

Rocky Flats Stewardship Council Board Meeting Minutes
Monday, May 1, 2006
8:30 a.m. – 11:30 a.m.
Jefferson County Airport, Broomfield

Board members in attendance: Jennifer Bray (Alternate, City of Boulder), Lori Cox (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), JoAnn Price (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Kate Newman (Alternate, Jefferson County), Karen Imbierowicz (Director, Superior), Jane Uitti (Alternate, Boulder County), Bob Nelson (Alternate, Golden), Martin Toth (Alternate, Superior), David Allen (Alternate, Northglenn), Ken Foelske (Director), Jeannette Hillery (Director, League of Women Voters), Marjorie Beal (Alternate, League of Women Voters), Kim Grant (Director, Rocky Flats Cold War Museum), Roman Kohler (Director, Rocky Flats Homesteaders).

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).

Members of the Public: Bob Darr (Stoller/Rocky Flats), Marion Galant (CDPHE), Carl Spreng (CDPHE), Rob Henneke (EPA), Sue Vaughan (League of Women Voters), Jane Greenfield (City of Westminster), Amy Thornburg (USFWS), Mark Sattleberg (USFWS), Frazer Lockhart (DOE), Ken Korkia (RFCAB), Kate Zimmerly (Senator Salazar), Erin Minks (Senator Salazar), Jennifer Bohn (Stewardship Council accountant), Rich Schassburger (DOE-Rocky Flats), Shirley Garcia (Broomfield), John Boylan (Stoller/Rocky Flats), Doug Hansen (Stoller/Rocky Flats), David Krucek (CDPHE), Doug Young (Rep. Udall), Al Nelson (City of Westminster), Jeanette Alberg (Sen. Allard), Bob Nininger (consultant to Stoller).

Convene/Agenda Review

Chair Lorraine Anderson convened the meeting at 8:35 a.m.

Business Items

- 1) **Consent Agenda** – Barb Vander Wall suggested that the meeting notice resolution be removed from the consent agenda. Lori Cox moved that the meeting notice resolution be removed from the consent agenda. The motion was seconded by Jeannette Hillery. The motion passed 12-0. Bob Nelson moved to approve the consent agenda. Lori Cox seconded the motion.

JoAnn Price asked if David was being paid in increments for his work on the history of the Coalition report. David said he is paid on an hourly basis, based on maximum amount. David does not sign checks any more, so they are signed by the Executive Committee. JoAnn also asked why there are so many telecommunication checks each

month, and if any can be consolidated. David explained that there is one each for local phone service with Qwest, long distance phone service with UCN, David's cell service (the Stewardship Council pays a portion), and web hosting/internet service with ViaWest. JoAnn also asked about subscriptions, stating that she thought the Board was done paying for memberships. David responded that some are on different billing cycles. JoAnn finished by saying she would like to try to cut down on things when possible. The motion passed 12-0.

- 2) **Meeting Notice Resolution** – Barb Vander Wall explained that the need for this resolution came about because of a state statute requiring the identification of meeting posting places. The previous draft did not track the Council's bylaws, but this new resolution does. Barb said they had to add notice to city clerks, county clerks, directors, alternates, and other people who have expressed an interest in the meetings. It also includes the 2006 meeting schedule. This will need to be done annually. Bob Nelson asked what *inter alia* means. Barb said it means 'and others'. JoAnn Price moved to accept the meeting notice resolution. Lori Cox seconded the motion. The motion passed 12-0.

David added that one way the Council is providing notice of meetings is by contacting people who have expressed interest in stewardship issues. He added that if anyone receives requests for Rocky Flats information, they can send their contact information to the staff who will add them to the distribution list. He also noted that approval of minutes for the April 19, 2006, special meeting is not on this agenda but will be on the June meeting agenda.

3) **Executive Director's Report** - David Abelson reported on the following items:

- He thanked the Board for allowing him to take time off for his recent vacation. He noted that Jane, Carl, and Clark really stepped up in order to help the Board develop its position on the McKinley bill. He also thanked Rik for his great work while David was gone.
- Last year, David and Shaun McGrath met with Representative McKinley. At this meeting, an important commitment was made to include local municipalities as any legislation moved forward, and David noted that this commitment was not honored during this year's process. David noted that Rep. McKinley only reached out to the communities when their help was needed to pass the bill, and that in this case, the political process is not working. Although the parties share goals, McKinley did not reach out soon enough. David also commented that it is too bad when rhetoric and attacks against individuals and organizations are the result of an honest policy disagreement. David is glad the Stewardship Council did not get pulled into this type of reaction and stayed out of the fray.

