

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, August 6, 2007, 8:30 – 11:10 AM

Jefferson County Airport, Terminal Building

1175 Airport Way, Broomfield, Colorado

- 8:30 AM Convene/Agenda Review
- 8:35 AM Business Items (briefing memo attached)
1. Consent Agenda
 - Approval of meeting minutes and checks
 2. Ratify and approve letter to Advisory Board on Worker and Radiation Health re: Rocky Flats Special Exposure Cohort Petition
 3. Executive Director's Report
- 8:55 AM Public Comment
- 9:00 AM Host DOE Quarterly Meeting (briefing memo attached)
- DOE will brief the Stewardship Council on site activities for January – March, 2007.
 - DOE has posted the report on their website and will provide a summary of activities to the Stewardship Council.
 - Activities included surface water monitoring, groundwater monitoring, air monitoring, ecological monitoring, and site operations (inspections, maintenance, etc.).
- 9:45 AM Briefing on CERCLA Five-Year Review (briefing memo attached)
- DOE submitted the draft CERCLA Five-Year Review to the EPA for approval.
 - The Board will be briefed on the draft findings and conclusions.
 - 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.

11:00 AM Public comment

11:05 AM Updates/Big Picture Review

1. Executive Director
2. Member Updates
3. Review Big Picture

Adjourn

Next Meetings: October 1, 2007
 November 5, 2007

Business Items

- Cover memo
- May 2, 2007, draft board meeting minutes
- List of Stewardship Council checks
- Letter to Advisory Board on Worker and Radiation Health re: Rocky Flats Special Exposure Cohort Petition

DOE Quarterly Meeting

- Cover memo

DOE Briefing on CERCLA Five-Year Review

- Cover memo

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MEMORANDUM

TO: Board

FROM: David Abelson

SUBJECT: Business Items

DATE: July 27, 2007

In addition to approving the consent agenda (approval of minutes and checks), the Board will need to approve a letter to the Advisory Board on Radiation and Worker Health re: the Rocky Flats workers special exposure cohort petition.

The letter, which was signed by Lori Cox, was mailed May 23, 2007. It includes all changes Board members requested I make.

Action item: Ratify and approve letter

Rocky Flats Stewardship Council Board Meeting Minutes
Monday, May 7, 2007, 8:30 – 11:30 AM
Jefferson County Airport, Terminal Building
11755 Airport Way, Broomfield, Colorado

Board members in attendance: Clark Johnson (Alternate, Arvada), Carl Castillo (Alternate, City of Boulder), Matt Jones (Alternate, City of Boulder), Jane Uitti (Alternate, Boulder County), Lori Cox (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Chuck Baroch (Director, City of Golden), Kate Newman (Alternate, Jefferson County), David Allen (Alternate, Northglenn), Shelley Stanley (Alternate, Northglenn), Karen Imbierowicz (Director, Superior), Tim Purdue (Alternate, Superior), Jo Ann Price (Director, Westminster), Jeannette Hillery (Director, League of Women Voters), Marjory Beal (Alternate, League of Women Voters), Kim Grant (Director, Rocky Flats Cold War Museum), Ann Lockhart (Alternate, Rocky Flats Cold War Museum), 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: Eric Barnes (Wagner, Burke & Barnes Auditing), Todd Neff (Daily Camera), Cathy Shugarts (City of Westminster), Larry Bruskin (CDPHE), Marion Galant (CDPHE), Mark Aguilar (EPA), Larry Kimmel (EPA), Rob Henneke (EPA), Sam Garcia (EPA), Erin Minks (Sen. Salazar), Shirley Garcia (Broomfield/Westminster), Scott Surovchak (DOE-LM), Bob Darr (Stoller/DOE-LM), Linda Kaiser (Stoller), Rick DiSalvo (Stoller), Michelle Hanson (Stoller), Jody Nelson (Stoller), George Squibb (Stoller), Jeremiah McLaughlin (Stoller), David Shelton (Shelton Environmental), Amy Thornburg (USFWS), Sue Vaughan (League of Women Voters), Jennifer Bohn (RFSC accountant), Jeanette Alberg (Sen. Allard).

Convene/Agenda Review

Chair 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

Ken Foelske moved to approve the February, 2007 minutes. The motion was seconded by Jo Ann Price. The motion passed 12-0.

Jeanette Hillery moved to approve the checks. The motion was seconded by Roman Kohler. The motion passed 12-0.

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

At the January meeting, the Board expressed interest in supporting former Rocky Flats workers in their bid to achieve special cohort status under the Energy Employees Occupational Illness

Program Compensation Act (EEOIPCA). In February, the Board wrote the Advisory Board on Radiation and Worker Health expressing concern about the ongoing delays in implementing the EEOIPCA and in ruling on the workers' petition to seek special exposure cohort status. The Board asked that the Advisory Board not deny the petition if the outstanding issues regarding data reliability are not addressed and if missing records are not uncovered.

The letter being presented to the Board for approval at this meeting is to support "The Rocky Flats Special Exposure Cohort Act" (S. 729; H.R. 904). These bills would accomplish what the workers are seeking to accomplish through the petition process – be designated a special exposure cohort class under the EEOIPCA. Senator Salazar introduced the bill in the Senate; Representatives Udall and Perlmutter in the House. These bills are the same ones the Coalition supported in past years. Previously, former Rep. Beauprez sponsored the House bill with Rep. Udall.

David Abelson began the discussion by noting the recent decision of the Advisory Board on Radiation and Worker Health to grant special exposure cohort (SEC) status to a small group of workers at Rocky Flats, not the entire class that petitioned for SEC status. Roman Kohler expressed his confusion about the decision and said he recommends that the Stewardship Council move forward with sending the draft letter from the meeting packet. This draft includes changes Board members requested that David make to an earlier draft.

Erin Minks from Senator Salazar's office circulated copies of a news release and letter from their office. She said the while the recent decision was not comprehensive, it was anticipated that this may happen. The Rocky Flats petition was the largest and most comprehensive that the Advisory Board has reviewed. The period of the 1950's was simply the area for which there was the easiest agreement. She added that a recommendation on the remainder of the petition is not a done deal. She also said that any claims beyond 1970 are really tough, not just here but at other sites as well.

Jeanette Alberg with Senator Allard's office said that the Board met again on Friday and decided to postpone writing its language until June 11-12. She explained that workers who were exposed to neutron radiation between the years 1952-1958 were approved for SEC status. The Board is still looking for additional information on other classes of workers to see if they can enlarge that group. The Colorado Congressional delegation urged them at Friday's meeting to enlarge the SEC to include more workers, so they decided to postpone their decision.

Jane Uitti asked what rationale was used to select the years that were approved. Erin Minks explained that workers in the 1950's were monitored for neutron exposure. Roman said that after 1958, NIOSH has more confidence in their monitoring results. Jeanette Alberg added that NIOSH is advising the Board on scientific issues and there is also an auditor that reviews the data and provides independent oversight. She said there seemed to be a general scientific agreement that there was no way to reconstruct doses for the 1952-1958 time period. The Advisory Board will make a recommendation to the Secretary of Health and Human Services, who will make the final decision.

Jo Ann Price asked if there are 12 people on the board. Erin Minks said the number can be up to 18, but she was not sure how many were present in Denver. She noted that there were some conflict of interest issues that came into play.

Ken Foelske asked what the compensation limits are for the SEC. Jeanette Alberg said that if the worker is diagnosed with one of 22 listed cancers, there is a \$150,000 lump sum, plus medical benefits. This can also be a survivor benefit.

Lori Cox pointed out that the Stewardship Council has already taken an overall position of support for the Rocky Flats SEC petition, and that she does not think there is much purpose in adding anything other than support for “The Rocky Flats Special Exposure Cohort Act.”

Matt Jones noted that David Abelson said in his opening remarks that this first cut appeared to be policy-driven rather than scientific and that it was not consistent with the Advisory Board’s other decisions. He said this issue should be included in the letter.

Karen Imbierowicz said that she was in support of revised letter. She also asked if it would make sense to send a letter to the Advisory Board asking them to increase the extent of the SEC at their June meeting.

Jeanette Alberg noted that there is a precedent for the Advisory Board taking a comprehensive petition for SEC status and carving out smaller groups for approval.

Lori Cox asked if there were other opinions among Stewardship Council members. Jeanette Hillery said she was in favor of sending another letter because the more the Advisory Board knows that another group is watching their work the better their decisions may be. She is also in favor of the changes David suggested to the letter.

Lori asked if there were any questions on the draft letter for approval. Kim Grant asked if they could just add a statement to this letter that would address those issues being discussed for a possible second letter. David Abelson said that those statements do not match the audience or intent of the letter being discussed.

Karen Imbierowicz moved to approve the letter with one change of the word ‘to’ to ‘for’. The motion was seconded by Jo Ann Price. The motion passed 12-0.

David Abelson will develop a second letter to be sent to the Advisory Board and will solicit comments from the Board. There will not be time to officially approve prior to it being sent, but it will work.

Jane Uitti suggested that since the Stewardship Council has already approved new sections in the letter they just approved, David could start with that since it has already been discussed by the group. David agreed, and added that it will emphasize that the Stewardship Council supports the congressional delegation.

Lori Cox pointed out that the message of the letter is that the Stewardship Council is still watching the Advisory Board, we would like for them to approve the remaining workers, and that this group is disappointed in the actions so far. She asked the other members to provide direction to staff when a draft is submitted.

Executive Director's Report

David began by formally welcoming new Stewardship Council members Tim Purdue (Superior) and Ann Lockhart (Rocky Flats Cold War Museum). Jane Uitti is retiring from her position with Boulder County, so this meeting will be her last.

In a recent email, David updated the Board on mineral rights acquisition at Rocky Flats. He said to let him know if there are any questions.

David asked Mark Aguilar (EPA) for a brief update on Rocky Flats' deletion from the National Priorities List. Mark said that after EPA published the Notice of Intent to Delete, there was a 30-day public comment period. They received and responded to three sets of comments. EPA sent a letter on Friday, which included the responsiveness summary. These materials will go into the public docket, and copies will be sent to the Board. EPA will publish the Notice of Deletion in the Federal Register this week.

Rik Getty announced an upcoming technical meeting, which will take place at the DOE office at 11025 Dover St. (108th and Wadsworth) on May 10th.

David also referenced the Stewardship Council's quarterly financial report, which was sent to Board members in the last couple of weeks. More information will be available in the monthly staff update by the end of the week.

Jo Ann Price commented that there was a problem with the Stewardship Council's website. David said she was probably using the wrong address, and noted that the correct one is on the letterhead.

Public Comment

Erin Minks spoke about the issue of National Wildlife Refuge funding. There is projected to be a nearly \$2.5 billion budget shortfall for the Refuge system nationwide. Senator Salazar signed a letter to recommending that Congress approve an increase to the funding. Related bills will be coming out within the next month

Receive Stewardship Council 2006 Financial Audit

Eric Barnes (Wagner Burke and Barnes) began by noting that this was his first year working with the Stewardship Council. In general, no material problems were found and the Stewardship Council was found to be in compliance with all applicable law and regulations. Mr. Barnes then reviewed what was included in the audit report. Page 1 is the only content that belongs to their

firm, and it is their opinion, which he said was 'clean'. He then walked the Board through the audit, pointing out revenue and expenditures.

Jo Ann Price asked about a figure of \$186,000 on the audit. David Abelson explained that it is the amount that has been expended. Not all of the Stewardship Council's available funding has been requested yet. This is done on quarterly basis based on what the group projects it will need. The most recent number can be found in the quarterly financial report.

Mr. Barnes spoke about page 8 (Notes to Financial Statement). He said this section will be beefed up in the final report. They will add that the Stewardship Council is exempt from the provisions of TABOR, due to Enterprise status as advised by Barb Vander Wall. Most of this is boilerplate language. He noted that they are still looking at a money market fund held by the Stewardship Council, which is an investment. It is disclosed on page 12. There is also a TABOR emergency reserve, which will be removed and rolled into the total net assets.

The Stewardship Council is not required to have audit under state statute. David explained that a decision was made by Executive Committee to have the audit to make sure things were being managed properly. In order to save money, they decided to request a less-intensive audit.

Karen Imbierowicz moved to approve the audit as amended (Barb Vander Wall's changes). The motion was seconded by Jeannette Hillery. The motion passed 12-0.

Host Legacy Management Quarterly Meeting

DOE briefed the Stewardship Council on site activities for calendar year 2006. DOE has posted the report on their website.

Scott Surovchak started off by sharing that last year was a good opportunity for Legacy Management to learn about operating a closed Rocky Flats in low precipitation conditions. They are not seeing the water flows that existed during operations and closure. The area is very slow in responding, and there are delays before they are seeing water flows after precipitation events. The remedies and revegetation are working quite well. There was a lot of snow over the winter, which led to compaction, sliding, subsidence, and geology in action.

