act". No adoption of any proposed policy, position, resolution, rule, regulation, or formal action shall occur at any executive session, except for the approval of executive session minutes, as allowable by law.

C. Minutes or similar record shall be kept of all meetings of the Board of Directors of the Stewardship Council.

## **ARTICLE VII.**

### **Committees**

A. **Stewardship Council Committees.** The Stewardship Council is interested in working with the public and will seek the input of the local community and other interested parties. As necessary, and to the extent practicable, the Stewardship Council will seek the input of the local community and other interested parties by establishing *ad hoc* committees and task forces, and by holding public meetings, workshops, special meetings, or other forums of public involvement, from time to time as may be deemed appropriate by the Board. By resolution or motion of the Board, the Stewardship Council may establish such working committees from time to time as it deems appropriate. These committees shall be open to all persons interested in participating with the Stewardship Council. Each committee shall have a chair appointed by the

Board of Directors. Committees may consider issues consistent with the Stewardship Council's purposes and make recommendations for actions to the Board of Directors. Any such recommendations, together with any minority reports, shall be made to the Board of Directors. The Board may consider and comment on committee recommendations and formulate its own recommendations for official action by the Board. Any minority report(s) from a committee shall be transmitted simultaneously with such recommendations. The Board of Directors may take such actions as it deems appropriate, notwithstanding recommendations or lack thereof or the fact of pending deliberations of committees and of the Stewardship Council.

**B. Board Committees.** The Board may have committees on finance, personnel and such other matters as the Board deems proper for the administration of the Stewardship Council.

#### **ARTICLE VIII.**

##### **Fiscal Year**

**Fiscal Year.** The fiscal year of the Stewardship Council shall be January 1 to December 31. Said fiscal year may be changed from time to time by motion or by formal resolution of the Board of Directors in its discretion.

#### **ARTICLE IX.**

##### **Amendments**

**A. General.** The Board of Directors may amend, supplement or repeal these Bylaws or adopt new Bylaws, and all such changes shall affect and be binding upon the Stewardship Council. Any amendment, supplement or repeal of these Bylaws or adoption of new Bylaws shall require consideration at two meetings of the Board.

**B. Notice of Consideration.** Specific notice of each meeting at which consideration of proposed amendment to, supplementation of or repeal of these Bylaws or adoption of new Bylaws shall be given in the same manner as notice of special meetings is to be given pursuant to III.D.(2) hereof.

**C. Vote Necessary.** Amendment to, supplementation of or repeal of these Bylaws or adoption of new Bylaws shall require approval by nine (9) Directors of the Board at the second meeting at which the amendment, supplement, repeal or adoption is considered.

## **ARTICLE X.**

### **Annual Review**

On an annual basis, any one or all of the parties to the IGA may request Stewardship Council to submit an annual report which shall generally address Stewardship Council's operations for the previous year; Stewardship Council's proposed plans for the upcoming year; a summary of Stewardship Council's financial status, including revenue projections and operating costs; and any changes or proposed changes in Stewardship Council's policies. Upon request, the Executive Director shall present an oral presentation of the annual report at a designated board or council meeting of the requesting party.

## **ARTICLE XI.**

### **Miscellaneous**

**A. Invalid Provision.** The invalidity or non-enforceability of any particular provision of these Bylaws shall not affect the other provisions herein, and these Bylaws shall be construed in all respects as if such invalid or unenforceable provision was omitted.

**B. Governing Law.** These Bylaws shall be governed by and construed in accordance with the constitution and laws of the State of Colorado and the IGA, as amended from time to time. To the extent there are inconsistencies between the IGA and any amendments thereto and these Bylaws and any amendments thereto, the IGA and amendments thereto shall control.

**C. Rotating Parties.** Each Rotating Party shall have the right to select a Director (and Alternate Directors) to the Board, in accordance with the IGA, on an annually rotating basis. By agreement between the two Rotating Parties, the city of Golden will serve first for one year until the last day of January 2007 at which time the city of Northglenn shall serve for one year until the last day of January 2008. After such time as each Rotating Party has had an opportunity to serve on the Board, then the rotation shall continue in the same order. During the year(s) in which a Rotating Party is not serving on the Board, then such Rotating Party may continue to participate in a non-voting capacity.

**D. Debt.** The incurrence of any revenue-based or other non-general obligation debt shall be subject to the prior approval of the governing body of each Party.

**E. Members' Terms.** Members' terms shall be limited to two years at which time such members must reapply for membership to the Stewardship Council.

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## MEMORANDUM

**TO:** Board

**FROM:** David Abelson

**SUBJECT:** Board Review of Stewardship Council Activities for 2007 and Initial Review of Draft 2008 Work Plan

**DATE:** September 21, 2007

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At this meeting the Board will assess its efforts in 2007 and begin reviewing the 2008 Work Plan. Any changes to the Plan will be incorporated into a revised draft that will be approved at the November 5<sup>th</sup> meeting.

### **Review of 2007 Activities**

The 2007 Work Plan contains the following provision:

“How the Stewardship Council will measure its success is important. Many organizations use sophisticated techniques to measure success, but these are not necessary for the Stewardship Council. Rather each year the Stewardship Council will pause and reflect on its Work Plan elements to help determine its ability to accomplish the stated mission and objectives. The review shall include an assessment of how the organization can improve in the coming year, focusing on areas of weakness and opportunities for improvement.”

The first part of the conversation will be the Board’s assessment. That conversation will then be used to set goals for 2008 and make changes to the draft 2008 Plan.

### **Draft 2008 Work Plan**

2008 continues the trajectory the Board established in 2007. There are no significant changes to the Work Plan, but like 2007, there continues to be important work elements. Top on the list is securing additional federal appropriations. Two other important items are continued oversight of site operations, including the site’s monitoring and maintenance program, and working with

DOE, USFWS and others on interpretative signage for Rocky Flats (our focus, I believe, will be Rocky Flats site history as opposed to refuge management issues.)

In 2008 we will increase communication with USFWS. At the February meeting USFWS will brief the Board on its 2009 budget submission to Congress. That conversation will set the stage for subsequent conversations with USFWS regarding upcoming management decisions.

The other changes I trust are self-explanatory. Please let me know what questions you have, particularly if there are any items I did not include in the draft Plan.

Thanks.

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## 2008 Work Plan

Draft #1, September 2007

### Mission:

The mission of the Rocky Flats Stewardship Council is to provide continuing local oversight of activities at the Rocky Flats site and to ensure local government and community interests are met with regards to long-term stewardship of residual contamination and refuge management. The mission also includes providing a forum to track issues related to former site employees and to provide an ongoing mechanism to maintain public knowledge of Rocky Flats, including educating successive generations of ongoing needs and responsibilities regarding contaminant management and refuge management.

### Preface: 2008 Challenges and Opportunities

In 2007 jurisdiction over Rocky Flats transferred from DOE's Office of Environmental Management to both DOE's Office of Legacy Management and the Department of the Interior. With this transfer of management responsibility, the Stewardship Council fully stepped into its long-term mission – engage on the range of issues underpinning the long-term management of Rocky Flats and use and protection of the site as a national wildlife refuge.

As the sole Local Stakeholder Organization (LSO) in the DOE complex, the Stewardship Council has established the framework for how a successful LSO functions. The involvement of the four non-governmental entities on the Stewardship Council provides important ideas and opportunities for engaging broad audiences on issues and histories related to the site.