There are some differences in the way the legislature handled Rep. McKinley's legislation this year that indicate the Stewardship Council should reach out to state legislators to begin answer any questions they might have in addressing any

concerns they may share. As a case in point on how the playing field changed, when Rep. McKinley introduced his bill in 2005 it did not have any co-sponsors. Now it has both co-sponsors and bipartisan support, including both state reps from Boulder County and Rep. Berens, the former mayor of Broomfield.

The Stewardship Council position on this issue took a process approach, which gives some breathing room. The Coalition position on the legislation last year pointed more to substance rather than process and identified some important categories of information that should be supplied to the public about Rocky Flats.

- The Coalition audit will start in couple of weeks. The grant application process for the Stewardship Council is a very involved process which David is attempting to streamline. He will provide updates as things proceed.
- David is continuing to work on a document discussing the history and accomplishments of the Coalition. He does need more feedback from members and will be sending out an email.
- The group has previously discussed whether it would like to schedule meetings in Washington, D.C. with legislators and staff, possibly in May. David suggests holding off for now and maybe look at scheduling meetings in September. He does not think there is too much to discuss now but that there will be more to discuss, including signage, at this later date.
- David noted that there has been a lot of email traffic within the Board during the last month and he hopes to cut down during the next month if at all possible.
- The Council received copies of a press release put out by Senator Allard on March 30, 2006, regarding the issue of mineral rights at Rocky Flats. At a recent Appropriations Energy and Water Subcommittee hearing in Washington, D.C. Senator Allard pressed DOE on the question of acquisition of outstanding minerals at Rocky Flats. David noted that per legislations Senator Allard authored, DOE has one year to acquire minerals. According to the Senator's staff there are willing sellers but the question is whether DOE will try to acquire minerals or instead take the easy way out and pay into the natural resource damage fund.
- The members also received a press release issued by the Steelworkers Union regarding the special exposure cohort. This issue is being tracked very closely by Colorado's congressional representatives. The Stewardship Council does not have an official position on this issue, but it appears that the workers are still being given the runaround by the government. David just wanted to flag this issue, and will keep in touch with congressional staff, as he has full faith that they are doing everything they can on this issue.

Rik Getty provided some information about a recent fire at Rocky Flats, noting that plants in the burn area are recovering. The fire started along Highway 128, moved south, then east and jumped Indiana. It was under control in about five hours. One air monitor was collecting smoke/particulate for a short amount of time and then stopped working when it lost power. Another was functional throughout the fire. There is no history of past contamination in the fire area but the site expedited air monitoring results.

Bob Nininger has information that he can share in written form. One sampler went out after six minutes. The site does not expect to find any contamination in the second one. Unfortunately, the lab threw away the fine fraction samples. However, it is unlikely that anything would have been detected because the levels were very low. This is based on modeling results. Mike Bartleson asked if there will be a final report. He is concerned about conflicting information which came to light through police reports. Rik said he did not know. Ken Foelske asked if there will be information available regarding impacts to habitats and species. Rik said he expected Stoller will be looking at these issues. Jane Uitti said she had a couple of emails and phone calls from people who were concerned about what might be in the ash from this fire and asked if anyone was looking at this. Rik said the site was only looking at data from the air samplers. Karen Imbierowicz suggested that the site should explore ways to ensure that air monitors remain operational with backup power. She thinks it is unacceptable that we do not have data because there was no power. While she agrees there was probably nothing there, we still need the data.

David wondered whether all local emergency responders have an understanding of the conditions at Rocky Flats. If not the Stewardship Council (or the member governments individually) should convene a dialogue to see how widespread this problem is. He asked the group to forward any concerns they have heard regarding this fire to Stewardship Council staff so they can look at and identify ways to proceed.

Jeannette Hillery asked how soon the group could take action on the backup power issue. She sees a big credibility gap as a result of the lack of fire monitoring data, and thinks the group really needs to look at this issue soon and not postpone these discussions indefinitely. Lorraine Anderson said she agreed with this suggestion. She would like David to set up a protocol and send back to the Board. They should be looking at the emergency response plan, notification, and testing, because people are uneasy about these issues. Rich Schassburger (DOE) noted that air monitors are not required at the site, and will be going away next year. They are currently only being used for some modeling purposes. Lorraine said that the community needs some reassurance about issues that come up. Rich noted that the actinide study showed there was no uptake of plutonium by plant life and since this was the only material that burned, the site would not expect anything to have been found anyway. Lorraine said she would like to see this in writing. Rich said these issues, such as what contamination is left onsite, will be detailed in the RI/FS.