Surface Water Monitoring and Operations

George Squibb provided an update on surface and ground water monitoring and operations for calendar year 2006. During the year, site personnel collected 139 samples, including 70 composites comprised of 2,829 grabs. There were no pond discharges during the calendar year.

Water quality at all Points of Compliance and Points of Evaluation (except GS10) were below applicable standards. At GS10, reportable values for total uranium were likely caused by groundwater contributions of naturally-occurring uranium to S. Walnut Creek. George added that these values are currently going down, and that the March sampling report will be available soon.

Surface water quality results supporting both the Original and Present Landfills indicate that these remedies are functioning properly. The regulators were consulted on elevated levels for boron, arsenic and manganese. The contact record is available on the Rocky Flats website.

Groundwater Monitoring and Operations

Groundwater activities during the calendar year included routine and special monitoring; replacement of media in the Mound treatment system; repair of the Solar Ponds treatment system; installation of instrumentation at the Mound and East Trenches systems; initiation of a treatability study at the Solar Ponds treatment system; and observation and tracking of the development of a slump south of former Building 991.

The site found that groundwater quality is generally consistent with previous years' data and indicate that the overall remedy is functioning properly. Also, following repairs and media replacement, treatment systems performed as designed through the end of 2006. At the Original Landfill, uranium concentrations in one of the downgradient wells are statistically higher than in the upgradient well. This difference will be evaluated in 2007 to determine if these results are natural or anthropogenic.

Air Quality

George reported that routine analysis of air monitoring filters at three stations was conducted through September 2006. Since October, samples at S-136 and S-138 have been archived pending need for analysis. These samples will be held for six months and then discarded.

During the calendar year, measured isotopes (except for uranium) were generally below detection limits and not measurable. Airborne radionuclides were dominated by uranium isotopes of natural origin. Without any large-scale soil disturbances, potential air emissions are expected to remain at or below detection limits. One of the members asked about high wind events and George said that high winds would fall under routine scenarios.

Ecological Monitoring

George showed photos depicting areas onsite in three conditions: (1) prior to demolition, (2) just after demolition, and (3) during 2006. He then reviewed weed mapping results, which were lower than normal. 401 acres at the site were treated with herbicides in during 2006. The boreal chorus frog vocalization survey, conducted each spring, found an increase in the frog population in 2006.

Site Surveillance and Maintenance

Jeremiah McLaughlin reported on 2006 Site Operations. At both the Present and Original Landfills, quarterly inspections were performed for the first and second quarters and monthly inspections were performed for the third and fourth quarters. The vegetative covers were inspected monthly from July through the end of the growing season. The site followed the prescribed checklist in the Monitoring and Maintenance Plan of May 2006.

There are no significant concerns at the Present Landfill. Nine settlement monuments were installed in September 2006 across the top of the landfill and 6 on the east face. All were surveyed in December.

At the Original Landfill, the site has been monitoring seeps and slumps. At Seep #7, there was an investigation of the 'burrito drain'. After being unearthed, it was found to be functioning fine. However, there was insufficient compaction. At Seep #4, a shallow trench was dug to the West Perimeter Ditch. Jeremiah showed some photographs of the slump areas, and also some berm repairs.

Routine site inspections include annual inspections; special inspections (precipitation, seismic, and human activity); erosion controls, ponds and stormwater management structures; monitoring locations; groundwater treatment systems; vegetation; and fences and postings.

At the West Access gate, improved signage has reduced vehicle damage. At the East property boundary, frequent maintenance has been necessary due to heavy snow and freezing conditions. Wackenhut continues to hold the surveillance subcontract at the site. Site road upgrades were completed in August and September, 2006. These upgrades allow for better all-weather access for surveillance and maintenance work.

Jane Uitti asked about the insufficient compaction at the landfill. Jeremiah explained that on the east side of the original landfill there is some differential settlement, where the soil is settling out. It is not technically a slump. Scott Surovchak clarified that this was normal since this was the first really wet period for the new landfill.

David Allen asked what caused the need for berm repairs. The repairs were done to get the water to flow off the landfill correctly again. If not repaired, water would have infiltrated the cracks. Large amounts of snow, followed by 60 degree days, caused the problem. This was a saturated area, and not much vegetation was growing there yet.

Ken Foelske asked if there was a similar increase in deer movement as there was for frogs. Scott said the deer population is pretty steady, and that there has not been a large increase.

Matt Jones asked how the air monitors work, how often they are sampled and why they removed the west monitor. Scott replied the monitors are continuous flow, and are sampled monthly. The west monitor was removed because there was good baseline. Matt asked about what would happen if there is a fire when winds are blowing to the west. Scott said that there are no legal or technical reasons to keep them. Also, based on the results of a site study, there are no significant concerns in terms of doses to firefighters either.

Jeannette Hillery agreed that there has not been a history of anything being detected in the monitors, but added that she thinks the responders need better education. Rik Getty said he did an analysis after the fire in April, and will forward it. Carl Castillo asked what the additional cost would be to maintain west monitor and was told it was about \$3,000 per year. He asked Scott if the Stewardship Council could successfully advocate for that. Scott reiterated that he

sees no need for this monitoring because they had repeatedly been seeing less than 1% of any standard in the samplers. He advised that the community should get used to not having them.

DOE Briefing on CERCLA Five-Year Review

Rick DiSalvo (Stoller) presented this update. DOE, EPA and CDPHE are in the early stages of preparing a CERCLA Five-Year Review for the DOE-retained lands. These parties will prepare the draft for EPA to approve.

The off-site and refuge lands are not part of the review as they are currently being deleted from the CERCLA National Priorities List and thus are no longer subject to CERCLA. The remedy in place for DOE-retained lands (or Central OU) addresses hazardous substances remaining on site by institutional and physical controls, incorporating monitoring and maintenance. 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; this review must be completed by September 2007.

The Rocky Flats Legacy Management Agreement (RFLMA) provides for implementing the regulatory framework for the CAD/ROD so the remedy will remain protective. DOE, as the CERCLA federal lead agency under Executive Order 12580, is conducting the review. DOE, Stoller, CDPHE and EPA staff comprise the review team. To complete this review, the team is using EPA's *Comprehensive Five-Year Review Guidance*, June 2001.

The team will review the technical performance of the remedy, including monitoring data, system performance, and operation and maintenance. They will then determine whether physical and institutional controls are in place and are successfully preventing exposure.

Next, the team will evaluate whether the Comprehensive Risk Assessment underlying exposure scenarios and parameters remain valid; consider any changes that have occurred in reference doses or slope factors, or ARARs; and consider if RAOs (Remedial Action Objectives) remain valid. Finally, the team will consider new information not addressed or anticipated in the CAD/ROD that could call into question the protectiveness of the remedy. Remedy selection decisions are not reopened, but are evaluated against any new requirements.

The review conclusions will include: (1) protectiveness statement, which is a determination of whether the remedy is, or is expected to be, protective of human health and the environment; (2) identification of any issues; and (3) recommendations and follow-up actions. Rick pointed out that the remedy may still be protective even though further actions are recommended.

If there are any issues identified, possible review results are:

- Remedy is still protective;
- Remedy will be protective once the remedy is completed;
- Remedy will be protective in the short-term, but follow-up actions are needed to ensure long-term effectiveness;
- Remedy is not protective, unless action(s) identified in the review are taken in order to ensure protectiveness; or,

- Protectiveness cannot be determined until further information is obtained.

The remedy is considered not protective if unacceptable risk to human health or the environment is present due to:

- An immediate threat
- Migration of contaminants is uncontrolled
- Potential or actual exposure outside assumed scenario is evident, or
- The remedy cannot meet a new cleanup level (e.g. new or changed standard or ARAR) and the previously acceptable level is now outside the risk range.

The Review report may include a Explanation of Significant Differences, which are actions to be taken that do not change the selected remedy but implement a new requirement (for example, adding requirements to ensure a changed standard or new ARAR is met).

A recommendation to modify the CAD/ROD to change the selected remedy would be separate from the report. Any proposed modification is subject to public review and comment prior to approval.

The first Five Year Review was performed when cleanup and closure activities were being conducted under RFCA. The Sep 2002 review concluded that the OU1 and OU3 remedies and completed RFCA accelerated actions were protective; DOE custody and control of the site adequately controlled the risks; and completion of cleanup and closure under RFCA would result in a final CAD/ROD.

Several issues were identified to be considered as the Site proceeded with final cleanup:

- Areas requiring access restrictions
- Ecological risk
- Land transfer and management
- Post-closure management
- Funding for long-term activities
- Trench 1 waste disposition
- Plume barrier and treatment system operations

The current Five-Year Review will report on the status and disposition of these issues.

In terms of community involvement, a formal notice that the review was underway was published March 11, 2007. A fact sheet was also posted on the Rocky Flats website. The public will be notified when the review is completed. The draft report will be submitted to EPA for approval and CDPHE for concurrence and posted on the Rocky Flats website by August 1, 2007.

Document review as part of this study will include RI/FS report (including the Comprehensive Risk Assessment); Proposed Plan; CAD/ROD; surveillance, monitoring and maintenance reports; RFLMA requirements; and ARARs and toxicity and slope factors.

The monitoring data set consists of validated data from January 1, 2003 through December 31, 2006. The data set for the July 2006 RI/FS was validated data ending July 31, 2005. Data for

monitoring locations specified in the RFLMA will be used. Operation and maintenance cost data will be evaluated.

The RFLMA specifies periodic inspections and monitoring of remedy components. The Five-Year Review is focusing on whether these inspections are being conducted and reported, and whether changes to the inspection frequencies should be recommended. Inspections of the OLF and PLF are being conducted in accordance with the Landfill Monitoring and Maintenance Plans.

Inspections of the surface water monitoring stations, ground water monitoring wells and treatment systems are routinely performed as part of each sampling and maintenance event. An annual inspection of the Central OU surface was conducted on March 19, 2007. No evidence of violation of institutional controls was found. Several areas had evidence of minor erosion, slumps, sink holes or slides. Many small pieces of debris were also noted.

Interviews may provide additional information about Rocky Flats and/or help identify remedy implementation issues. Feedback is requested from the Stewardship Council. Other interviews may be conducted, such as with the USFWS.

RFLMA also specifies certain evaluations be done as part of the CERCLA periodic reviews. Besides the protectiveness questions, the scope will include:

- Review whether new technologies may reduce the need to rely on institutional controls and recommend any follow-up
- Recommend continuing, discontinuing, or changing any remedy component; and
- Recommend any changes to landfill inspection and monitoring frequencies.

Chuck Baroch asked how long the Five-Year Reviews will continue. Rick said they will continue to take place for the foreseeable future.

Lori Cox asked if the Five-Year Review will also consider monitoring and maintenance components and if the review will look at air monitoring. Rick replied that the remedy does not currently require air monitoring. He added that if people have questions or concerns, they may be submitted through the website to be considered.

Jo Ann Price asked if 'issues' would include changes to water standards. Rick said it would. She also asked about new technologies. Rick said they would look at whether any new treatment systems could improve or accelerate treatment. He also said there is nothing really new for soils. However, if something came along, they would look at.

Chuck Baroch asked if DOE will still do Five-Year Reviews when the title is transferred to the USFWS. Rick explained that the Peripheral OU, which will comprise the Rocky Flats National Wildlife Refuge, is being deleted from CERCLA; DOE will retain the Central OU, which will continue to require Five-Year Reviews.

Jo Ann Price referenced the pond status report, which indicated that Pond C2 is currently 23% full, and asked if there are any plans for a discharge. Scott said there are no plans to discharge. Discharge levels are dictated by dam safety, and they are nowhere near these levels.

David Abelson noted that there is no formal public comment period as part of the Five-Year Review. The Stewardship Council will be briefed on the draft report, and there will be an opportunity for the Board to engage the agencies on any issues. Therefore, while there is no official process, there will in fact be an unofficial public involvement process.

Rocky Flats Reading Room Status

Bob Darr updated the group on the status of the Rocky Flats Reading Room. The Reading Room holds unclassified documents pertaining to the history, cleanup and environmental monitoring at Rocky Flats, as well as the establishment of the Rocky Flats National Wildlife Refuge. The collection contained 2,932 document titles as of December 31, 2006. This included 2,376 titles pertaining to RFETS and 556 for other DOE sites.