Some of the challenges to address in 2008 will likely include:

- Continuing to expand and strengthen the organization's relationship with DOE's Office of Legacy Management (LM).
- Continuing to implement an effective public outreach program that not only reaches the current Rocky Flats audience but identifies new opportunities to educate others about the ongoing management needs at Rocky Flats.
- Reviewing and modifying as necessary organizational systems to ensure members remain engaged and the Stewardship Council functions efficiently.
- Securing additional federal appropriations

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## Background:

The Stewardship Council occupies two roles: (1) serving as the LSO for Rocky Flats, and (2) engaging USFWS on the management of the Rocky Flats National Wildlife Refuge.

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### Local Stakeholder Organization

Legacy Management approved the LSO Plan for Rocky Flats on December 21, 2005. This Plan identifies how the main responsibilities Congress identified in the legislation authorizing the creation of LSO (Section 3118 of the Fiscal Year 2005 Defense Authorization bill) are to be carried out at Rocky Flats. These responsibilities are summarized as follows:

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- Solicit and encourage public participation in appropriate activities relating to the closure and post-closure operations of the site.
- Disseminate information on the closure and post-closure operations of the site to the State and local and Tribal governments in the vicinity of the site, and persons and entities having a stake in the closure or post-closure operations of the site.
- Transmit to appropriate officers and employees of DOE questions and concerns of governments, persons, and entities referred to in the preceding bullet.

In fulfilling these responsibilities, the Stewardship Council has been tasked with helping DOE meet its public involvement obligations identified in the Post-Closure Public Involvement Plan (PCPIP) for Rocky Flats.

Deleted: An important component of the PCPIP is public communication, which in 2007 will involve those activities identified as "post-closure" activities under the PCPIP. ¶

### Rocky Flats National Wildlife Refuge

"The Rocky Flats National Wildlife Refuge Act of 2001" established that Rocky Flats shall become a national wildlife refuge following EPA certification that the site has been cleaned to the agreed-upon regulatory standards. In July 2007 DOE conveyed jurisdictional responsibility over nearly 4000 acres to the Department of the Interior for the Rocky Flats National Wildlife Refuge. Additional lands will likely be conveyed in 2008.

Deleted: With this certification, which is expected in late 2006 or early 2007,

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Deleted: all Rocky Flats lands, with the exception of those lands DOE shall retain as part of its ongoing management responsibilities. ¶

In April 2005, USFWS published the Rocky Flats Comprehensive Conservation Plan (CCP), the conservation plan for the Rocky Flats National Wildlife Refuge. The CCP describes the desired future conditions of the Refuge and provides long-range guidance and management direction. Per the CCP, in the coming years USFWS anticipates developing the following "step-down" management plans, which provide specific guidance for achieving the objectives established in the CCP:

1. Vegetation and Wildlife Management Plan
2. Integrated Pest Management Plan
3. Fire Management Plan
4. Visitors Services Plan
5. Health and Safety Plan
6. Historic Preservation Plan

Due to funding restrictions, USFWS will delay implementation of the CCP, including delaying the timeline for opening the Refuge for public access.

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## Work Plan Elements

The Work Plan is divided into the following five sections:

1. DOE Management Responsibilities
2. Rocky Flats National Wildlife Refuge
3. Former Rocky Flats Workforce
4. Outreach
5. Business Operations

### DOE Management Responsibilities

#### Overview:

One of the key roles of the Stewardship Council is to understand and engage the various issues regarding the cleanup and post-closure management of Rocky Flats, and to provide a forum to foster discussions among DOE, the regulatory agencies, and community members.

#### 2008 Activities:

1. Review information regarding the long-term stewardship and management of the Rocky Flats site, including but not limited to the results of the operational and performance monitoring data of site operations and DOE status reports.
2. Work with DOE on implementing its Post-Closure Public Involvement Plan (PCPIP), including the meetings DOE identified in the PCPIP.
3. Review DOE budgets for implementation of DOE responsibilities.
4. Participate in DOE, CDPHE and/or EPA assessment(s) of remedy operations and effectiveness.
5. As needed, evaluate legal and regulatory issues regarding implementation of site-wide long-term stewardship plans and provide information to the Stewardship Council and to the community.
6. Work with DOE and the regulators to understand technical data regarding implementation and effectiveness of cleanup remedies and long-term controls, and provide information to the Stewardship Council and to the community.
7. Track issues related to DOE's petition to Colorado Water Quality Control Commission to change uranium standards for Rocky Flats.
8. Transmit to appropriate officers and employees of the DOE questions and concerns of governments, persons and entities regarding Rocky Flats.
9. Work with USFWS and DOE on access restrictions to DOE-retained lands, as provided in the Rocky Flats Legacy Management Agreement.
10. Work with USFWS and DOE on interpretative signage on refuge lands that includes history of Rocky Flats and cleanup, and ongoing DOE monitoring and surveillance program.

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Deleted: <#>Track and, as appropriate, comment on issues related to EPA certification of site cleanup and issues related to delisting of site from CERCLA, as well as other regulatory closure documents that are not finalized in 2006.¶

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Deleted: <#>Participate in CERCLA five-year review.¶

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11. Discuss with Rocky Flats Cold War Museum efforts to establish a museum and other related actions.

12. Track issues related to transfer of administrative jurisdiction over former mineral parcels from DOE to Department of the Interior for inclusion in the Rocky Flats National Wildlife Refuge.

Deleted: <#>As necessary, track issues related to acquisition of mineral rights.¶

## **Rocky Flats National Wildlife Refuge**

### **Overview:**

A core function of the Stewardship Council is to engage on issues related to the development and management of the future Rocky Flats National Wildlife Refuge. This work includes tracking and addressing as necessary issues related to the interface of the Refuge to lands that DOE will retain as part of its management responsibilities.

### **2008 Activities:**

1. As necessary, work with USFWS on access restrictions to refuge lands.
2. As necessary, work with USFWS on implementation of Comprehensive Conservation Plan for the Rocky Flats National Wildlife Refuge.
3. Track Congressional action affecting funding for USFWS.
4. Provide a forum for the community to raise issues related to development of management plans and other issues affecting USFWS responsibilities at the Rocky Flats National Wildlife Refuge.

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Deleted: signage for refuge lands.

## **Former Rocky Flats Workforce**

### **Overview:**

One of DOE's primary post-closure responsibilities is to manage the health and pension benefits of former site workers. Many of these workers are the constituents of the Stewardship Council governments. Further, the Rocky Flats Homesteaders, which represents more than 1800 former site workers, sits on the Board of the Stewardship Council. For these and other reasons, as noted in the Stewardship Council's IGA, worker issues will continue to play a role for the Stewardship Council.

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### **2008 Activities:**

1. Track issues related to the implementation of the Energy Employee Occupational Illness Program Compensation Act (EEOIPCA), including ongoing federal legislation. Respond as needed.
2. Track issues related to DOE's development and implementation of health and pension benefit programs for former Rocky Flats workers.

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## **Outreach**

**Overview:**

As the LSO for Rocky Flats, a core responsibility for the Stewardship Council is reaching out to the community and providing a mechanism to educate people about Rocky Flats and the ongoing management needs. As part of this mission it remains essential that the Stewardship Council maintain close communications with DOE, EPA, CDPHE, USFWS and Congress.