Kim Grant said he would like to see USFWS look into fire loads and different alternatives for managing or minimizing fire risk. David said USFWS will be looking at weed management issues, including prescribed burns as part of their planning process.

Public Comment

Erin Minks from Senator Salazar's office introduced her colleague Kate Zimmerly and distributed copies of a letter submitted by Sen. Salazar and Rep. Udall regarding delaying a decision on the Special Cohort petition for Rocky Flats workers. Additionally, official copies of Senator Salazar's floor statement regarding recognition of the work of the Rocky Flats Coalition of Local Governments were distributed to former Coalition members.

Discussion of Stewardship Council 2006 Work Plan

David noted that the current draft work plan contains additional context for newer members. He then flagged three issues for discussion.

The first issue was the use of word 'advocate' in the work plan. David suggested using something more neutral rather than positional. He suggested 'Evaluate and respond as appropriate'. The Board agreed with this change.

Second, on Page 5, #2 under '2006 Activities' refers to Kaiser Hill and worker health benefits. Since the plan is for there to be a national administrator of health benefits, David suggests changing this section to read 'especially as decisions are made regarding new health and pension administrators'.

Third, on Page 6, 'mechanism' should be changed to 'mechanisms'. Also, bullet 8 attempts to list the topics for public education needs. David noted that the Council needs to take time over coming year to develop options for educating the public on Rocky Flats issues. Issues will arise that need to be folded into outreach program. He noted that the group does not have to figure out all of the issues in order to approve them in this plan. There were no objections to this change.

Lorraine asked for further comments on the work plan, but none were offered. She then asked if the Council would like another month to review the work plan or if they were ready to approve it now. Karen Imbierowicz said she was ready to make motion to approve, but wanted to emphasize the need for outreach to state representatives. Karen motioned to approve the Stewardship Council 2006 Work Plan. The motion was seconded by Jeannette Hillery. Kim Grant said he would approve the plan as long as this is used as framework or work in progress. He would like to refine it and create mechanisms as the group goes forward. Lorraine responded that what Kim described is the intent. David echoed that the group needs to look at the 'big picture', and make sure the plans for next few months make sense. The motion passed 12-0.

Discussion of Stewardship Council Staffing Needs

Lorraine Anderson referred the Board to a subcommittee memo on this topic and noted that the conclusion was to ask David and Rik to stay on through regulatory closure as

group deals with staffing needs. David said that he and Rik had discussed this option and that they were willing to continue through end of the calendar year recognizing that they are not simply trying to keep themselves employed, but rather responding to continued requests from the Board. He said he was comfortable that contract details could be worked out. He added that if the Board can clarify its outreach goals, future staffing needs will be much easier to determine. David would like to look at this as temporary arrangement, rather than being based on when any particular document is signed. Lorraine said that the Executive Committee can look at this issue and come back with plan for a contract with David. Karen Imbierowicz added that she has taken note of previously submitted concerns regarding contract issues and will take them into consideration as the contract is worked out.

Discussion of Stewardship Council FY06 Budget

David began by noting that he thinks the draft budget is accurate, although higher than he thinks actual budget will be. It is padded so that if the Board needs to add items, they will not need to revisit the budget process. The padding can primarily be found in the personnel, office space lease, and copier categories. The approval process includes initial review at this meeting, posting a budget hearing notice in newspapers, holding an official budget hearing at the June meeting and approving the budget at that time. Barb will handle the legal requirements. The draft budget will be resubmitted in June packet, but feedback and questions should be provided today, as David and Barb would like any issues resolved before the actual budget hearing. David pointed out that liability insurance for officers and the board of directors costs a lot, but there are not many options.

Kim Grant asked for examples of the local government expenses mentioned in Item F. David said that this category includes food for meetings, as well as anything that could potentially be construed as lobbying. These expenses are paid out of local government contributions, since they are not allowed under the DOE grant.