The Rocky Flats documents include technical reports, videos, Rocky Flats Reports (RFPs), CDPHE Health Advisory Panel reports, newsletters, serials, contracts, environmental monitoring reports, beryllium reports, Defense Nuclear Facilities Safety Board documents and videos, updates to contracts, newspaper clippings, shift superintendent daily reports, and updates to controlled documents. The print documents consist of approximately 501 linear feet of Rocky Flats documents, and 110 linear feet of documents for sites other than Rocky Flats. In addition, there are two filing cabinets of microfiche copies of the Administrative Records.

Bob presented a chart reflecting 2005 and 2006 Reading Room usage statistics. DOE tracked the number of visitors, number of phone requests, and number of email and mail requests each month. There were less than 200 visitors each year, with fewer phone, email and mail requests. In 2006, 48% of the users were citizens, 42% were government employees or contractors, and 10% were legal staff.

DOE is now considering whether it is worth the effort and expense to maintain the Reading Room. It costs about \$60,000 per year to maintain the facility. If DOE decides to close the Reading Room, it probably would not keep the materials but could donate them to an appropriate facility. They are currently looking for input from the public. The existing contract expires in December, 2007.

Public Comment

There was none.

Updates/Big Picture Review

David Abelson announced that the Stewardship Council will require two meetings for its internal budget review, so an October meeting has been added to the schedule. They also plan to incorporate new member interviews during this timeframe, as the Stewardship Council will be

soliciting additional applicants toward the end of the year. David would also like to take some time to look at how things are working for the Board in general at this time (meetings, communications, etc.).

Next Meetings:

- August 6, 2007
- October 1, 2007
- November 5, 2007

The meeting was adjourned at 11:00 a.m.

Respectfully submitted by Erin Rogers.

1:09 PM

07/13/07

Rocky Flats Stewardship Council
Check Detail
 April 22 through July 13, 2007

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check		4/26/2007		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Check		5/26/2007		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Check		6/26/2007		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Bill Pmt...	1162	5/6/2007	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,631.17
Bill	4/30/...	4/30/2007		Personnel - Contract	-7,100.00	7,100.00
				Telecommunications	-135.13	135.13
				TRAVEL-Local	-66.93	66.93
				Misc Expense-Local Government	-31.40	31.40
				Printing	-129.85	129.85
				Supplies	-167.86	167.86
TOTAL					-7,631.17	7,631.17
Bill Pmt...	1163	5/6/2007	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-675.00
Bill	0726	4/30/2007		Accounting Fees	-675.00	675.00
TOTAL					-675.00	675.00
Bill Pmt...	1164	5/6/2007	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-186.30
Bill	41456	4/30/2007		Attorney Fees	-186.30	186.30
TOTAL					-186.30	186.30
Check	1165	5/6/2007	Simplified Computer Solutions, I...	CASH-Wells Fargo-Operating		-315.00
				Admin Services-Misc Services	-315.00	315.00
TOTAL					-315.00	315.00
Check	1166	5/6/2007	Qwest	CASH-Wells Fargo-Operating		-27.61
				Telecommunications	-27.61	27.61
TOTAL					-27.61	27.61
Check	1167	5/6/2007	Qwest	CASH-Wells Fargo-Operating		-72.88
				Telecommunications	-72.88	72.88
TOTAL					-72.88	72.88
Check	1168	5/6/2007	Excel Micro	CASH-Wells Fargo-Operating		-10.75
				Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75
Check	1169	5/6/2007	Wagner, Burke & Barnes, LLP	CASH-Wells Fargo-Operating		0.00

1:09 PM

07/13/07

Rocky Flats Stewardship Council
Check Detail
 April 22 through July 13, 2007

Type	Num	Date	Name	Account	Paid Amount	Original Amount
TOTAL					0.00	0.00
Check	1170	5/24/2007	Blue Sky Catering, Inc.	CASH-Wells Fargo-Operating		-225.00
				Misc Expense-Local Government	-225.00	225.00
TOTAL					-225.00	225.00
Bill Pmt...	1171	5/24/2007	Office Depot Credit Plan	CASH-Wells Fargo-Operating		-238.56
Bill	6011 ...	4/30/2007		Supplies	-238.56	238.56
TOTAL					-238.56	238.56
Bill Pmt...	1172	5/24/2007	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-117.50
Bill	51614	4/30/2007		Attorney Fees	-117.50	117.50
TOTAL					-117.50	117.50
Bill Pmt...	1173	6/9/2007	Wagner, Burke & Barnes, LLP	CASH-Wells Fargo-Operating		-4,029.90
Bill	12645	4/25/2007		Annual Audit	-4,029.90	4,029.90
TOTAL					-4,029.90	4,029.90
Bill Pmt...	1174	6/9/2007	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,212.76
Bill		5/31/2007		Personnel - Contract	-6,950.00	6,950.00
				Telecommunications	-130.41	130.41
				TRAVEL-Local	-111.55	111.55
				Printing	-20.80	20.80
TOTAL					-7,212.76	7,212.76
Bill Pmt...	1175	6/9/2007	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-885.00
Bill	0732	5/31/2007		Accounting Fees	-885.00	885.00
TOTAL					-885.00	885.00
Check	1176	6/9/2007	Excel Micro	CASH-Wells Fargo-Operating		-10.75
				Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75
Check	1177	6/9/2007	Tricia Marsh	CASH-Wells Fargo-Operating		-105.00
				Website	-105.00	105.00
TOTAL					-105.00	105.00
Check	1178	6/9/2007	Energy Communities Alliance	CASH-Wells Fargo-Operating		-950.00
				Subscriptions/Memberships	-950.00	950.00
TOTAL					-950.00	950.00
Check	1179	6/9/2007	Qwest	CASH-Wells Fargo-Operating		-75.46
				Telecommunications	-75.46	75.46
TOTAL					-75.46	75.46

1:09 PM

07/13/07

Rocky Flats Stewardship Council
Check Detail
 April 22 through July 13, 2007

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check	1180	6/9/2007	Qwest	CASH-Wells Fargo-Operating		-27.79
				Telecommunications	-27.79	27.79
TOTAL					-27.79	27.79
Check	1181	6/9/2007	HUB SW	CASH-Wells Fargo-Operating		-2,984.94
				Insurance	-2,984.94	2,984.94
TOTAL					-2,984.94	2,984.94
Check	1182	6/26/2007	Simplified Computer Solutions, I...	CASH-Wells Fargo-Operating		-115.00
				Admin Services-Misc Services	-115.00	115.00
TOTAL					-115.00	115.00
Bill Pmt...	1183	6/26/2007	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-7,126.12
Bill		6/30/2007		Personnel - Contract	-6,950.00	6,950.00
				Telecommunications	-129.55	129.55
				TRAVEL-Local	-46.57	46.57
TOTAL					-7,126.12	7,126.12
Bill Pmt...	1184	6/26/2007	Erin Rogers	CASH-Wells Fargo-Operating		-575.00
Bill		6/18/2007		Personnel - Contract	-575.00	575.00
TOTAL					-575.00	575.00
Bill Pmt...	1185	6/26/2007	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-1,359.22
Bill		5/31/2007		Attorney Fees	-1,359.22	1,359.22
TOTAL					-1,359.22	1,359.22
Check	1186	7/5/2007	Qwest	CASH-Wells Fargo-Operating		-27.86
				Telecommunications	-27.86	27.86
TOTAL					-27.86	27.86
Check	1187	7/5/2007	Qwest	CASH-Wells Fargo-Operating		-72.50
				Telecommunications	-72.50	72.50
TOTAL					-72.50	72.50
Check	1188	7/5/2007	Excel Micro	CASH-Wells Fargo-Operating		-10.75
				Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75
Bill Pmt...	1189	7/5/2007	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-435.00
Bill	0737	6/30/2007		Accounting Fees	-435.00	435.00
TOTAL					-435.00	435.00

ROCKY FLATS STEWARDSHIP COUNCIL

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

May 23, 2007

Mr. Paul L. Ziemer, Ph.D., Chairman
Advisory Board on Radiation and Worker Health
920 Southview Drive North
Lafayette, IN 47909

Dear Dr. Ziemer,

I am writing in follow up to our February 5, 2007, letter to you regarding the Rocky Flats workers' special exposure cohort petition. We are disappointed with the Advisory Board's handling of this petition and the strong possibility that special exposure cohort status will be limited to a small class of Rocky Flats workers. Carving small groups of Rocky Flats workers out of a specific class is an injustice to the remaining former workers.

Congress' intent under the Energy Employees Occupational Illness Compensation Program Act (EEOIPCA) was to compensate all former defense workers who have suffered as a result of exposures to radioactive and hazardous materials while working at Rocky Flats and other defense facilities. Yet, based on numerous claims Congress and government investigators have raised, it appears the Administration is seeking to limit worker claims based on public policy and fiscal grounds, not scientific grounds. As stated in the Colorado Congressional delegation's May 2, 2007, letter to you, "numerous reports have accused the Department of Energy and the Department of Labor of mismanaging the Energy Employees Occupational Illness Compensation Program, delaying and wrongfully denying benefits due to Rocky Flats and other nuclear energy workers." These delays and denial of benefits, the letter states, are "a result of conscious administrative policies." Part of their criticism is levied at Advisory Board on Radiation and Worker Health.

The Rocky Flats Stewardship Council finds the Colorado Congressional delegation's claims discouraging, and knows they did not reach their position easily. Like our Congressional delegation, the Stewardship Council is equally troubled by the Advisory Board's continued faith in NIOSH's dose reconstruction methodology and apparent dismissal of questions raised by the Advisory Board's own contractor, Sanford Cohen & Associates. Our Congressional delegation also understands Sanford Cohen "has documented areas of inadequate data and unreliable methodologies", yet the Board's initial decision regarding the Rocky Flats petition appears to

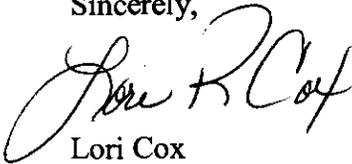
discount these critical questions. The Advisory Board also appears to disregard the testimony provided by sick workers and survivors of deceased workers about their exposures and resulting illnesses.

Rocky Flats is unlike nearly all other facilities in the DOE complex. Rocky Flats housed five of the 10 most dangerous buildings in the federal complex, including Building 771, the most contaminated building. There were two major fires at Rocky Flats, an unknown number of worker exposures, and questions so serious about worker and environmental health that in 1989 one federal agency raided another, leading to an \$18 million fine of the lead contractor. Yet, workers at less contaminated sites have received cohort status.

We hope that when the Advisory Board reconvenes in June that you and your colleagues challenge NIOSH's methodologies and conclusions. We also urge, as we did in February, that should legitimate issues regarding missing records and data reliability remain, as we believe they do, the Advisory Board should not recommend denial of the Rocky Flats workers' special cohort petition. Furthermore, should the Advisory Board not be able to resolve these questions, we again urge you and your colleagues to recommend approval of the whole petition.

None of us can lose sight of what is at stake. Workers are dying as families struggle to cover medical expenses. Special exposure cohort status would not solve the workers problem but would, as our delegation stated to you, "provide meaningful relief." That's what Congress had in mind in passing the EEOIPCA.

Sincerely,



Lori Cox
Chairman

Cc: Senator Wayne Allard
Senator Ken Salazar
Representative Mark Udall
Representative Ed Perlmutter
Representative Tom Tancredo
Representative Marilyn Musgrave
Samuel Bodman, Secretary of Energy
Elaine Chao, Secretary of Labor
Michael Leavitt, Secretary of Health and Human Services

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MEMORANDUM

TO: Stewardship Council Board
FROM: Rik Getty
SUBJECT: DOE Quarterly Update Briefing
DATE: July 25, 2007

We have scheduled 45 minutes for DOE to present its quarterly update for the first quarter of 2007 (January through March). DOE has posted the quarterly report on their website: http://www.lm.doe.gov/documents/sites/co/rocky_flats/quarterly_reports/1stqtr2007.pdf
The report is 178 pages so attached to this email is the executive summary.

DOE will brief on the following topics:

- surface water monitoring
- groundwater monitoring
- air monitoring
- ecological monitoring
- site operations (inspections, pond operations, security, general maintenance, etc.)

As reported by DOE, one of the main administrative highlights of this quarter was the completion of the Site Operations Guide (SOG). The SOG provides details on the surveillance and maintenance needed to satisfy the requirements of the Rocky Flats Legacy Management Agreement, as well as best management practices at the Site.

Of particular interest this quarter was the severe winter weather conditions and the effects on the site. Heavy snowfalls hampered many site activities as follows:

- at times many roads were impassable
- snow cover on both landfills interfered with monthly inspections
- fence construction was delayed
- some water samples could not be obtained
- some erosion control measures had to be replaced
- security patrols were limited
- road upgrades were delayed
- the treatability study at the solar ponds treatment system was postponed

However, due to the large amount of snow significant quantities of surface water collected in the site's drainages, especially North and South Walnut Creek. Terminal Ponds A-4 and B-5 were discharged in early March which was the first discharge since physical closure of the site in October 2005. Terminal pond C-2 in the Woman Creek drainage did not rise to a level that warranted discharge.