The local communities have developed over the period of many years a very good working relationship with the two primary regulatory agencies that oversee the site, EPA and CDPHE. It is imperative that the Stewardship Council continue this tradition of partnership with these agencies.

The Colorado congressional delegation likewise played a critical role in addressing Rocky Flats issues. The Stewardship Council shall remain an important vehicle for addressing issues of concern to the delegation and for providing community interface with the delegation on the numerous site-specific issues and concerns.

**Deleted:** As the site transitions, CDPHE will take on more of a lead regulatory role, while the EPA will assume more of an advisory role. Nevertheless, both agencies will still provide a layered protection of site regulatory oversight so communication with both remains essential.¶

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**2008 Activities:**

1. Hold quarterly Board meetings and provide opportunity for public comment and public dialogue.
2. Communicate with other local officials, DOE, state and federal regulators, the Colorado congressional delegation, and other stakeholders about the Stewardship Council’s mission and activities, as appropriate.
3. Seek public input and involvement on issues related to DOE and USFWS responsibilities at Rocky Flats.
4. Evaluate Congressional action affecting DOE and USFWS and administrative action that could affect Rocky Flats.
5. Maintain communication with state legislators, as appropriate, and track state legislation as needed.

6. Develop communications materials for newly elected officials and provide such information to these officials.

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7. As needed, develop briefing materials for new Stewardship Council Board Members.

8. Provide opportunities at meetings and in between meetings for education and feedback.

9. Work with DOE to disseminate information on the cleanup and post-closure operations of Rocky Flats.

10. Identify mechanisms for educating successive generations about the residual contamination at Rocky Flats and the continued need for a comprehensive site-wide stewardship program.

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**Deleted:** hazards

11. Participate in local, regional and national forums.

12. Implement mechanisms for the Stewardship Council and the general public to be informed of the results of the monitoring data and other relevant information, recognizing that not all communication between DOE and Rocky Flats constituencies will flow through the Stewardship Council. Options include:

**Deleted:** Develop and i

- o Periodic reports
- o Email updates
- o White papers
- o Letters
- o Press releases

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**Deleted:** newsletters and/or annual reports

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## Business Operations

### Overview:

Business Operations refers to organizational management responsibilities – conducting the annual audit, hiring staff, submitting financial reports to DOE, adopting annual Work Plan and annual budget, etc.

### 2008 Activities:

1. Operate Stewardship Council in compliance with state and federal regulations.
2. Conduct financial audit.
3. Prepare and adopt the annual work plan and the annual budget.
4. Submit financial reports to DOE, as appropriate.

5. Secure additional federal appropriations.

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## Success Measurement Criteria

How the Stewardship Council will measure its success is important. Many organizations use sophisticated techniques to measure success, but these are not necessary for the Stewardship Council. Rather each year the Stewardship Council will pause and reflect on its Work Plan elements to help determine its ability to accomplish the stated mission and objectives. The review shall include an assessment of how the organization can improve in the coming year, focusing on areas of weakness and opportunities for improvement.

# ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670  
Boulder, CO 80308-0670  
www.rockyflatssc.org

(303) 412-1200  
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder  
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior  
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

## MEMORANDUM

**TO:** Board  
**FROM:** David Abelson  
**SUBJECT:** Draft 2008 budget  
**DATE:** September 20, 2007

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In accordance with Colorado law, attached for your review is the first draft of the Stewardship Council's fiscal year 2008 budget. I have scheduled time at the meeting for you to discuss and modify as necessary this draft. As a unit of local government under the Colorado Constitution, the Stewardship Council must hold budget hearings prior to adopting a final budget. The budget hearings will be held at the November 5<sup>th</sup> meeting.

**Overview:** This proposed budget reflects a net decrease of \$8550 over the 2007 budget, which was a reduction over 2006. With the exception of our telephone costs, which have risen slightly, each line item has either been decreased or reflects no change.

The draft 2008 budget (attached) tracks the current 2007 budget (attached). A comparison of the 2007 and 2008 budgets follows.

| <b>BUDGET CATEGORY</b>       | <b>CHANGE FROM FY 2007</b> |
|------------------------------|----------------------------|
| <b>A. Personnel</b>          | <b>\$0.00</b>              |
| • No change                  |                            |
| <b>B. Fringe Benefits</b>    | <b>\$0.00</b>              |
| • No change                  |                            |
| <b>C. Travel</b>             | <b>\$0.00</b>              |
| • No Change                  |                            |
| <b>D. Computer Equipment</b> | <b>\$0.00</b>              |
| • No change                  |                            |

**E. Supplies** **(\$300.00)**

- Decreased by \$25/month.

**F. Contractual** **(\$8,100.00)**

- Attorney & Accounting Services:
  - Legal Services: Decreased monthly amount from \$1800 to \$1400
  - Accounting: Decreased monthly amount from \$1000 to \$850.
  - Audit Report: Decreased by \$1500
- Admin. Services: No change
- Meeting Expense: No change
- Local government expenses: No change.

**G. Construction** **\$0.00**

- No change

**H. Other** **(\$150.00)**

- Printing: No change
- Postage: Decreased monthly amount by \$25.
- Liability Insurance: No change.
- Telephone, email etc.: Increased by \$400.
- Website: Decreased web master line item by \$250.
- Subscriptions/Memberships: No change.

**TOTAL NET DIFFERENCE FROM 2007 BUDGET ..... (\$8550.00)**

**ROCKY FLATS STEWARDSHIP COUNCIL**  
*2008 Budget -- Draft #1 September 2007*

**A. Personnel** **\$108,000.00**

Executive Director and Technical Advisor (\$9000/month for 12 months)

**B. Fringe Benefits** **\$0.00**

**Benefits** **\$0.00**  
 Presumes staff are contract employees

**C. Travel** **\$6,000.00**

**Out of State** **\$4,800.00**  
 National DOE-related trips \$1200/trip X 4 trips

**Local Travel** **\$1,200.00**  
 \$100/month for 12 months

**D. Computer Equipment** **\$1,000.00**

Purchase misc. hardware, software **\$1,000.00**

**E. Supplies** **\$1,500.00**

Supplies (\$125/month for 12 months) **\$1,500.00**

**F. Contractual** **\$45,980.00**

**Attorney & Accounting Services** **\$33,500.00**  
 Legal Services (\$1400/ month for 12 months) \$16,800.00  
 Accounting (\$850/month for 12 months) \$10,200.00  
 Audit Report \$6,500.00

**Admin. Services** **\$7,100.00**  
 Misc. Services: budget notices, computer tech, etc \$3,500.00  
 Minutes Preparation (6 meetings) \$3,600.00

**Meeting Expenses** (6 meetings @ \$230/meeting) **\$1,380.00**

**Local Government Expenses** **\$4,000.00**  
 Miscellaneous expenses not covered by DOE funds

**G. Construction** **\$0.00**

None

**H. Other** **\$18,575.00**

|                                     |            |                   |
|-------------------------------------|------------|-------------------|
| <b>Printing &amp; Copy</b>          |            | <b>\$3,500.00</b> |
| <b>Postage</b>                      |            | <b>\$1,500.00</b> |
| \$125/month for 12 months           |            |                   |
| <b>Liability Insurance</b>          |            | <b>\$3,900.00</b> |
| Property Contents/General Liability | \$900.00   |                   |
| Board Members                       | \$3,000.00 |                   |
| <b>Telephone, email, etc</b>        |            | <b>\$3,400.00</b> |
| <b>Website</b>                      |            | <b>\$4,250.00</b> |
| Hosting                             | \$1,500.00 |                   |
| Web master                          | \$2,750.00 |                   |
| <b>Subscriptions/Memberships</b>    |            | <b>\$2,025.00</b> |
| Weapons Complex Monitor             | \$325.00   |                   |
| ECA membership                      | \$950.00   |                   |
| Conference registration fees        | \$200.00   |                   |
| Newspapers                          | \$550.00   |                   |

|                          |               |
|--------------------------|---------------|
| <b>J. Indirect Costs</b> | <b>\$0.00</b> |
|--------------------------|---------------|