Karen Imbierowicz said it might be helpful to break down revenue streams. David said he will in draft #2. David also said he has asked for the ability to start accruing expenses to the Council's grant beginning March 1, 2006. The Council's revenue includes \$400,000 in federal funding, \$90-100,000 in nonfederal funding, and \$8,000 from local governments.

Jo Ann Price asked David to explain the administration services line item. He said it includes computer repair and purchasing classified ads for staff positions. Also, the budget hearing notice is very expensive, as it was \$650 last year. Lorraine asked David where the budget hearing notices are placed. David said the notices have alternated between the *Rocky Mountain News* and the *Denver Post*, based on which offered the lowest price.

Council members were asked to call David with any further concerns.

Discussion with DOE Concerning Quarterly Update Meetings

David provided some background on this issue for the benefit of the new members. The Quarterly Data Exchange meetings have been going on for years, and they consist of the sharing of technical monitoring data for Rocky Flats. There is now some debate over how and when these meetings should take place. The Coalition wanted to make sure both these technical exchanges, as well as more general public meetings, were offered to the public and included this as part of their LSO plan. Broomfield and Westminster have been communicating a very strong need for the continuation of the Quarterly Data Exchange meetings. Broomfield previously suggested piggybacking the data exchange meetings, which would be hosted Broomfield/Westminster, with a regular public meeting. David noted that no one wants to limit access to information or dialogue, and that there is a need to find a balance. David thought the Coalition reached a good balance, however there seems to be a disagreement between Broomfield and Westminster on the one hand and DOE on the other.

Ron Hellbusch said that Westminster and the Standley Lake cities appreciate the Stewardship Council's support for the continuation of the Quarterly Data Exchange meetings. He said they also appreciate Carl Spreng's willingness to continue the meetings. The only unclear point is whether there is a need to hold separate meetings with technical city staff. He said Westminster does not have problem with doing the meetings on same day as the public meetings, only that it is very significant and important that the city technical staff be able to continue their dialogue with the agencies.

Mike Bartleson said that Broomfield agrees with Ron and David. The City of Broomfield also does its own sampling and shares that data with DOE. These data exchange meetings are very interactive sessions and are extremely important to downstream communities. Lorraine asked if Broomfield and Westminster agree that the meetings will be open to any interested person. Westminster and Broomfield agreed the meetings would be public meetings. JoAnn Price said these meetings have been going on since long before there was Coalition, so they should not be taken away now.

Rich Schassburger said he has no problem with anything that has been said. DOE only wants to make sure both meetings are on same day.

Karen said that there might be a scenario in which something comes up at a data meeting that the board might want to discuss, and that therefore they should maybe do the data meeting first. Rik said that staff gets the data package at least a week before meeting. Lorraine suggested that DOE make short presentation to the Board that hits the highlights of the data exchange session. Rich Schassburger said that the data exchange meetings need to be open for anyone to attend. Rik noted that the Stewardship Council meeting schedule is set for the year, while the data exchange meetings are based on a quarterly schedule, so there is a need to coordinate the schedules. Shirley Garcia noted that the data sometimes drives when data exchange meetings are scheduled. She said they will try to coordinate schedules as best as possible.

Before moving on to the next topic, David noted that some of the numbers in the draft budget did not add properly. This mistake will be fixed in the next draft.

DOE Briefing on Final RI/FS and Proposed Plan

Rik Getty introduced Rich Schassburger to discuss the Final RI/FS and Proposed Plan. Rich said the documents will be released in May. The Proposed Plan will have a 60-day public comment period. David noted that the Stewardship Council has a meeting on August 7, 2006, and if the public comment period expires before that, the Stewardship Council will most likely request that the comment period be extended by a few days.

Rich said the site has been working on the RI/FS with the regulators since the draft was issued on October 13. They have had almost-daily meetings, usually lasting between 4 and 8 hours. Rich said it is highly unlikely that they will meet the goal of getting the document to the printer by May 19. They do plan to distribute the document on CD and put it on the Rocky Flats website. Because of the delay, the final release will probably be pushed into June.

The RI/FS with the Comprehensive Risk Assessment is approaching 20 volumes. They cannot really issue it in parts, as any changes have a ripple effect throughout the document. The Proposed Plan is an abbreviated version of the RI/FS, and will probably be about 25-50 pages.