Note: In addition to the quarterly update briefing a separate technical meeting concerning the quarterly results may also be held if desired. Staff from the City and County of Broomfield will coordinate with DOE to schedule the technical meeting (normally held at the DOE office). If a technical meeting is scheduled Stewardship Council staff will inform the Stewardship Council in case Board members are interested in attending.

Please contact me if you have any questions.

Quarterly Report Executive Summary

(quoting from the report)

The U.S. Department of Energy (DOE) Office of Legacy Management (LM) has assumed responsibility of all surveillance and maintenance activities at the Rocky Flats Site (Site) to continue protection of human health and the environment. To accomplish this, the accelerated actions that were completed by the DOE Office of Environmental Management will be maintained and any monitoring and maintenance requirements will be conducted as described in the Rocky Flats Legacy Management Agreement (RFLMA; DOE 2007c). Attachment 2 to the RFLMA defines what monitoring and maintenance are required, the frequency for each required activity, and the monitoring and maintenance locations. These surveillance and maintenance requirements include environmental monitoring; maintenance of the erosion controls, landfill covers, dams, and ground water treatment systems; and operation of the ground water treatment systems.

An administrative highlight for this quarter was the completion of the Rocky Flats Site Operations Guide (RFSOG; DOE 2007b), prepared by DOE-LM, as a document to guide work at the Site. The RFSOG provides details on the surveillance and maintenance needed to satisfy the requirements of RFLMA as well as best management practices at the Site.

This report addresses all surveillance and maintenance activities conducted at the Site during the first calendar quarter of 2007 (January 1 through March 31).

Highlights of the surveillance and maintenance activities include:

- Routine pond operations and management;
- Maintenance and inspection of the Original and Present Landfills;
- Maintenance and inspection of the four ground water treatment systems;
- RFLMA Annual Site Inspection;
- Erosion control and revegetation activities;

- General Site maintenance and operations including road upgrades, Central Operable Unit fence construction, and Site security;
- Non-routine (project-specific) and routine (per RFLMA and the RFSOG) water monitoring;
- Ecology activities during the first quarter of 2007; and,
- RFLMA ecological sampling.

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MEMORANDUM

TO: Stewardship Council Board
FROM: Rik Getty
SUBJECT: Draft CERCLA Five-Year Review Briefing
DATE: July 25, 2007

We have scheduled 75 minutes for DOE to present its draft CERCLA Five-Year Review. As DOE explained at the May 7th Board meeting, the draft report will be developed by DOE, CDPHE, EPA and contractor personnel. The report will be submitted by August 1st to EPA and CDPHE. EPA will then approve the review (as modified) in September.

As DOE explained in May, the draft report is not subject to official public comment and thus any oral or written comments the three agencies receive will not be addressed in writing. However, DOE, EPA, and CDPHE welcome answering your questions and discussing any issues raised in the report.

DOE will post the draft on their website under the “Stakeholder Relations” section: http://www.lm.doe.gov/land/sites/co/rocky_flats/documents_stakeholder.htm Because the draft report will be posted after the August Board meeting packets are mailed to the Stewardship Council, this memo does not include information about the report’s analysis and draft findings. Accordingly, we will send a follow-up email prior to the August 6th meeting once we’ve had a chance to review the draft report.

Overview of the draft report

Following is a summary of the CERCLA review process. Additional information can be found in the draft May meeting minutes found earlier in this meeting packet and in the May meeting briefing materials.

The six components of the review process are:

- Community involvement and notification
- Document review
- Data review and analysis
- Site inspection
- Interviews

- Protectiveness determination

Information from the first five components is used to formulate a conclusion for the sixth component, namely whether the site's remedial actions are protective of human health and the environment. As part of the process to determine the protectiveness of the remedy, EPA conducts a technical assessment. This assessment focuses on three questions:

- Question A: Is the remedy functioning as intended?
- Question B: Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives still valid?
- Question C: Has any other information come to light that could call into question the protectiveness of the remedy?

These questions provide a framework for organizing and evaluating data to ensure that relevant issues are considered when determining the protectiveness of the remedy. Based on the answers to questions A, B and C, a determination will be made whether the remedy remains protective of human health and the environment.

Key Issues Addressed in the report

Following is an overview of the key issues to be addressed in the report. Please note, some of these issues have arisen after the data evaluation cut-off date of December 31, 2006.

Nevertheless, CDPHE has told us the review will identify issues that require further tracking for the next CERCLA review.

Surface water quality

Surface water quality both on-site and at the site boundary is a key parameter in measuring remedy protectiveness. Monitoring data shows an increase in naturally-occurring uranium as groundwater becomes more of a contributor to surface water flows. In addition, nitrate levels in surface water at the Solar Ponds discharge gallery on North Walnut Creek remain elevated. DOE is considering redesigning the Solar Ponds treatment system and possibly relocating the system to further downstream. DOE may petition the Colorado Water Quality Control Commission to raise the current Rocky Flats standards for both uranium and nitrate.

Groundwater treatment systems

The site's three groundwater treatment systems are important components of the final site remedy. The East Trenches and Mound groundwater treatment systems are operating as intended. Improvements have been made to both systems and maintenance lessons have been learned. As mentioned in the previous section, the Solar Ponds treatment system may be redesigned and relocated. A decision on its future will probably be made this fall.

Slumping at landfills and other areas

Slumping of soil in several locations continues to be problematic. The Original Landfill cover has exhibited slumping at several locations. Temporary repairs have recently been made but this summer DOE plans on making more major repairs to the cover. The Present Landfill has a minor slump in an area that does not cover any buried waste. Severe slumping has occurred on a hillside near the former Building 991. DOE plans on letting the slope stabilize and then recontouring the surface.

Erosion control and revegetation

The site has learned that maintenance of erosion control measures is an on-going process. Precipitation, high winds and sunlight can damage erosion control measures. As the revegetation efforts continue, use of erosion control measures to help establish new vegetation and protect established vegetation is an important stewardship element.

Examples of revegetation include:

- Former 903 pad and lip area
- Original Landfill soil cover
- Former Building 771 hillside
- Former Building 371 hillside
- Former solar ponds
- Former Building 881

Ecological monitoring

In March three deer died as a result of becoming entangled in the new fence separating the DOE-retained land from the Refuge. DOE and USFWS reviewed the situation and decided to place small warning flags on the fence, designed to get wildlife's attention, at locations where deer tended to jump the fence. DOE and USFWS will continue to monitor the situation to see if the flags are effective.

Please contact me if you have any questions.

Letters and News Clips

- Department of Labor reply to Stewardship Council February 2007 letter re: RF workers
- *Weapons Complex Monitor* clip re: placing Legacy Management under Environmental Management
- Rocky Flats Cold War Museum news release re: interviews
- *Time* article re: RF workers
- *Washington Post* article re: RF workers
- *Rocky Mountain News* articles re: RF workers
- Senator Allard press release re: RF refuge
- DOE press release re: RF refuge
- EPA notice re: RF deletion from CERCLA
- *LA Monitor* article re: Los Alamos pit production

U.S. Department of Labor

Employment Standards Administration
Office of Workers' Compensation Programs
Division of Energy Employees Occupational
Illness Compensation
Washington, D.C. 20210



JUN 5 2007

Ms. Lori Cox, Chairperson
Rocky Flats Stewardship Council
P.O. Box 17670
Boulder, Colorado 80308-0670

Dear Ms. Cox:

Thank you for providing the Department of Labor with a copy of your correspondence addressed to Mr. Paul L. Ziemer, Chairman, Advisory Board on Radiation and Worker Health. You expressed concerns regarding the Energy Employees Occupational Illness Compensation Program Act (EEOICPA), specifically, the status of the Rocky Flats Special Exposure Cohort (SEC) petition and the methodology used for radiation dose reconstruction.

While the Secretaries of Energy, Health and Human Services (HHS), and Labor share responsibility for administering the EEOICPA, Executive Order 13179 of December 7, 2000 designated responsibility for supporting the Advisory Board to the Secretary of HHS. HHS and its component agency the National Institute for Occupational Safety and Health are also responsible for evaluating and acting upon SEC petitions, based in part upon the recommendations of the Advisory Board. HHS also developed the guidelines for determining probability of causation and the methods for radiation dose reconstruction under the EEOICPA. Thus, the matters you raised fall within the purview of HHS.

Rocky Flats workers have played a pivotal role in the building and maintenance of the nation's nuclear weapons arsenal. I share your concern that the EEOICPA claims of these workers be handled fairly and as promptly as possible. If HHS declares a new SEC class for that facility, the Department of Labor will work closely with HHS to identify the workers who are covered under the SEC and will move as quickly as possible to pay those who are eligible for benefits.

Sincerely,

A handwritten signature in black ink that reads "Peter M. Turcic".

Peter M. Turcic
Director, Division of Energy Employees
Occupational Illness Compensation

MONITOR

WEAPONS COMPLEX

Waste Management ♦ Clean Up

Volume 18 No. 28

June 25, 2007

— INSIDE HIGHLIGHTS —

<p>The House of Representatives wrapped up debate last week on the Fiscal Year 2008 Energy and Water Appropriations bill, which would provide approximately \$6 billion for the Department of Energy’s cleanup program 2</p> <p>The White House, as long anticipated, late last week nominated Clarence ‘Bud’ Albright to serve as Under Secretary of Energy 2</p> <p>After months of delay, the Department of Energy last week awarded the initial Moab cleanup contract to Energy-Solutions Federal Services, LLC. 3</p> <p>Significant questions loom about DOE’s plans to move forward with the Portsmouth Gaseous Diffusion Enrichment Plant D&D contract 4</p> <p>DOE’s Office of Legacy Management should remain a stand-alone office, contrary to a recent Congressional proposal, Director Mike Owen said last week. 5</p> <p>Despite mounting criticism from Capitol Hill, Washington state officials are calling on DOE to continue to evaluate the use of bulk vitrification as a supplemental treatment for some tank wastes at Hanford 6</p>	<p>The Department of Energy has extended until Sept. 30 S.M. Stoller’s contract to provide support services for the DOE Office of Legacy Management 7</p> <p>Procurement Tracker 8</p> <p>Interview 10 LANL Cleanup Chief Sue Stiger</p> <p>At the DOE Operations Offices/Facilities 13</p> <p>At River Protection Perma-Fix Sees Role In Treating Tank Waste 13</p> <p>At Richland PNNL Tests New Groundwater Treatment 13 Compensation Requirements Could be Reduced 14</p> <p>At Los Alamos DOE Fined Over Chromium Reporting 14</p> <p>At Oak Ridge Bechtel Jacobs Takes Over TSCA Incinerator 14 Reaction Mixed to DOE Dropping Pension Changes . 15</p> <p>Wrap Up 15</p> <p>Solicitations 16</p> <p>Calendar 16</p>
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In an exclusive Q&A with *WC Monitor*, **Los Alamos National Laboratory cleanup chief Sue Stiger** discusses mending the relationship with state regulators, future contracting plans and the state of cleanup at the lab . 10

postponed until later this summer, according to DOE spokeswoman Laura Schachter. "It's ... making sure everything's in place to present," she said of the delay. ■

LEGACY MANAGEMENT OFFICE SHOULD REMAIN SEPARATE, DIRECTOR SAYS

The Department of Energy's Office of Legacy Management, which handles post-closure liabilities at sites where cleanup has been completed, should remain a stand-alone office, contrary to a recent Congressional proposal, Director Mike Owen told *WC Monitor* last week. Owen said he had been surprised at a provision included in the House version of the Fiscal Year 2008 Energy and Water Appropriations bill calling for the Office of Legacy Management to be transferred back to the DOE Office of Environmental Management, from which it had been separated in late 2003. "There are clearly two different missions. One's cleanup, and one's legacy," Owen said, adding that the separation allows the Office of Environmental Management to focus on the cleanup mission. "That's a big job they have. ... There's a lot riding on what they're doing and the success that they're meeting with and one of the reasons is they are totally focused on getting it cleaned up and then we're focused on managing what has been cleaned up for the long, long haul."

In their proposal, House appropriators said the move to reintegrate the Office of Legacy Management back into the broader cleanup program was not intended as a reflection of the office's performance, but is instead intended to improve efficiency (*WC Monitor*, Vol. 18 Nos. 25&26). "The Committee believes that consolidating these activities in one organization will improve the communications and operations of both organizations. The Committee expects that the Office of Legacy Management will still operate as a separate office within the Environmental Management program," states the report accompanying the FY08 energy spending bill. Added a Congressional staffer, "Part of it is the acknowledgment that the program's not over. ... A lot of things are on the fence too, in terms of are they really complete or not? Some sites may have portions complete, but not the entire thing, or they may have to go back in some places and open some things up."