N/A

|                     |                     |
|---------------------|---------------------|
| <b>TOTAL BUDGET</b> | <b>\$181,055.00</b> |
|---------------------|---------------------|

Net Change from 2007 budget

(\$8,550.00)

**REVENUE FOR 2008**

|                                       |                     |
|---------------------------------------|---------------------|
| <b>Local government contributions</b> | \$8,000.00          |
| <b>Department of Energy grant</b>     | \$125,000.00        |
| <b>RFCLG carry-over</b>               | \$48,055.00         |
| <b>TOTAL</b>                          | <b>\$181,055.00</b> |

**ROCKY FLATS STEWARDSHIP COUNCIL**  
*2007 Budget -- Approved November 6, 2006*

**A. Personnel** **\$108,000.00**

Executive Director and Technical Advisor (\$9000/month for 12 months)

**B. Fringe Benefits** **\$0.00**

**Benefits** **\$0.00**  
 Presumes employees are contract employees

**C. Travel** **\$6,000.00**

**Out of State** **\$4,800.00**  
 National DOE-related trips \$1200/trip X 4 trips

**Local Travel** **\$1,200.00**  
 \$100/month for 12 months

**D. Computer Equipment** **\$1,000.00**

Purchase misc. hardware, software **\$1,000.00**

**E. Supplies** **\$1,800.00**

Supplies (\$150/month for 12 months) **\$1,800.00**

**F. Contractual** **\$54,080.00**

**Attorney & Accounting Services** **\$41,600.00**  
 Legal Services (\$1800/ month for 12 months) \$21,600.00  
 Accounting (\$1000/month for 12 months) \$12,000.00  
 Audit Report \$8,000.00

**Admin. Services** **\$7,100.00**  
 Misc. Services: budget notices, computer tech, etc \$3,500.00  
 Minutes Preparation (6 meetings) \$3,600.00

**Meeting Expenses** (6 meetings @ \$230/meeting) **\$1,380.00**

**Local Government Expenses** **\$4,000.00**  
 Miscellaneous expenses not covered by DOE funds

**G. Construction** **\$0.00**

None

**H. Other** **\$18,725.00**

|                                     |            |                   |
|-------------------------------------|------------|-------------------|
| <b>Printing &amp; Copy</b>          |            | <b>\$3,500.00</b> |
| <b>Postage</b>                      |            | <b>\$1,800.00</b> |
| \$150/month for 12 months           |            |                   |
| <b>Liability Insurance</b>          |            | <b>\$3,900.00</b> |
| Property Contents/General Liability | \$900.00   |                   |
| Board Members                       | \$3,000.00 |                   |
| <b>Telephone, email, etc</b>        |            | <b>\$3,000.00</b> |
| <b>Website</b>                      |            | <b>\$4,500.00</b> |
| Hosting                             | \$1,500.00 |                   |
| Web master                          | \$3,000.00 |                   |
| <b>Subscriptions/Memberships</b>    |            | <b>\$2,025.00</b> |
| Weapons Complex Monitor             | \$325.00   |                   |
| ECA membership                      | \$950.00   |                   |
| Conference registration fees        | \$200.00   |                   |
| Newspapers                          | \$550.00   |                   |

|                          |               |
|--------------------------|---------------|
| <b>J. Indirect Costs</b> | <b>\$0.00</b> |
|--------------------------|---------------|

N/A

|                     |                     |
|---------------------|---------------------|
| <b>TOTAL BUDGET</b> | <b>\$189,605.00</b> |
|---------------------|---------------------|

**REVENUE FOR 2006**

|                                |                     |
|--------------------------------|---------------------|
| Local government contributions | \$8,000.00          |
| Department of Energy grant     | \$181,605.00        |
| <b>TOTAL</b>                   | <b>\$189,605.00</b> |

## Letters and News Clips

- EPA letter re: approval of CERCLA Five-Year Review
- News clip re: EPA disagreement with Rocky Mountain Peace and Justice Center's claims about safety of Rocky Flats National Wildlife Refuge
- LeRoy Moore (Peace Center) op-ed re: sick Rocky Flats workers
- News clip re: sick nuclear workers
- News clip re: Rocky Flats workers' special exposure cohort petition
- *Denver Post* editorial re: Rocky Flats workers
- *Rocky Mountain News* article re: weapons workers
- News clip re: hearing for Rocky Flats workers



UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
<http://www.epa.gov/region08>

Ref: 8EPR-F

Mr. Scott Surovchak  
Department of Energy Site Manager  
11025 Dover St.  
Ste. 1000  
Westminster, CO 80021-5573

SEP 14 2007

Re: Second Five-Year Review Report for the  
Rocky Flats Site Central Operable Unit,  
Jefferson and Boulder Counties, Colorado,  
September 2007

Dear Mr. Surovchak:

The Environmental Protection Agency (EPA) has completed review of the Second Five-Year Review Report for the Rocky Flats site. The second five-year review was conducted as a collaborative effort led by the U.S. Department of Energy (DOE) and included the Colorado Department of Public Health and Environment, U.S. Fish and Wildlife Service, and EPA. The second five-year review evaluates the status of the site since the First Five-Year Review Report was approved in September of 2002. This period includes the signing of the Corrective Action Decision/Record of Decision Rocky Flats Plant (USDOE) Peripheral Operable Unit and Central Operable Unit in September 2006.

DOE's adherence with EPA's draft Five-Year Review guidance (2001) resulted in a thorough evaluation of the Central Operable Unit providing a high degree of confidence that the Rocky Flats remedies remain protective of human health and the environment. EPA, therefore, concurs with the protectiveness statement made within the report regarding the remedies for the Central Operable Unit.

Sincerely,

*Janice Wong*  
for Carol Rushin  
Assistant Regional Administrator  
Office of Ecosystems Protection  
and Remediation

cc: Carl Spreng, CDPHE  
Steve Berendzen, USFWS



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Thu, Aug 23, 2007 08:13 AM

[Jeffco News](#) »

EPA responds to anti-Flats letter

August 16, 2007

The Environmental Protection Agency disagrees with claims made in a letter from the Rocky Mountain Peace and Justice Center addressed to Colorado's political leadership denouncing the Rocky Flats Wildlife Refuge.

The letter tells Gov. Bill Ritter, Speaker of the House Andrew Romanoff and President of the Senate Joan Fitz-Gerald the Rocky Flats area still is contaminated and unsafe to visit. Center officials urge political leaders to withdraw their support for the refuge.

LeRoy Moore, co-founder of the Peace and Justice Center, said overlooked data and incomplete methods were used to certify the area.

Moore did not return a call for comment by press time Aug. 15.

Mark Aguilar, the Rocky Flats team leader for the EPA, said the methods used at the site are the same ones used at polluted sites across the country.

"The difficulty is the partial half truths," Aguilar said of the Peace and Justice letter. "To say we discounted anything out there, absolutely not."

Aguilar, who was at the site last week, said constant monitoring and five-year reports keep the EPA abreast of the site's cleanliness.

Moore claims the wet spring of 1995 caused plutonium to migrate at the site. He said the migration was overlooked in favor of computer models used to determine the amount of contamination.

Aguilar counters the claim, among others, saying the information used by the Peace and Justice Center is simply wrong.

"Plutonium really doesn't move in soil, even if you have flow," he said.

A Ritter spokesman said the governor had yet to read the document and would first consult with his director of Public Health and Environment before commenting.

Even if all of Colorado's leaders pulled their support for the refuge, it's unclear what effect the action would have.

No state funds support the refuge, which is under the Fish and Wildlife Service jurisdiction. The only negative effect on the refuge might come from Colorado's representatives on the national level, if they were to pull support.

"It is possible that congressional members could change the guidance for Rocky Flats NWR to preclude public use if they felt that was appropriate," Refuge Manager Steve Berendzen said in an e-mail message.

## Shadows of the bomb

BY LEROY MOORE, PhD

Thursday, August 30, 2007 11:07 PM MDT

When Ms. B was 18 her college studies were interrupted by emergency surgery to remove a tumor the size of a lemon from her brain. Her primary physician suspects that the cause was exposure to plutonium, an exceedingly toxic radioactive material used in the manufacture of nuclear weapons. He knows that Ms. B could have inhaled or ingested lethal dust-like particles of plutonium where she grew up near Standley Lake, just downwind of the now closed Rocky Flats nuclear bomb factory nine miles south of Boulder.

After college, Ms. B, who is now 32, taught school for a while, then married and in time delivered two babies, both with birth defects. Early in 2006 she learned that her brain tumor had grown back and is malignant. Various specialists gave her a 1 percent chance of being alive a year later. They'd say she's now on borrowed time.

When Rocky Flats was operating, it was one of several large factories run by the Department of Energy to produce parts for nuclear bombs. Another is the Fernald facility in Ohio where uranium was processed. Had Ms. B grown up near Fernald rather than Rocky Flats, she would have received free medical monitoring that very likely would have detected her brain cancer at an early stage. Prompt treatment might have changed her life story for the better. Why could this have happened near Fernald but not at Rocky Flats?

The answer lies in the Fernald Medical Monitoring Program, which was established as part of the settlement of a lawsuit brought on behalf of people who lived in contaminated areas near the Fernald site. The program is now coming to an end after 18 years of medical surveillance and detailed record keeping on about 9500 people. All data from the program is available for further study.

No such program has ever existed for people who, like Ms. B, have lived in areas known to be contaminated with plutonium released from Rocky Flats. Atomic Energy Commission scientist P. W. Krey mapped these areas back in 1976. The multi-year Historical Public Exposure Studies completed for Rocky Flats in 1999 concluded that though the amount of plutonium released from Rocky Flats may have been large, any direct health study like the monitoring of individuals was not warranted.

Others have disagreed. In 1996 Richard W. Clapp of Boston University, former head of the Massachusetts Cancer Registry, found excess incidence of some cancers in areas of known plutonium contamination near Rocky Flats. He said his data "support the need for surveillance of the incidence of cancer and other diseases on a continuing basis in the exposed communities."

In 1990 a class action lawsuit against Dow Chemical and Rockwell International, former operators of Rocky Flats, was filed in Denver federal court on behalf of 12,000 people who resided in areas contaminated with plutonium released from the facility. When the case finally went to trial in October 2005 much new information about contamination on and off the site as well as about vast quantities of unaccounted for plutonium was presented in court. In February 2006 the jury found Dow and Rockwell liable to the tune of \$554 million, an amount reduced to \$350 million by the court.

One hope of those who brought the lawsuit is that a major portion of this money could be used to establish a medical monitoring program for people who like Ms. B live in the more contaminated areas near Rocky Flats. Whether this can ever happen is cast into doubt by the fact that Dow and Rockwell have appealed the verdict. This could mean more years of delay, years in which people possibly harmed by plutonium released from Rocky Flats will lack the kind of medical monitoring to which they are entitled by virtue of where they live. Such monitoring could either relieve them of worry or provide early warning of health problems that need attention.

The Fernald Medical Monitoring Program provides a good example for what should happen for people like Ms. B whose health may have been harmed by plutonium released from Rocky Flats. They shouldn't have to wait for the settlement of a class action lawsuit initially filed 17 years ago. Congress should pass legislation requiring medical monitoring for people who live in contaminated areas around DOE nuclear weapons facilities, including Rocky Flats. It's the least that can be done for people whose health has been put in jeopardy in the name of national security.

LeRoy Moore, PhD, is a consultant with the Nuclear Nexus Project: Working to End Local Hazards and the Global Threat, a project of the Rocky Mountain Peace and Justice Center of Boulder. If interested in an internship with Nuclear Nexus or any of our other programs, please call 303-444-6981 or email [betty@rmpjc.org](mailto:betty@rmpjc.org).

To the editor of Colorado Daily

My August 31 op-ed citing the need for health monitoring of those who live in areas known to be contaminated with plutonium released from the now closed Rocky Flats nuclear bomb factory contains an error that needs to be corrected. The op-ed says that people who in 2006 obtained a \$350 million court judgment against the former operators of the Rocky Flats plant hoped to use some of this money to establish a health monitoring program. This statement is not correct. While the original lawsuit filed back in 1990 sued for funds to create a medical monitoring program, in 1998 the judge dismissed this portion of the case on the motion of lawyers for the former Rocky Flats operators. This dismissal which had escaped my attention makes congressional action to establish medical monitoring in the contaminated areas around Rocky Flats all the more imperative.

Sincerely,

LeRoy Moore

# Rocky Mountain News

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URL: [http://www.rockymountainnews.com/drmn/local/article/0,1299,DRMN\\_15\\_5681094,00.html](http://www.rockymountainnews.com/drmn/local/article/0,1299,DRMN_15_5681094,00.html)

## Nuke workers not getting regular tests, report finds

By Ann Imse, Rocky Mountain News  
August 24, 2007

The inspector general of the Energy Department said Thursday that workers at current nuclear weapons plants are not being checked regularly for radiation contamination.

The inspector general's report said that without changes, current "employees may be at risk for occupational exposures to radioactive material that might not be detected."

Besides warning of contamination, records of exposure are needed for weapons plant workers to win federal compensation for cancer and other illnesses caused by radiation.

Workers at the now-defunct Rocky Flats nuclear weapons plant outside Denver say they have been denied compensation for job-related illnesses because exposure records can't be found or are incomplete. They recently lost an attempt to have all workers grandfathered into an aid program on the grounds of missing exposure records.

According to the inspector general's report, 67 percent of the 24 workers checked at the Oak Ridge National Laboratory did not get all their required urinalysis and other lab tests for radiation exposure. In some cases, workers were canceling the tests themselves.

In contrast, workers at the Savannah River weapons plant were being tested correctly.

DOE responded by saying federal regulations do not require medical tests, and it refused to insist that employees show up for their exams. DOE said air monitoring was more important to identify possible radiation leaks that could harm workers.

However, the federal aid program uses biological tests, not air monitoring records, to decide if a worker's illness was caused by contamination.