Transfer of Sites to Separate Office Sends Signal

Owen said, though, that one benefit of a separate Office of Legacy Management is that it sends a clear signal that work at a site is complete once it is transferred from the cleanup program. "That transition from EM to LM is not taken lightly," Owen said. "It is not a grey line, so to speak. It is a clear distinct line of transition. It is arrived at after a great

deal of work and an extremely lengthy checklist that EM and LM have negotiated together. We go down that list and its from the biggest, most macro-issues, such as transfer of EM budget targets for the out-years to who gets the keys for the padlocks on the monitoring wells, down to that lowest level of detail. When a site becomes a LM site, that's your clear signal within the bureaucracy, throughout the government, EPA, state regulatory agencies and the public that it is now a closed site."

Legacy Management Could Lose Visibility

The Office of Legacy Management also receives a higher level of visibility by being a separate, stand-alone office within the DOE bureaucracy, rather than being buried within another program, according to Owen. "Right now I have direct reporting responsibility to the Under Secretary of Energy and so does the Assistant Secretary of EM. We both have a co-master that we answer to. ... That has to be better for the Legacy mission and all that goes with that, and better for the stakeholders community, than LM resting many tiers beneath EM," Owen said. "Now we have all of these legacy programs organized up into a PSO that allows us to play on a equal playing field with the other major programs in the Department and to be able to communicate and resolve problems in that fashion, which I can ensure you is much different than the approaches that are used, and have to be used, down in a large bureaucracy."

In addition, Owen noted the importance of the Office of Legacy Management receiving a separate budget from the cleanup program. "It demonstrates a commitment and it also gives a great deal of visibility to Congress, of what the legacy costs are at a site," he said. "The LM budget would be pennies in a budget of hundred dollar bills. The ability for them to see what the costs are, in my opinion, would be completely lost."

Questions Remain Over Proposal

David Abelson of the Rocky Flats Stewardship Council, which was formed last year to oversee post-closure issues at one of the largest sites to have cleanup completed, said there were still a number of questions as to the merits of the House appropriators' proposal. "Certainly, when the decision was made to take the post-closure responsibilities from EM and create LM, it was a double-edged sword," he said. "On the plus side, it created a division within DOE that was solely focused on post-closure management and that was a positive. At the same time ... you could end up bifurcating cleanup, such that you wouldn't necessarily look at the long-term because it wouldn't be in EM's budget authority." Among the unanswered questions, according to Abelson, is to what degree, if any, the Office of Environmental Management would be able to redirect

funding for Legacy Management-related activities if the office was transferred. "It depends on how Congress sets up appropriations-wise and it also depends then what happens with a new Administration with EM," he said, noting, "For many years during cleanup, there was a closure account. It was created with the intention ... that made it extremely difficult for EM to reprogram money from the closure sites to other EM work."

Instead of transferring the Office of Legacy Management back to the cleanup program, Abelson proposed a hybrid approach, which would entail Legacy Management remaining a stand-alone entity while a capability for long-term planning was established within the Office of Environmental Management. "The ideal is that you have an office that stands alone, like LM, while also making sure that there is a program office within EM who's sole responsibility is to look after the long-term," Abelson said. "Cleanup isn't to background [levels]. Cleanup is based upon politically acceptable and technically justifiable levels of risk. And if you don't have the division within DOE that's responsible for that long-term management involved in the early stages of planning, you could end up ... having in essence bifurcated planning." Abelson added: "You have to have somebody in EM who is looking at what happens next." ■

DOE SHOULD CONTINUE TO EVALUATE USING BULK VIT AT HANFORD, STATE SAYS

Despite mounting criticism from Capitol Hill, Washington state and local officials are calling on the Department of Energy to continue to evaluate the use of bulk vitrification as a supplemental treatment for some tank wastes at Hanford. "We don't think it's time to jump ship yet. We've invested a lot of time and money in bulk vit," Laura Cusack, tank treatment and Tri-Party Agreement section manager of the Washington state Department of Ecology, said last week. In recent weeks, there have been growing calls from Congress and elsewhere for DOE to reassess whether the bulk vitrification project is necessary at all. According to Cusack, though, DOE should finish its demonstration project and then determine whether or not to continue its use of bulk vit. "If it does prove to produce a waste form that's acceptable to us, it's got some operational flexibility that would be really helpful," she said. "So we really want DOE to go ahead and test it. They're so close. Just go ahead and do it and get the answer yes or no and then we can move forward."

Demo Facility to be On-Line in 2011

DOE is currently evaluating the use of bulk vitrification to address lower-activity waste stored in underground tanks at Hanford. A supplemental treatment option is necessary due to the fact that the Hanford Waste Treatment Plant, intended to vitrify the site's tank waste for disposal, is only capable of addressing about half of the approximately 40 million gallons of lower activity material. DOE currently plans to have the demonstration facility operational by 2011, which will produce up to 50 boxes of vitrified waste before the Department determines whether or not to move to a full-scale facility. In its Fiscal Year 2007 and 2008 budget requests, though, the Energy Dept. has chosen to not seek funding for the project, citing the need to address lingering technical issues and to develop better cost estimates. DOE is expected to decide later this summer whether or not to approve Critical Decision-2 for the project, which would set a formal cost and schedule baseline for the demonstration system.

GAO Report Questions Approach

In recent weeks, there have been growing calls for DOE to reassess whether it should continue to pursue bulk vitrification. A recent investigation by the Government Accountability Office found that the continued need for the project is unclear given changes to DOE's overall approach for dealing with the Hanford tank waste—namely the anticipated extension of operations of the WTP due to delays in completing construction (*WC Monitor*, Vol. 18 No. 27). Citing internal Dept. of Energy studies, GAO said that the WTP could operate from 20 to 55 years, which could result in treatment ending as late as 2074. As a result, there would be more time to treat the lower activity material through the WTP, reducing the need for a supplemental treatment option. "It is now apparent that completing waste treatment at Hanford by 2028 is not possible under any reasonable scenario and that the Waste Treatment Plant must operate for longer than DOE previously planned," the GAO said. "This is significant since longer operating periods may reduce the need for a supplemental technology."

Citing GAO's preliminary findings, House appropriators earlier this month also called on the Energy Dept. to reassess whether bulk vitrification was necessary. "Proceeding with the demonstration project before reaffirming the need for the project increases the risk that DOE will spend an additional \$140 million or more to develop a technology that may not be needed," the House Appropriations Committee said in a report accompanying the FY08 Energy and Water Appropriations bill (*WC Monitor*, Vol. 18 Nos. 25&26).



Rocky Flats Cold War Museum

NEWS RELEASE

For information, call Ann Lockhart, 303-388-6978
(For immediate release)

May 8, 2007

90 VIDEOTAPED INTERVIEWS COMPLETED ON ROCKY FLATS' HISTORY

The stories of 90 former Rocky Flats workers, political leaders, government regulators and activists have been videotaped, transcribed and added to the Web to preserve the fascinating personal histories of those involved with the former Rocky Flats nuclear weapons plant which was located about 16 miles northwest of downtown Denver.

A new presentation summarizing the themes emerging from the interviews called “The Fragmented Stories of Rocky Flats” was just completed and is available to interested groups. It reflects the differing perspectives among workers and others, relating to the plant’s extremely high level of government secrecy, where workers operated on a “need to know” basis, so that they only knew their own jobs and were forbidden to talk about what they did, even to each other. The presentation includes key quotes by interviewees about what it was like to work at Rocky Flats during the Cold War and how workers and activists felt about safety at the plant, activism, the Superfund cleanup and many other issues.

The Rocky Flats Cold War Museum board was awarded a State Historical Fund grant of about \$37,000 in May 2004 to conduct 75 interviews to capture the stories about the unique Cold War production plant. Rocky Flats made plutonium cores for nuclear weapons from 1952 to 1989. The plant began a Superfund cleanup in 1995, with decontamination, decommissioning and removal of 800-plus structures. The cleanup was completed in late 2005.

Oral History Committee members were able to complete more than 90 interviews this spring with the grant funding, in collaboration with the Maria Rogers Oral History Program at Boulder’s Carnegie Library for Local History. The library and the museum agreed to share the oral history collection, which was added to the library’s web site.

“You can listen to an oral history and read the transcription on the web at the same time. The transcripts are also fully word-searchable,” said Ann Lockhart, the museum board president and chair of the Oral History Committee. The oral histories will be used in future museum displays, potential videos, educational efforts and research by students, teachers or anyone interested in Rocky Flats.

Susan Becker, manager of the Maria Rogers Oral History Program, said the Rocky Flats Oral History Project is “an incredible body of work in its breadth and depth—really exciting.” She said it is historically significant and should prove useful to both researchers and interested members of the public who want to understand what went on at Rocky Flats.

Long-time Rocky Flats workers were interviewed including janitors, firemen, security guards, radiation technicians, physicists, plant managers and others. They talk about the unique buildings, adapting to high security and safety regulations, working in gloveboxes, fighting two major fires, union activities, the cleanup and dealing with health issues.

Key political leaders such as former Governor Dick Lamm, former Senator Tim Wirth and former U.S. Representative David Skaggs were also interviewed, since they were frequently called upon to respond to public controversies related to Rocky Flats issues. Staff from the U.S. Environmental Protection Agency and Colorado Department of Public Health and Environment were interviewed about their roles in regulating hazardous waste, air and water emissions from Rocky Flats, emergency response and overseeing the Superfund cleanup.

Peace and environmental activists who protested in the 1970s, 80s and 90s discuss reasons for their concerns and details of their activism. They include Daniel Ellsberg (who released the Pentagon Papers about the Vietnam War to *The New York Times* in 1971) and local leaders like LeRoy Moore, Ph.D., of the Rocky Mountain Peace and Justice Center.

Retired psychologist Dorothy Ciarlo, Ph.D., of Boulder, began conducting interviews of Rocky Flats workers in 1998, as a volunteer for the Maria Rogers Oral History Program. In 2003, she approached the museum board, suggesting that the museum participate in collecting oral histories. Ciarlo and Boulder freelance writers Hannah Nordhaus and Nancy Nachman-Hunt conducted the interviews, with transcriptions by Sandy Adler. Susan Becker archived the interviews for the web. Other committee members were Ann Lockhart, LeRoy Moore and Kim Grant of the City of Arvada.

The audio and transcripts of the oral history interviews are available online on the Boulder Library's Web site as a special collection at www.bplcarnegie.org/oralhistory. Click on Special Collections and Rocky Flats. Any group interested in scheduling the presentation should contact Ann Lockhart at 303-388-6978. For more information about the Rocky Flats Cold War Museum, see www.rockyflatscoldwarmuseum.org.

A few quotes from the 90 Rocky Flats Oral Histories

Nuclear weapons

"I was a little boy when the first atomic weapon was set off. That was a loss of innocence for the world...I wish there were no nuclear weapons. But as long as there are nuclear weapons, we as a country must possess the capability to at least be able to say, if you fire at us, we're going to fire back. We're not going to sit here and be sheep," said former Rocky Flats guard Stan Skinger in March 2005.

Working at a nuclear plant

"I don't even glow in the dark," said Iletta Teague, former secretary and later access control specialist at Rocky Flats, interviewed in December 2004.

Health issues

"The materials are toxic...So people were harmed over time...People got sick...I think it's important that the government recognize their responsibility in that regard...This is about who committed their lives to work for this product and took the risks, and some of them are taking the hits..." said Art Geis, former metallurgical engineer and building manager at Rocky Flats, interviewed in March 2005.

Rocky Flats site

"You went in a cycle from this bare rocky flats...to a very sophisticated production facility in the Cold War, and now is reverting back to what it was back when a few Arapahoe and other Indians would have been roaming it," said former Rocky Flats metallurgical engineer Fred Fraikor, Ph.D., interviewed in June 2005.

#

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Tuesday, Jun. 12, 2007

A Defeat for Rocky Flats Workers

By Rita Healy/Denver

The men and women in the hotel conference room had helped manufacture plutonium triggers for atomic weapons at the Rocky Flats weapons plant, and then allegedly fell victim to at least 22 different kinds of cancer in the process. As they listened to the June 12 proceedings, they heard that they had been denied an opportunity for speedy compensation for their illnesses and medical bills.