Jennifer Thompson, an advocate for ill Rocky Flats workers, said she was not surprised by the report. "Records have always been and remain a huge challenge," Thompson said.

Jerry Hardin, a 36-year Rocky Flats worker and union official, said he doubts the inspector general's conclusions will help Rocky Flats workers win their bid for automatic aid.

"I've been looking for a magic bullet for some years. At times when I thought we had a show stopper, we were ignored," Hardin said.

Tough luck

Tuesday, August 7, 2007 9:56 PM MDT

DENVER (AP) - The federal secretary of health and human services has rejected an appeal by Colorado's congressional delegation to make it easier for Rocky Flats nuclear weapons workers to get compensation for cancer or other job-related diseases.

In a letter released Tuesday by Sen. Ken Salazar, D-Colo., Secretary Michael Leavitt stood by a federal panel's recommendation limiting special status to those who worked at Rocky Flats between April 1, 1952 and Dec. 31, 1966.

Salazar and other members of the delegation had asked Leavitt to reconsider the findings of the Advisory Board on Radiation and Worker Health, which held hearings in Colorado this year.

Congress has the final say. Salazar said he planned to introduce a bill to address the needs of the workers, whom he said were "among our country's heroes of the Cold War."

Workers with special status can get government benefits simply by showing they have a form of cancer that can be caused by radiation. Other workers can still get compensation but have to prove their diseases were the result of exposure to plutonium or other chemicals at the plant.

In order to do so, the radiation dose they were exposed to has to be reconstructed. Leavitt told Salazar that that has been done for 1,150 of the 1,248 workers who have filed claims.

Rocky Flats, located 15 miles northwest of Denver, made plutonium triggers for nuclear warheads. Many workers have said they developed cancer and other diseases because of their jobs there. The plant closed in 1991.

editorial

## **Sick Flats' workers need quicker care**

**Congress should pass legislation to address the medical needs of those exposed to radiation at the former nuclear weapons plant.**

By The Denver Post Editorial Board

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Health and Human Services Secretary Michael Leavitt erred when he decided to deny sick former Rocky Flats workers the relief they deserve.

Sen. Ken Salazar, Rep. Mark Udall and other members of Colorado's congressional delegation have responded appropriately with plans to introduce new legislation that addresses the medical needs of the workers exposed to radiation at the old weapons factory.

Though similar legislation has failed in the past, the new Congress needs to step in and do what the old Congress failed to do: help the civilian defense workers who risked their health and lives to win the Cold War.

Before Rocky Flats closed in 1988, more than 22,000 people worked there making plutonium triggers for atomic weapons. Thousands have become ill with cancer and other illnesses. Many have died.

A former Rocky Flats worker asked a presidential advisory board more than two years ago for expedited medical coverage for all former workers with certain radiation-related cancers.

It was a bold move endorsed by members of Colorado's congressional delegation and Gov. Bill Ritter. But the Advisory Board on Radiation and Worker Health turned down the request and instead recommended in June that only a small group employed at the plant from 1952 to 1966 get expedited medical coverage and \$150,000 each in compensation. (The board was an offshoot of former energy secretary Bill Richardson's efforts to develop scientific data that would help link the radiation and poisons in nuclear plants to workers' illnesses so they could get compensated.) The board's decision left more than 10,000 workers without compensation. That means they will be forced to submit individual petitions to the government to try to prove that their jobs caused their illnesses, a process that is onerous and could take years. In the end, the workers could still be left without compensation.

Colorado's congressional delegation urged Secretary Leavitt to override the panel and grant the requested relief to all ill workers. On Tuesday, Leavitt announced his decision to endorse the panel's recommendations. His decision was unfair to all of the former federal workers who were exposed to potentially deadly radiation while doing their jobs.

Leavitt said he "spent considerable time reviewing the information," and that while he understood the former plant employees would be "disappointed," they were entitled to pursue their claims individually. He also noted that as of July 12, the National Institute for Occupational Safety and Health had completed "dose reconstructions" for 1,150 employees exposed to radiation at Rocky Flats. He said those employees would be eligible for compensation if the "probability of causation"

is 50 percent or higher, "therefore supporting the employee's claim that their radiation exposure was causally related to their cancer."

That's little comfort to those whose causation probability is 49 percent. It's inexcusable that sick workers should be made to endure a further delay. The workers already waited more than two years to hear back from the advisory panel. Many had claims pending well before that.

Salazar, Udall and other Colorado lawmakers in Washington need to move quickly to introduce new legislation. And this time around, Congress needs to do the right thing.

# Rocky Mountain News

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## Troops, workers paid steep price for nuclear weapons

Radiation sickened 36,500 and killed at least 4,000 of those who built bombs, mined uranium, breathed test fallout

By Ann Imse, Rocky Mountain News  
August 31, 2007

The U.S. nuclear weapons program has sickened 36,500 Americans and killed more than 4,000, the *Rocky Mountain News* has determined from government figures.

Those numbers reflect only people who have been approved for government compensation. They include people who mined uranium, built bombs and breathed dust from bomb tests.

Many of the bomb-builders, such as those at the Rocky Flats plant near Denver, have never applied for compensation or were rejected because they could not prove their work caused their illnesses. Congressional hearings are in the works to review allegations of unfairness and delays in the program for weapons workers.

The *Rocky* calculation appears to be the first to compile the government's records on the human cost of manufacturing 70,000 atomic bombs since 1945. It is based on compensation figures from four federal programs run by the Departments of Labor, Justice and Veterans Affairs. Many people have been paid only recently.

More than 15,000 of the 36,500 are workers who made atomic weapons. They were exposed to radiation and toxic chemicals that typically took years to trigger cancer or lung disease.

Others were civilians living near the Nevada test site during above-ground nuclear tests; soldiers and workers at test sites; and uranium miners and millers who breathed in radioactive dust until 1972 when the government stopped buying uranium.

At least 4,000 of the 36,500 died. This number reflects cases where survivors could be paid only if their relative died of the covered illness.



Barry Gutierrez © The Rocky

Thomas Atcitty, 78, left, and his brother, Chester, 73, recall hauling uranium ore in a 1950 Ford dump truck. The U.S. nuclear weapons program has sickened 36,500 Americans and killed more than 4,000, the *Rocky Mountain News* has determined from government figures. Those numbers reflect only people who have been approved for government compensation. They include people who mined uranium, built bombs and breathed dust from bomb tests.

Many more of the 36,500 likely also have died of the deadly diseases triggered by their work. But in most of the compensation programs, the government does not track deaths or cause of death, so the true number who gave their lives to support the nuclear bomb program probably will never be known.

Some were contaminated through accident or ignorance. But government documents have revealed that officials at times risked the health of civilians, soldiers and workers because they believed national security demanded it.

One early Atomic Energy Commission director, Lewis Strauss, wrote to a civilian who had been downwind of atomic test fallout that the danger of fallout was "a small sacrifice compared to the infinite greater evil of the use of nuclear bombs in war."

Well into the 1960s, hundreds of thousands of American troops were placed within a few miles of nuclear tests to determine their ability to march and fight shortly after a blast. The Atomic Energy Commission barred them from being closer than 7 miles, but the military cut that by more than half.

"In those days, we were training military personnel to fight a nuclear war. The Department of Defense had to know the effect on soldiers, sailors and airmen who moved within hours into a hot zone," said R.J. Ritter, who now runs the National Atomic Veterans Association and lobbies for aid to those contaminated troops. "Nobody had a clue what would happen years later from inhaling those particles."

One of those servicemen was Howard "Howdy" Pierson.

He had no idea when he was trucked into the desert from California in 1957 that he was about to watch a nuclear blast from just three miles away.

The Marine gunner was dropped into a trench and told to turn around and cover his eyes, according to his widow, Deb Pierson, of Loveland.

It was the day after Independence Day, and "Shot Hood" filled the pre-dawn sky with a bright light seen in Los Angeles and a towering orange mushroom cloud.

It was a hydrogen bomb - the biggest nuclear weapon ever detonated inside the U.S., five times more powerful than the one at Hiroshima. Three miles from ground zero at Hiroshima, nearly every building was damaged, according to the U.S. government.

Howdy Pierson's trench caved in. Dirt - already contaminated by previous tests - poured down on them, he told his wife years later.

An airman who was at the same test said in the book *American Ground Zero* that the blast wave threw him 40 feet. He said it felt like being cooked.

A Marine who was marched toward the mushroom cloud said he wondered why anyone would be assaulting Ground Zero minutes after a blast. "What's to assault?" he said in a posting on a Web site for nuclear veterans.

About 200,000 troops were brought in to witness and work on U.S. nuclear tests over the years, according to

the Pentagon. For decades, they were barred by national security from telling anyone what they had seen.

Pierson died of lung cancer in 2000. Deb Pierson, who works for Larimer County helping veterans apply for benefits, didn't win a widow's compensation for her husband's lung cancer until Congress revised the law in 2002. The change granted compensation to any veteran who developed lung cancer after breathing radioactive dust at the nuclear tests.

The Veterans Administration, however, is fighting Pierson's attempt to get benefits back to the day he filed his claim.

Lawsuits by contamination victims uncovered evidence over the years that many officials knew the dangers, and ignored them or covered them up. Officials blocked safety standards for uranium dust and beryllium and promised residents above-ground tests posed no danger.

"A lot could have been prevented if they had given the least bit of warning" said J. Turner, of [www.downwinders.org](http://www.downwinders.org).

The U.S. did not begin to admit that Americans were sickened by the weapons effort until the 1980s. The first compensation programs had such tough standards that few people were paid.

Under the Clinton administration, with the Cold War over, previously secret information became public. Americans successfully lobbied for compensation.

But the programs remain complicated by the difficulty of finding exposure records.

## Cliff Hemphill, 67

- **Home:** Adams County
- **Exposure:** On the deck of an aircraft carrier in the South Pacific during nine nuclear tests
- **Compensation:** Given a monthly 50 percent disability payment and veterans medical care for 140 skin cancers and post-traumatic stress disorder.

Cliff Hemphill, of Adams County, still carries the bulldog frame, fierce pride and "Semper Fidelis" tattoo on his arm from his days as a Marine.

But his memories are seared with images of himself curled up on the deck of a small carrier, his head buried in his arms, as heat and noise slammed into him. When he looked up, he saw the sky lit with brilliant streaks of pink and blue.

Nine times he witnessed nuclear tests from the deck of the USS Princeton in the South Pacific in the 1960s.

That caused so many health problems that his wife of 43 years was finally driven away, he believes.

It was the 140 skin cancers that caused the U.S. government to finally give him a disability payment, after it revised his estimated radiation dosage to 550 rem - 110 times the current annual federal maximum for nuclear workers.

He blames the nuclear tests for a long list of other health problems as well, from scarred lungs to unusual back-of-the-eye cataracts. He figures either the skin cancer or diabetes will do him in.

"I'm just waiting for the hammer to fall," he says.

He's certain officials knew they were risking the health and lives of servicemen who witnessed the tests. It was 17 years after the U.S. dropped a nuclear bomb on Hiroshima, after all.

"We were used as guinea pigs," he says. "Most of my shipmates have the same problems."

He says the film in the Marines' dosimeters for measuring their radiation exposure turned black after the blasts. The government said natural heat and humidity spoiled the readings.

"I don't believe they were false readings at all," says Hemphill.

Hemphill won additional disability payments for post-traumatic stress disorder after pointing to a study by Dr. Henry Vyner that diagnosed PTSD in servicemen who witnessed nuclear tests. The study said they harbored "anger at the government because it knowingly placed them in a dangerous situation and now is refusing to accept responsibility."

## Thomas Atcitty, 78 Chester Atcitty, 73

**Home:** Shiprock, N.M.

**Exposure:** Both hauled radioactive uranium ore on 300-mile daily round trips from a mine in northwestern New Mexico to a mill in Utah; Chester also mined uranium.

**Compensation:** Thomas was denied compensation because he was paid in cash and doesn't have pay stubs. Chester has collected \$150,000 in compensation.

Thomas Atcitty was a 21-year-old Navajo with only three months of education and no hope of a job in 1949 when a friend told him about a rare opportunity for work.

For the next several years, Atcitty filled his 2-ton dump truck with ore for the trip from New Mexico to Utah.

"There's no work, so I just helped a friend. He gives me a little money - three, four dollars a day," Atcitty said.

"I would load it by hand when I first started.

His son-in-law, Jim Hamilton, of Denver, says Atcitty told him that when a cooling rain splashed onto the

radioactive ore in the searing desert heat, it gave off a wonderful fragrance. The smell enticed Atcitty to crawl on top of his load and nap, to rest for his daily trip.

"I like the smell of uranium," Atcitty said, his face brightening at the memory.

Atcitty's younger brother, Chester, who had just a year of schooling, also hauled ore with the truck. Later, Chester was one of hundreds of Navajos who worked the uranium mines without masks, breathing radioactive dust.

Children on the Navajo Reservation played on tailings, and waste from local mines was dumped into riverbeds, contaminating the water supply. Ore fell off the trucks, and roadsides were littered with uranium.

Chester Atcitty worked 10 years for the Climax uranium mine in Grand Junction, so he was able to prove his work history and collect compensation. "It's gotten really hard to breathe," said Chester, leaning on the old truck. "My body is really weak."

But Thomas has not been able to collect, according to Hamilton, who teaches at Skyview High School. "He qualifies in every aspect, except now they need his pay records from 1950."

They don't exist.

## Jim Turner, 63

- **Home:** Denver
- **Exposure:** Beryllium, plutonium at Rocky Flats nuclear weapons factory
- **Compensation:** Paid \$150,000 compensation and a monthly disability payment he did not disclose.

In the 1970s, Jim Turner crawled into the ventilation system at the sprawling Rocky Flats nuclear weapons plant outside Denver to change out contaminated air filters.

He'd listened to the safety lectures and knew he had to be careful not to be contaminated with plutonium.

Nobody mentioned beryllium.

Workers in the beryllium machine shops were so unconcerned that they ate snacks at their work stations, Turner recalls. "It was, 'Hey, this stuff won't kill you.' "

But decades earlier, in 1948, scientists had warned that beryllium was so dangerous that it should be handled only inside glove boxes so workers would never breathe even a microscopic bit.

No one told the workers at Rocky Flats. Protecting their lungs from scarring would have meant building an entirely new structure and production line, according to documents revealed in a trial in Golden several years ago. Rapid-fire production of nuclear bombs would have stopped at the height of the Cold War, and that was

"unacceptable," according to a memo from the 1960s.