Women moaned "No, no, no," and men raised their voices in spontaneous outbursts of disappointment as a federal advisory board voted 6-4 to recommend to the U.S. Secretary of Health and Human Services a continued time-consuming, case-by-case reconstruction of exposure to radiation levels. A police officer shifted her feet nervously at the back of the room at the Lakewood, Colo., Sheraton Hotel, as assenting members of the Advisory Board on Radiation and Worker Health defended their votes by insisting that their board's only mandate was to determine and affirm the possibility of accurate "exposure reconstruction."

The former Rocky Flats workers had hoped that the board would approve Special Exposure Cohort (SEC) for all workers at the plant, meaning expedited access to compensation. Instead, the government panel approved that status only for workers employed at Rocky Flats from Jan. 1, 1959 to Dec. 31, 1966, saying

there simply weren't enough good records available for determining each worker's level of exposure to radiation on the job (earlier, pre-1959 employees were also granted SEC status). The panel said that all cases of employee illness following 1966 will be reviewed individually, a tedious process in which, some estimate, one in 10 workers would die before compensation was approved. According to the U.S. Department of Labor, \$95.7 million in compensation has now been paid to 674 people. More than 22,000 people worked at Rocky Flats before it closed in 1988. The uncompensated workers have waited nearly 850 days for the board to rule on their petition to receive expedited claims processing.

During the process, workers were allowed to address the panel. They told of missing and inaccurate records, of being warned by their managers that their radiation exposure levels were too high, and so their radiation detection badges were quietly put away in office drawers so they wouldn't lose their jobs or be transferred to lower-paying positions. They told of seeing an orange cloud surrounding a building following an accident; of routine radioactive material spills where everyone would "bail" from a building and then have to return to mop things up. They told of 55-gallon drums of vile materials exploding and an individual who single-handedly entered a room wearing just a face mask to turn off a valve where radioactive material was spewing forth, suffering burns on both of his arms.

Dr. Paul Ziemer, professor emeritus of Purdue University's School of Health Sciences, and the chairman of the panel said that Tuesday's vote does not preclude revisiting the SEC question in the future. Ziemer isn't unsympathetic to those who felt today's vote was a loss. "Some of these cases have been years in the process." He notes that when the claimant has died, "their estate can still be compensated." Nevertheless, he says, "It's a frustrating process." Dr. Genevieve S. Roessler, editor of Health Physics Society's newsletter and a member of the panel, said she thinks a number of workers either misunderstand or have been misled regarding their illnesses and what the federal panel can do.

The board was appointed by President Bush to help implement the Energy Employees Occupational Illness Compensation Program Act of 2000, an offshoot of former Energy Secretary Bill Richardson's efforts to bring transparency to the debilitating effects of radioactive materials on worker health — going back to the Manhattan Project at Los Alamos in Richardson's home state of New Mexico. "We're reversing the decades-old practice of opposing worker claims and moving forward to do the right thing," Richardson said when he

announced the plan.

Now the board addresses energy worker issues around the country — from the Savannah River nuclear weapons plant to the workers who handled plutonium at a weapons plant in Paducah, Kentucky — without, its chairman told TIME, any pressure at all to consider impact upon the federal treasury. "I don't think any of us are concerned with that," Ziemer says. "I don't even know how much money is available. We were never told to try to limit the numbers." He added, "There's a lot of tension in what I'd call the emotional aspects. But why didn't Congress fix this in the first place? We've tried to do this very diligently. We all struggle with our empathy for the workers and what we're charged to do by law. This same story is multiplied all around the country."

But former Colorado Republican Congressman Bob Beauprez, who spoke on behalf of the Rocky Flats workers, says Congress did try to fix things. Beauprez grew up near Rocky Flats and knew families with three generations of Rocky Flats workers. He called the workers "patriots." He said, "We won that [cold] war. And knowing full well there was risk inherent, they did their jobs.... Democrats and Republicans in Congress — all representatives of the taxpayers — said, 'Take care of these people.' 'Don't submit these people to endless torture. These people did a job.'"

"They did what we asked them to do, and we won the war. Then they cleaned it up, under budget, ahead of schedule, and today it's a wildlife preserve," he said. "Now we sit here trying to find ways to say 'Bad things happen to good people.'"



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Thousands of Nuclear Arms Workers See Cancer Claims Denied or Delayed

By Michael Alison Chandler and Joby Warrick

Washington Post Staff Writers

Saturday, May 12, 2007; A01

Walter McKenzie's assignment toward the end of the Cold War was to mop up after mishaps at a nuclear weapons factory. With a crew of other laborers from rural [Georgia](#), he swabbed away leaks and spills inside the secret buildings, until one day his body became so contaminated with radiation that alarms at the factory went off as he passed.

"They couldn't scrub the radiation off my skin -- even after four showers," McKenzie, 52, recalled of his most terrifying day at the Savannah River nuclear weapons plant near Aiken, [S.C.](#) "They took my clothes, my watch and even my ring, and sent me home in rubber slippers and a jumpsuit."

Later, when doctors discovered the first of 19 malignant tumors on his bladder, McKenzie followed the same torturous path as thousands of nuclear weapons workers with cancer: He filed a claim for federal compensation. It was denied.

Unable to access secret government files, or even some of his own personnel records, McKenzie could not sufficiently prove that he was exposed to something that may have made him sick. Nor can most of the 104,000 other workers, retirees and family members who have sought help from a federal program intended to atone for decades of hazardous working conditions at scores of nuclear weapons facilities around the country.

Since its inception in 2000, the compensation program has cut more than 20,000 checks and given long-delayed recognition to workers whose illnesses were hidden costs of the Cold War's military buildup.

Yet, of the 72,000 cases processed, more than 60 percent have been denied. Thousands of other applicants have been waiting for years for an answer. Overall, only 21 percent of applicants have received checks. Even as the nation continues to close and dismantle many nuclear weapons sites, a growing number of those who helped build the bombs are turning to lawyers and legislators to argue they are being treated unfairly.

Many complain that the compensation process is slow, frustrating, even insulting. "You get exposed to something that's so bad you have to leave your clothes behind," McKenzie said, "then they try to tell you it's not their fault that you got sick."

Some evidence suggests the government has tried to limit payouts for budget reasons. Internal memos obtained by congressional investigators show the Bush administration chafing over the program's rising costs and fighting to block measures that would increase workers' chances of compensation.

But Labor Department officials who oversee the program say it has been successful, pointing to the large sums distributed: about \$2.6 billion in payments in five years, far more than some early estimates. Missing or unreliable records and the murkiness of cancer science, the officials say, make it difficult to satisfy all the claimants.

"In a compensation program, you get benefits out to people who are eligible and you inevitably have to deal with the fact that some people are not eligible," said Shelby Hallmark, director of Labor's Office of Workers' Compensation Programs. "As for the assumption that the program is somehow trying to block people from getting compensation, nothing could be further from the truth."

David Michaels, a former Energy Department official who helped launch the program in the late 1990s, said it is designed to "bend over backward" to award compensation to deserving workers. "Most of the people who should be compensated are being compensated," said Michaels, now associate chairman of [George Washington University's](#) department of environmental and occupational health.

Still, Labor's management of the program has drawn bipartisan, and often fierce, criticism from members of Congress.

Former congressman [John N. Hostettler](#), an [Indiana](#) Republican who chaired a House subcommittee overseeing the program, said at a hearing last December that Labor Department memos reflect a "culture of disdain" toward workers and raise questions about whether the department exceeded its authority by using "legalistic interpretations" to limit eligible workers.

"To the bean counters, I would remind you that these aren't normal beans you are counting," Hostettler said. "These funds are a small acknowledgment of the sacrifice by workers whose lives were put at risk to make this country safe."

Clear Line on a Murky Issue

The compensation plan was unveiled in September 1999 by then-Energy Secretary [Bill Richardson](#). "We're reversing the decades-old practice of opposing worker claims and moving forward to do the right thing," he said in 2000.

The shift was prompted in part by a drumbeat of reports about hazards at nuclear weapons plants, including articles in [The Washington Post](#) that showed how the government for years fought lawsuits from workers in [Paducah, Ky.](#), who were exposed to plutonium 100,000 times as radioactive as they were trained to handle.

Under the Energy Employees Occupational Illness Compensation Program, the government agreed to provide \$150,000 and medical benefits to claimants who developed certain diseases and cancers. Another part of the program covers those exposed to toxic chemicals.

For each claim, government investigators review the evidence and decide whether a worker's illness was more likely than not caused by exposure to radiation or toxic chemicals at work. Under the act, the claim is denied if the probability is ruled to be less than 50 percent.

The complex task of coming up with such estimates through reconstructing the conditions inside secret plants as much as 60 years ago was assigned to the [National Institute for Occupational Safety and Health](#), or NIOSH.

The estimates are based largely on personnel files and historical radiation measurements at the plants. But the records are often so incomplete and unreliable that it can be impossible to determine a worker's true exposure. For example, workers would sometimes remove the badges they were supposed to wear to monitor their cumulative doses of radiation.

"At every site, you hear stories about workers being told to put their badges in their lockers," said Mark Griffon, a radiation-safety expert who advises the government on worker exposure. "If workers wore their badges and ended up exceeding their quarterly radiation limit, they could be laid off or put in a different job."

Another obstacle is that records are becoming harder to track as plants are dismantled. Early this year, for example, more than 400 boxes of medical records that had been contaminated by radiation at an [Ohio](#) weapons facility turned up in a landfill in [Los Alamos, N.M.](#) The government is deciding whether to exhume them.

Long Wait in Colorado

The compensation program does provide a path for the government to help workers if records are lost or questionable. But critics say officials are reluctant to pursue it.

NIOSH and a [White House](#)-appointed panel on radiation exposure can recommend groups of workers from a particular site for a "special exposure cohort," making them automatically eligible for compensation if they suffer from leukemia, thyroid cancer or one of 20 other cancers.

So far, groups of workers from 18 sites have been added to the special exposure cohort, and petitions are pending for workers from a dozen other sites. The process can be difficult, as people who worked at the Rocky Flats nuclear weapons plant who applied for that status have learned.

On the rugged foothills outside [Denver](#), there's little sign now of the sprawling plutonium facility that once employed as many as 7,000 people. The site was dismantled in a \$7 billion, 10-year effort that ended in 2005 and is being turned into a wildlife refuge.

With the plant gone, many workers are struggling to re-create what happened in the 800-building complex that manufactured plutonium triggers for nuclear bombs. Thousands of fires were recorded in the plants' 40-year history, including one on Mother's Day 1969 that burned for several hours and released massive amounts of radioactive material.

Of the more than 5,100 Rocky Flats claims filed, about 1,400 have been approved. Many applicants who were denied blame missing or inadequate records and petitioned two years ago for special cohort status.

NIOSH officials recommended against the special status for Rocky Flats, reasoning that they could account for missing records by altering their models and overestimating exposures. Then, earlier this month, the radiation advisory board recommended the special cohort for a small number of workers -- those employed from 1952 to 1958, when gaps in the recordkeeping apparently were the largest.

Advocates for the Rocky Flats workers point to multiple cases to illustrate the difficulty of meeting the government's standard for compensation without being part of the special cohort.

One worker, Donald Gabel, contracted a rare form of brain cancer at age 29, after nearly 10 years at the plant, and died in 1980. Months before his death, he testified that his job required him to climb several times a day to the top of a furnace, his head inches from a pipe expelling radioactive exhaust. Government contractors said they could not find his records and could not take new measurements because the pipe had been removed.

After Gabel died, his wife requested tests of plutonium levels in his brain, but she says government scientists told her they had lost most of the tissue and could not take an accurate sample.

Despite the problems, Gabel's widow, Kae Williams, won a rare victory in a traditional workers' compensation lawsuit, getting about \$15,000 for her three children. But when she applied for additional benefits under the new program in 2001, the claim took four years to process and was ultimately denied. A government computer program found only a 41.73 percent chance that her husband's brain cancer was work-related.

"They make it sound like they are doing the right thing," Williams said. "For a glimpse, you think they are. And they are not."

Ill and Unaided

At South Carolina's Savannah River plant, workers may face longer odds than most. They lack the organization and lobbying advantages found at some larger sites where workers tended to be white and represented by strong unions.

"Black workers in these plants were put in high-exposure areas without proper protection or monitoring," said Robert W. Warren, a lawyer who represents dozens of Savannah River workers. "They worked in some of the most dangerous places, but there are no records today to show that."

When it opened in 1951, the Savannah River nuclear complex was one of the first employers in South Carolina's rural midlands to offer African Americans a shot at relatively good wages and benefits. But not all jobs at the plant were created equal.

The jobs offered to black workers in those days were often menial ones: cleaning spills, scraping paint, removing waste, sometimes in the most dangerous parts of the plant, said Wayne Knox, a radiation-safety expert who was a contractor at the Savannah River plant for nearly two decades. In the '50s and '60s, he said, workers often were kept in the dark about risks.

"Not just blacks, but also [white] people from poorer neighborhoods were put in a position where they had a lot of unnecessary exposures," said Knox, who now advises some families filing claims.

The sprawling, 300-square-mile site still contains one of the highest concentrations of radioactive waste of any weapons plant in the country, most of it in swimming-pool-size tanks. Special exposure cohort status has not been granted for the plant's workers; in a region that remains very poor, there are few advocates available to argue the workers' case in Washington.

McKenzie, the Savannah River laborer, was angered when government officials calculated the probability that his work caused his bladder cancer at only 28 percent. He became even angrier when he learned that the plant had been unable to locate many of his files -- including records for the day he became so contaminated his clothes had to be destroyed. "There were whole months where the data is missing," he said.

McKenzie has asked a Labor Department appeals panel to reconsider the decision, while he struggles to pay hefty medical expenses that include regular visits to the urologist to see whether his cancer has returned. Having mostly given up hope for a government check, he now works a second job, cleaning up spills and leaks in private homes a few miles from the weapons plant.

"At first it looked like I had a good claim, but it didn't go anywhere," McKenzie said wearily. "A person doing it by himself has no wind."

Rocky Mountain News

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Many who fought for federal aid for sick workers have moved on

By Laura Frank, Rocky Mountain News
June 4, 2007

Jennifer Thompson figured she was committing to about 30 days of work when she agreed in February 2005 to help ill Rocky Flats workers win streamlined compensation.

Today, she finds herself spearheading the push for help - nearly 840 days after submitting the 200- page petition on workers' behalf - while awaiting an answer.

Thompson had worked at Rocky Flats, but she wasn't ill and had no ill relatives.

"I initially volunteered to help because of our sense of community," she recalled.

Thompson, a single mother of two, still spends 10 to 20 hours a week on the task.

"Now," she said, "I feel like one of the last people left standing."

The local union representing the workers is defunct. There's no budget for the workers to hire experts, track down information or even notify former employees about updates in the quest.

Tony DeMaiori, former union president, still volunteers his time, but his new job keeps him traveling around the nation, refueling nuclear power plants.

Richard Miller, a former national union analyst who helped write the original compensation legislation, has taken a new job on Capitol Hill.

And Cindy Blackston, a congressional staffer who organized hearings on the program, lost her job when control of congressional committees changed with the last election. Blackston had uncovered documents that showed White House attempts to discourage streamlined compensation.

"The phrase 'the squeaky wheel gets the oil' has never been more appropriate than when dealing with this program," Blackston said. "So (the workers) and their allies should keep the noise level as loud as they can."



Javier Manzano © News

Jennifer Thompson, a former Rocky Flats employee, weeps May 3 after a federal advisory board postpones a decision on streamlining help for sick workers. A vote is expected June 12.

Miller and Blackston used to attend Rocky Flats meetings here to make sure what federal officials said in Denver matched what they'd pledged in Washington, D.C.

The help is missed, said Terrie Barrie, who cares for her ill husband, a former Rocky Flats worker, while trying to organize a national network of ill workers called the Alliance of Nuclear Worker Advocacy Groups.

"Four out of six of our core members are sick workers themselves," Barrie said. "We miss those people who helped us a lot."

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Lengthy wait for answer wasn't the case elsewhere

By Laura Frank, Rocky Mountain News
June 4, 2007

PARALLELS WITH ST. LOUIS SITE

Rocky Flats workers have waited 839 days for an answer to their petition for streamlined help.

That's nearly twice as long as it took for workers at the Mallinckrodt site in St. Louis to get that status - a decision based in part on the length of time workers had been waiting.

"Efforts to find new data on this site could continue for years," the presidential advisory board that makes such recommendations wrote to the secretary of Health and Human Services in recommending streamlined help for Mallinckrodt workers. "However, the board also recognizes the need to make timely decisions."

There are other similarities between the Rocky Flats workers and those at Mallinckrodt, who were awarded "special exposure cohort" status 421 days after requesting it.

The board, in its recommendation, noted that at Mallinckrodt:

- Methods for monitoring worker exposure to radiation were unreliable in the early years of nuclear arms development. The same is true at Rocky Flats and all other atomic weapons sites.
- Some final methods needed to determine an individual worker's dose were not available when the decision was made. The same is true at Rocky Flats.
- Some scientific assumptions had not been validated. The same is true at Rocky Flats.

"There are definitely parallels there," said Dr. James Malcolm Melius, a physician on the presidential advisory board.

The board is expected to vote June 12 on Rocky Flats, after government scientists present answers to some of the board's outstanding questions. The board signaled at its last meeting, however, that most workers who were employed after 1970 would probably be denied.

Melius wouldn't predict what might happen because the board expects to receive more information about Rocky Flats at its next meeting.

Rocky Mountain News

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Senators seek Flats inquiry

Salazar among 15 who want probe of compensation gap

By **Laura Frank, Rocky Mountain News**
June 5, 2007

Fifteen U.S. senators, including Colorado's Ken Salazar, called Monday for a congressional hearing into why sick nuclear weapons workers are facing delays and other problems in getting federal compensation.

Also Monday, another group of senators sent a letter to two federal departments that run the aid program, complaining that the departments have underfunded it. This has caused "unacceptable" delays in compensating "Cold War heroes" who helped build the U.S. nuclear weapons arsenal, the letter said.

The letter calling for a hearing says "scrutiny in recent months" has shown that the program is not working as Congress intended. The bipartisan group of senators includes Democratic presidential hopefuls Barack Obama and Hillary Clinton.

The program was created in 2000 to give financial and medical compensation to workers whose illnesses are linked to their jobs at atomic weapons sites, including the now-demolished Rocky Flats northwest of Denver.

But the senators cited delays in processing cases, a high denial rate and allegations that federal officials have tried to limit payouts to cut costs.

"The delay in compensation and medical benefits has gone on way too long for these veterans of the Cold War," Salazar spokesman Cody Wertz said.

The move is something that sick workers have been hoping for.

"I hope the committee will agree to hold not just one but multiple hearings, because there are multiple problems with this program," said Terrie Barrie, of Craig, who helped start the Alliance of Nuclear Worker Advocacy Groups to assist ill workers such as her husband, George.

In their letter, the senators say Congress knew when it created the program that finding a scientific link between some workers' radiation exposure and their illnesses would be difficult. That's because some records were missing, inadequate, lost or destroyed, they wrote.



Ken Salazar

In such cases, the law allows workers with certain radiation-related cancers to receive "special exposure cohort" status and streamlined help. A presidential advisory board will decide June 12 whether to recommend that status for Rocky Flats workers.

The *Rocky Mountain News* reported March 10 that federal documents showed officials had made plans to limit payouts for sick and dying nuclear weapons 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 officials say the plans were never carried out, and they deny trying to hide them.

The senators have asked the Health, Education, Labor and Pensions committee, led by Sen. Ted Kennedy, D-Mass., to hold the hearings.

What's next

- **What:** A presidential advisory board will meet to decide whether to recommend that Rocky Flats workers receive streamlined financial and medical help.
- **When:** The public can speak to the board at 5:30 p.m., June 11. The board's vote is expected June 12.
- **Where:** Sheraton Denver West Hotel, 360 Union Blvd., Lakewood

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Rocky Mountain News

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Board denies most Flats workers medical help

Decision crushes former employees now ill with cancer

By Ann Imse And Laura Frank, Rocky Mountain News
June 13, 2007

For sick Rocky Flats workers, a federal board's rejection of their plea for aid Tuesday was an expected but nevertheless devastating loss.

Former atomic bomb makers with cancer were crushed and tearful when the board denied the majority of them immediate medical care and compensation. They say they are dying because they put their lives on the line for America at the now-demolished nuclear weapons plant outside Denver.

"How many more workers have to die?" asked Terry Bonds, district director for the United Steelworkers Union, which filed the petition.

But the board did accept the National Institute for Occupational Safety and Health's assurance that it can estimate workers' radiation contamination, well enough to prove - or disprove - that it caused their cancers. Workers say many exposures went unrecorded so managers could earn bonuses instead of fines. As a result, they say, the dose estimates are wrong.

"It is an outrage that six of the advisory board members decided to believe the faulty, insufficient and incomplete data that NIOSH uncovered over workers' experiences of what actually happened at that plant," Bonds said.

The plant 15 miles northwest of Denver made plutonium triggers for nuclear warheads. It opened in 1951 but was shut down in 1991 after a troubled history that included several fires.

The FBI raided it in 1989, investigating claims that its operator had knowingly discharged chemicals into creeks that flowed into municipal water supplies, burned toxic waste and failed to adequately monitor groundwater.

The company, Rockwell International, was fined \$18.5 million.

On Tuesday, former Rep. Bob Beauprez told the board it was violating congressional intent.



Judy Dehaas © The Rocky

Former Rocky Flats workers Dennis Romero, left, and Judy Padilla, right, listen with skepticism as Brant Ulsh, chief scientist for the National Institute of Occupational Safety and Health on the dose reconstruction for Rocky Flats, defends his findings to the Radiation Advisory Board.

"What do we want you to do on behalf of a grateful nation? We want you to take care of these people," Beauprez said. "They earned it, they deserve it, they've got a right to it: Justice for all."

Wanda Munn, who voted with the 6-4 majority, said the board went into "painful detail" in rejecting the workers' complaints.

"Nothing was overlooked," Munn said.

Workers vow to appeal

Secretary of Health and Human Services Michael Leavitt will make the final decision, but he has never disagreed with the advisory board.

Workers took the denial as a call to battle.

They plan to appeal and seek an override from Congress. Democratic Rep. Mark Udall has sponsored such legislation, Democratic Sen. Ken Salazar is seeking hearings on the compensation program's problems, and Republican Sen. Wayne Allard promised to be an "advocate."

Board Chairman Paul Ziemer said if lawmakers think the hearing process takes too long - a complaint the board hears "all over the country" - they should change the law.

The board did recommend approval of automatic aid for one group of workers with 22 radiogenic cancers: "Workers who were monitored or should have been monitored for neutron dose from 1959 to 1966." The board last month recommended approval for such workers from 1952 to 1958.

However, there is no clear definition of who "should have been monitored" for this type of radiation. That set up another possible dispute for workers seeking help.

The decision means most workers still must prove their individual exposure caused their cancers to qualify for medical care and \$150,000 in compensation.

"They're going to waste more money calculating dose," concluded former Rocky Flats worker Dennis Romero. "They could have eliminated all that, and just paid us."

So far, the government has paid 299 of the 1,253 former Rocky Flats workers with cancer who've requested help. It has denied 631. Many workers have been rejected repeatedly, as they appeal errors on their claims.

Workers were frustrated by the debate, which focused on the details of NIOSH's dose estimates instead of worker arguments.

They were particularly angered by a NIOSH claim that workers received less contamination after a disastrous 1969 fire because they were sitting in the cafeteria, unable to work due to damage from the fire.

"Hello!" exclaimed Jennifer Thompson, the workers' spokeswoman. "The workers were cleaning up the fire,

getting huge doses!"

Jerry Harden said he and others worked for months cleaning up plutonium from the ashes, under extremely hazardous conditions, because the normal shielding had burned up.

The fire investigation found that 7,000 pounds of plutonium was caught up in the blaze, which was stopped before a roof breach that could have covered Denver in radioactive ash.

Missing radiation badges

The board's consultant, SC&A, reported that radiation badges from the fire era were thrown away.

Brant Ulsh, NIOSH's chief scientist for the Rocky Flats dose reconstruction, said his team dealt with missing records from radiation badges by using more accurate urinalysis records. He said missing doses were filled with estimates, often based on co-workers' exposures. Ulsh said the estimates were based on high doses, not averages.

Workers said the fact that officials were still undecided on how to calculate their doses 847 days after the filing of their petition proves the estimates are neither timely nor accurate.

Thompson noted that NIOSH is still arguing about whether plutonium was used in Building 881 after the 847 days - when demolition records for that building show it had extensive plutonium contamination.

NIOSH called the amount of plutonium in Building 881 "nuisance contamination."

But Thompson said demolition workers found plutonium all over that building and in its ductwork - so much that it was recovered for reuse. Such basic errors "draw into fundamental question NIOSH's ability," she said.

NIOSH plans to redo its dose calculations for an unknown number of Rocky Flats workers because it changed its estimating procedures under pressure from the board.

The revisions include some neutron doses, co-worker estimates and exposures for plutonium heated to high temperatures, both in the factory and in the fires. NIOSH officials said they could recalculate the doses within two months.