As a result, hundreds of former Flats workers suffer from beryllium disease, which can be fatal.

Turner struggles to breathe. "I've coughed till it feels like my head is going to explode."

The coughing started in the 1970s, but no one told Turner that it was caused by beryllium until 1988, he says.

"They knew, but they never did say anything about it, and I continued to work in these contaminated areas," says the 26-year veteran of Rocky Flats. For officials, he believes, it was "anything so they could win the Cold War."

Unlike most weapons workers, Turner did not need to find records to prove how much he was irradiated. Beryllium disease is caused only by exposure to beryllium.

## Dennis Nelson, 64

- **Home:** Raised in St. George, Utah; now in Bethesda, Md.
- **Exposure:** Downwind from the Nevada nuclear tests
- **Compensation:** Family granted \$50,000 for each parent; nothing for sister because parents were deceased.

Dennis Nelson was a 7-year-old sleeping outdoors in the hot summers of St. George, Utah, when the U.S. set off the first "special weapon" at the Nevada test site in 1951.

Repeatedly through his childhood, the predawn sky would light up in the west. No one thought it was dangerous.

Nelson remembers only one doubt, the day he watched men wash radioactive fallout off cars on St. George's main street. He thought, "If they are washing poison off these cars, why are they letting it run into the water, where we water our gardens?"

In one of the first alarms, 4,500 sheep in a herd of 14,000 died in 1953. Government scientists at the time insisted there was no connection, but documents uncovered in 1980 said those scientists actually found lethal doses of radiation in the dead sheep.

Nelson's aunt, Irma Thomas, began marking a map of St. George with the names of everyone with cancer or other unexpected illnesses, including her sister and her husband.

"Back then, it was not wise to speak against the government," said Nelson's wife, Denise. "She was quickly called a Communist."

Then Nelson's mother died at 47 of a brain tumor. His father succumbed to bone and lung cancer. Next came his sister, an assistant U.S. attorney in Salt Lake City who died of colon cancer. Nelson's brother has fought

lymphoma and bladder cancer. Nelson has survived skin cancer.

The Nelsons have read thousands of pages of evidence and concluded that the irradiation of St. George was deliberate.

"It was clearly an experiment," says Denise Nelson. Officials wanted to find out what clothing or buildings might offer protection from fallout, she says. "There was dosimeter data collected, listing people's names, jobs and wall thicknesses."

Officials delayed the tests until the wind was blowing toward St. George - and not toward Los Angeles or San Francisco, her husband says. "They said it was a virtually uninhabited portion of the country - except there were a lot of virtual uninhabitants."

Some people who lived downwind of nuclear tests eventually won damages in a lawsuit. But an appeals court in Denver overturned that decision in 1987, saying the federal government cannot be held liable for its deliberate actions - in this case, a decision to put national security over public safety.

## Arguments that the number is too low

- **More than 30,000 sick nuclear weapons workers** have been denied compensation because they cannot prove the amount of contamination they suffered and whether it was enough to cause their illnesses. Workers say many in this group should have been approved. More than 10,000 additional workers are still awaiting a decision and thousands more may not have applied because they think the process is too difficult.
- **The Veterans Benefits Administration admits it has not kept a good count** of how many soldiers it has paid for radiation-related illness out of the 400,000 veterans exposed during weapons tests and in occupied Japan after World War II. The VA counted 483 as of 1998. The number is "woefully low" and out of date, said Tom Pamperin, deputy director for compensation and pensions. Recently, 1,200 atomic veterans with skin cancer won reconsideration, and 266 of them were approved, Pamperin said.
- **The National Association of Atomic Veterans** says up to 25,000 former soldiers have applied.
- **Some members of Congress are trying to expand the program** to compensate "downwinders" - people who lived downwind of the Nevada nuclear tests. They point to a National Cancer Institute study showing that the radioactive fallout was far greater and more widespread than previously believed. Radioactive iodine, which is linked to thyroid cancer, contaminated grass and then cows milk across the country for a period in the 1940s and 1950s.

Especially affected were large parts of Montana and Idaho, as well as six counties in Colorado: Gunnison, Conejos, Hinsdale, Archuleta, Mineral and Grand. Because rainstorms washed fallout onto the ground in concentrated pockets, these areas had more contamination than any of the 22 counties in Nevada, Utah and Arizona, where compensation is paid.

- **A National Cancer Institute** study in 2004 estimated that another 265 Marshall Islanders would come down with cancer due to the nuclear tests there, on top of the 265 that already had occurred.

- **No one has studied the effect of fallout** from the Pacific tests, which were far larger than the tests in Nevada.

## Arguments that the number is too high

- **The weapons workers program is required by law to lean in favor** of compensating too many claimants rather than too few. Officials of the program say it does favor approval and pays too many, though workers scoff at that.
- **President Reagan** said when he signed the veterans compensation bill in 1988 that it was not a judgment that radiation caused their diseases. Instead, he said, it was recognition for their unusual service - being exposed to bomb radiation.
- **Some downwinders were paid for cancers that would have occurred** even without being exposed to radioactive fallout. The downwinders program requires no proof of radioactive dose and simply pays anyone with certain cancers in the 22 counties closest to the test site that are listed in the law.

A National Research Council committee recommended tightening the downwinders program, requiring proof of radiation dose and connection to the particular cancer, said Thomas Borak, a radiation physics professor at Colorado State University who was a committee member. Congress has not made the recommended changes.

"We had very emotional testimony" from sick people just outside the compensation zone, Borak said. But he is opposed to giving aid without proof.

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## Hearings on tap for ill Flats workers

By Laura Frank, Rocky Mountain News  
August 16, 2007

Congressional hearings are on the horizon to figure out why ill nuclear weapons workers from Rocky Flats and elsewhere are still waiting for the medical and financial aid Congress promised them six years ago.

An aide for presidential candidate Sen. Barack Obama, D-Ill., on Wednesday told a Colorado-based national organization of ill workers that the hearings aren't scheduled but are in the works.

That aide and about a dozen others - including those working for U.S. Reps. Mark Udall, D-Eldorado Springs, and Ed Perlmutter, D-Golden - also pledged to help find legislative fixes for the troubled compensation program.

Obama aide Robert Stephan said that more than a dozen senators have attended a series of three working-group meetings. The meetings are to prepare for hearings in which the U.S. Department of Labor will be asked to account for the high denial rates and lengthy delays ill weapons workers face in getting aid.

The *Rocky Mountain News* reported this year that one in 10 ill Flats workers who qualified for aid died before getting it. The *Rocky* also reported that federal documents showed officials had made plans to limit payouts for sick and dying workers.

The officials in charge of the program went behind the backs of their bosses, called on White House officials for help and tried to hide their efforts, according to e-mails and memos obtained by a congressional committee.

Labor Department officials say the plans were never carried out, and they deny trying to hide them.

A bipartisan group of senators has asked the Health, Education, Labor and Pensions Committee, led by Sen. Ted Kennedy, D-Mass., to hold the hearings.

"It's just an issue of getting ready and scheduling it," Stephan said.

The news thrilled Terrie Barrie, of Craig, who helped found the Alliance of Nuclear Worker Advocacy Groups after her husband fell ill. George Barrie had machined plutonium at the now-demolished Rocky Flats site northwest of Denver.

"I can't wait for the hearings," Barrie said after a teleconference with about a dozen congressional aides and an equal number of ill workers and their advocates.