Voting for the petition

• BRADLEY CLAWSON

"There are gaps (in the records). I still work in the industry. I still know there are fallacies out there. . . . I really don't feel it can be done."

• MICHAEL H. GIBSON

"We have been less than timely (in our decision). . . . I think we have to give as much weight to the experience of people at the site as we do to the science."

• **JAMES MALCOLM MELIUS**

"The board was presented with information from NIOSH that is incomplete and at the last minute. This process has taken 847 days. There's something grossly unfair about that. This is not a fair process. I can't claim individual dose reconstructions can be feasibly done with sufficient accuracy."

• **PHILIP SCHOFIELD**

"There are large gaps in the data. I have a problem with that."

Voting against the petition

• **MARK GRIFFON**

"We had to balance timeliness vs. thoroughness. We had the petitioners and congressional representatives twice tell us to deliberate thoroughly, don't rush the vote. I felt like it was my charge to dig into everything."

• **JAMES E. LOCKEY**

"It appears dose can be reconstructed."

• **WANDA MUNN**

"The only issue is whether adequate information exists for the reconstruction of dose to be done in a reasonable manner. We've heard no information whatsoever that it doesn't."

• **ROBERT W. PRESLEY**

"They've given reports and data that says they can do dose reconstruction."

• **GENEVIEVE S. ROESSLER**

"I have confidence that NIOSH did a very detailed evaluation and can reconstruct dose in the manner required by this rule."

• **PAUL L. ZIEMER**

"I've become completely certain that it's feasible for NIOSH to do dose reconstructions with sufficient accuracy - and that means accuracy with claimant-favorable decisions."

Not Voting

- **JOHN W. POSTON SR.**

Poston was absent and did not vote.

- **JOSIE BEACH**

Beach was not allowed to vote because she recently worked for the union that filed the petition.

What's next

- **Secretary of Health and Human Services Michael Leavitt** has 30 days to act on the board's recommendation.
- **If he denies its petition**, the workers say they will appeal.
- **The secretary then would appoint** a three- member board to advise him on the appeal.

What they said . . .

- "A nation great enough to figure out how to win the Cold War - not only on behalf of the United States, but also for the good of the entire planet - ought to be big enough, caring enough, compassionate enough to be able to take care of the Cold Warriors who won it for you."

Bob Beauprez

former Colorado congressman

- "This is heartbreaking for the people who are sick. The whole reason we did this is so they didn't have to keep going through this grueling process."

Jennifer Thompson

worker petition author

- "It was never the intent of Congress to make life more difficult for these people."

Jerry Harden, former worker

- "Unfortunately, the burden passed to this group is to correct what Congress should have done in the first place."

Paul Ziemer, board chairman

What's next

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Flats workers should know status by Aug.

By Rocky Mountain News
July 6, 2007

Former Rocky Flats workers should know by the first week in August whether the U.S. secretary of health and human services will recommend that some of them be given streamlined medical and financial compensation for cancers related to their work at the now-demolished atomic weapons complex northwest of Denver.

The White House Advisory Board on Radiation and Worker Health voted June 12 to recommend the special status for a limited number of workers. But the board did not officially send its recommendation to the secretary until this week.

Health and Human Services Secretary Michael Leavitt has 30 days to forward his recommendation to Congress, which has another 30 days to act.

Leavitt has never rejected the board's advice, but Colorado's congressional leaders have asked him to do just that. The lawmakers say all former Rocky Flats workers, not just a small portion of them, deserve the expedited aid.

The current recommendation would give \$150,000 and medical coverage only to workers with certain radiation-related cancers who were employed for at least 250 days from 1952-1966, and who were, or should have been, monitored for exposure to neutron radiation, one of the most dangerous kinds.

According to government figures, only 331 former Rocky Flats workers who worked during that time and have one of the listed cancers have filed for aid.

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U . S . S E N A T O R ★ C O L O R A D O

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July 12th, 2007

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ALLARD CELEBRATES NATIONAL WILDLIFE REFUGE ESTABLISHMENT AT ROCKY FLATS

U.S. Sen. Wayne Allard (R-Colo.) commented today on the official signing and transfer of the Rocky Flats Technology Site. The signing transfers jurisdiction of the site's management from the U.S. Dept. of Energy (DOE) to the U.S. Dept. of the Interior.

"Today's signing is a landmark event," said Allard. "This transfer officially establishes the Rocky Flats National Wildlife Refuge. Land that was once considered off limits will soon be home to a wildlife refuge that can be used by many. The future of Rocky Flats is bright."

Allard was an original co-author of the Rocky Flats National Wildlife Refuge Act which statutorily requires the site to be cleaned up and transferred to the U.S. Dept. of the Interior. Once officially transferred, the site will be managed by the U.S. Fish and Wildlife Service as outlined in Fish and Wildlife's Comprehensive Conservation Plan.

"As the original sponsor of the Rocky Flats National Wildlife Refuge Act, I know too well, the commitment, dedication, and effort involved in cleaning up and transferring this site," continued Allard. "While original estimates suggested it would take over 70 years and cost upwards of \$35 billion dollars to clean-up and transfer Rocky Flats, hard work, leadership, and vision resulted in the completion of the clean-up in less than 15 years. The completed transfer of the site is now saving tax payers billions of dollars."

The Rocky Flats Technology Site manufactured components for nuclear weapons for our nation's defense until 1988 and has been owned and operated by the DOE the since 1951. The 6,200 acre complex housed more than 100 buildings is located 16 miles northwest of downtown Denver. The U.S. Environmental Protection Agency certified the completion of the site cleanup last month.

"The people of Colorado and our Nation can be proud of the accelerated clean-up and closure of Rocky Flats," said Allard. "The clean-up and transfer is an unprecedented and world renowned feat. It is my hope that Congress and the American people in the years to come will look at Rocky Flats as a model of what can be done when people and all levels of government unite behind a common cause."

Since 1996, Allard has worked to ensure the successful clean-up of the former nuclear weapons site, securing more than \$7 billion dollars toward its' clean-up. The clean-up effort was completed in December, 2005.

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Department of Energy
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FOR IMMEDIATE RELEASE
Megan Barnett, (202) 586-4940
Thursday, July 12, 2007

DOE's Former Rocky Flats Weapons Production Site to Become National Wildlife Refuge

WASHINGTON, DC – The U.S. Department of Energy (DOE) today announced the transfer of nearly 4,000 acres of its former Rocky Flats nuclear weapons production site to the Department of the Interior's (DOI) U.S. Fish and Wildlife Service (FWS) for use as a National Wildlife Refuge. After more than a decade of environmental cleanup work, the transfer creates the Rocky Flats National Wildlife Refuge, 16 miles northwest of Denver, Colorado, and marks completion of the regulatory milestones to transform a formerly contaminated site into an environmental asset.

“The Department of Energy’s environmental cleanup of the Rocky Flats weapons production reservation exemplifies the Bush Administration’s commitment to turn contaminated sites into public assets for future generations,” Assistant Secretary of Energy for Environmental Management James Rispoli said. “We are proud to transfer this space to the U.S. Department of Interior and we will continue with plans to complete environmental cleanup work at five more sites across the country by 2009.”

From 1951 until 1989 the Rocky Flats Plant manufactured the trigger mechanism for nearly every nuclear weapon in the United States. The manufacturing processes resulted in radiological and hazardous material contamination; including plutonium, uranium, beryllium and hazardous chemical compounds, that were released into the air, ground and water surrounding the plant.

In 2005, DOE certified the environmental cleanup work at the former Rocky Flats site complete. The 10-year environmental cleanup of the site cost approximately \$7 billion and finished more than 50 years ahead of initial forecasts and for nearly \$30 billion less than estimated in 1994. The Rocky Flats site encompasses approximately 6,200 acres of high prairie that has been closed to the public for more than 50 years. During production and cleanup, a 5,800-acre buffer zone surrounded the 400-acre industrial area where the trigger mechanisms for nearly every nuclear weapon in the nation’s arsenal were manufactured.

“With the transfer of nearly 4,000 acres from the Department of Energy, the U.S. Fish and Wildlife Service will establish the Rocky Flats National Wildlife Refuge in order to conserve the rare and unique tallgrass prairie found along Colorado’s Front Range,” U.S. Department of Interior’s Director of the Fish and Wildlife Service H. Dale Hall said. “As intended by Congress, the refuge will preserve a lasting wildlife and habitat legacy for future generations.”

Since 2005, DOE has worked to finalize regulatory requirements and prepare to transfer the site to FWS. In May 2007, the U.S. Environmental Protection Agency completed regulatory

certification and released the lands for unrestricted use as a National Wildlife Refuge. DOE will retain approximately 1,300 acres in the center of the site for long-term surveillance and maintenance. This area is protected by physical and institutional controls and contains surface and groundwater monitoring equipment, four groundwater treatment systems, and two closed landfills.

FWS is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. In 2005, FWS announced a comprehensive conservation plan and associated environmental impact statement for the refuge that creates a management framework for the next 15 years. Pursuant to the plan, public use will increase gradually over the 15-year life of the plan, as resources become available. FWS announced that visitor use facilities will eventually include approximately 16 miles of trails, a seasonally staffed visitor contact station, trailheads with parking, and developed overlooks. Most of the trails will use existing roads, and public access will be by foot, bicycle, horse or car and the FWS plans to develop a limited public hunting program. FWS will publish official notice of the refuge establishment in the Federal Register within the next 30 days.

To date, DOE has restored 84 sites that played a role in the Cold War era mission across the nation. In the past two years, DOE has safely cleaned up nine sites and is on track to close five more by 2009.

To read more about the cleanup of the former Rocky Flats production site and the Department of Energy's cleanup mission, access www.em.doe.gov.

-DOE-

U.S. Environmental Protection Agency

EPA announces partial deletion of Rocky Flats site from Superfund List

Release date: 05/25/2007

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Portion of site will be certified for transfer to Fish and Wildlife Service

Denver -- The Environmental Protection Agency today announced the deletion of 25,413 acres of the Rocky Flats site in Jefferson and Boulder Counties, Colo., from the National Priorities List (NPL). This deletion reflects the completion of all response actions for the offsite and peripheral parcels and will allow the U.S. Department of Energy (DOE) to transfer part of the site to the U.S. Department of the Interior for the U.S. Fish and Wildlife Service to manage as a National Wildlife Refuge.

Areas affected by the deletion include the 4,933-acre Peripheral Operable Unit and the 20,480-acre Operable Unit 3. The Peripheral Operable Unit (formerly known as the Buffer Zone) was part of the former DOE Rocky Flats nuclear weapons plant. That parcel will be transferred from DOE to DOI to become the wildlife refuge. Operable Unit 3 (also known as the Offsite Areas) consists of open space, residential development and agricultural lands. A 1997 Record of Decision for Operable Unit 3 and a 2006 Record of Decision for the Peripheral Operable Unit determined that all appropriate response actions under the Comprehensive Environmental Response, Compensation and Liability Act have been implemented in these areas, and that no further response action by responsible parties is appropriate.

The State of Colorado, through the Colorado Department of Public Health and Environment, concurs with the deletion. DOE will be responsible for all future response actions required at the area deleted if future site conditions warrant such actions.

The 1,308-acre Central Operable Unit at Rocky Flats is not being considered for deletion and will remain on the NPL.

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Delivery of first plutonium pit draws visitors

ROGER SNODGRASS Monitor Assistant Editor

Los Alamos National Laboratory will host a group of national officials Monday, marking the resumption of a manufacturing capability considered critical to the maintenance of nuclear weapons.

Since the Rocky Flats plant in Colorado was closed in 1989, the nation has lacked the ability to make triggers, known as pits, for its nuclear weapons.

The occasion marks the first pit accepted for delivery to the nation's nuclear stockpile, signifying that the capability has been restored.

The W-88 pit is used on submarine-launched Trident II missiles. In a recent list of achievements for this year, LANL said it would complete 10 war-reserve pits by the end of September.

A Congressional Research Service document in 2004 on pit production issues explained that a war-reserve pit is a certified pit, as distinguished from a certifiable pit.

The laboratory has produced certifiable pits over the last few years using approved processes and standards, but a certified pit, qualified to be used in the deployed nuclear arsenal, must meet demanding performance standards as a product.

Without testing, the report stated, the laboratory was expected to demonstrate through computer models, various large and small scale experiments and archived data from past nuclear tests "that Los Alamos pits are equivalent to Rocky Flats pits in many key characteristics."

The guests for Monday's tour and ceremonies will include Sen. Pete Domenici, R-N.M.; Rep. Heather Wilson, R-N.M.; and Bill Ostendorff, acting administrator of the National Nuclear Security Administration.

Also Monday, a collection of groups advocating changes in the laboratory mission in view of