DOE will hold a preliminary informational public meeting when the document is released. A few weeks later, they will hold another meeting to address questions. Towards end of comment period, they will hold an official public hearing, with both day and evening sessions. Written comments will also be accepted. This process will run through August or September. The RI/FS will be followed by finalizing the ROD, and getting regulator approval. Carl Spreng said that while there is no official comment period for the RI/FS, it will be bundled with the Proposed Plan, so comments will still be taken.

Karen Imbierowicz asked how the Council can review a document of this size. Lorraine Anderson said she was wondering the same thing. Jo Ann Price said that Westminster staff has been reviewing it. She then asked if the changes will be highlighted. Rich said there may be a separate document that highlights the changes, but they will not be marked within document. Rich was asked if DOE has provided feedback to people who have commented on the document. Rich said they are still working through the document and making changes. Rik said he has been looking at draft RI/FS also. Of the 6 boxes of paperwork, 5 are for the Comprehensive Risk Assessment. He is also interested in how they will highlight changes.

Lorraine asked if the Proposed Plan will include the findings of the Comprehensive Risk Assessment and whether the language will be simple enough to give to state legislators. Rich said that it will incorporate the risk assessment and it will be in layman's terms.

Karen Imbierowicz offered her thanks to Rik and the staffs of Westminster and Broomfield for working to review these documents.

David Allen said that the Council may need to hold a workshop to review the findings of the RI/FS and to work on a strategy for moving forward.

Discussion of Access Restrictions and Signage

Rich Schassburger and Mark Sattleberg discussed the issue of access restrictions and signage with the Council. Mark distributed draft language that the USFWS has developed for signs at trailheads and parking lots once Rocky Flats becomes a refuge. Next week, the USFWS will issue a step-down plan that addresses all signs, but this is the one most important to everyone. He would like the Stewardship Council to review this language and send comments. They will try to incorporate the Council's input before it officially goes out for a 5-week comment period. He passed along the information that Dean Rundle will be happy to meet with the Stewardship Council if desired. Mark believes that the sign will also have some graphics, such as map. He figures it will be kiosk-style, probably about 4'x8'.

David mentioned that in the context of Rep. McKinley's 2005 bill the Coalition took the steps of offering what the signage should say. He read from the Coalition's official policy, which called for signage to include information such as site history, information about hazardous materials used at the site, the history of cleanup, residual waste, and long term stewardship controls. The Coalition set a very good framework of categories. David said it looks like some of this was included, but the Stewardship Council can still take a look at these categories, and decide if there is additional information that Council members would like to see added to the draft language.

Lorraine Anderson said that she sees that there will be layers of information available at the site, including signage, pamphlets, and additional signs along trails.

Jo Ann Price said she thinks this is very inclusive, and that the USFWS did a good job developing the language.

Karen Imbierowicz said this is a very good start, but given what David mentioned, one of the areas that might be missing is institutional controls. She thought that perhaps the sign could warn against going near the remedies so they are protected. She added that she does not think the USFWS needs ask and answer the question, 'Is it Safe?'

Ken Foelske said he would like to mention the safety of wildlife.

Kim Grant said that the Rocky Flats Cold War Museum expects to play positive role in sharing information with public, and is developing interpretive signage. They would like to work with DOE/USFWS in developing these signs and he invited Dean Rundle to the Museum Board meeting to discuss.

Jane Uitti suggested that it would be helpful to have one line on the sign about how Congress worked to designate Rocky Flats as a National Wildlife Refuge.

David noted that there will be three types of signage at the site: 1) Access points, 2) Interpretive signage along trails, 3) Signs around DOE-retained lands (which he would expect to be 'no trespassing'). He is concerned about alarming people and confusing them about why the former industrial area is restricted when we are already telling them it is safe on the entrance signs. Somehow, all of the signs need to make sense all together.

Bob Nelson pointed out that since it will probably be about five years before the message needs to be finalized, we should get it right the first time and not rush through it.

David Allen asked if there was any discussion of informational kiosks at access points to provide additional information. Mark said this will not be the only sign, and that there will be kiosks, probably pamphlets, and a visitor contact station that will be manned seasonally.

Karen asked when the public will we have more detail about access controls, as she is concerned about protecting remedies. David said this is on the Big Picture for June 5.

David asked what the timeframe was for the Lindsey Ranch trail. Mark said that nothing will be open before the USFWS receives an operating budget for Rocky Flats. The first trail will open when they get the operating budget, and the whole site will open five years after that.

Rich said that DOE is not able to address access restrictions until the RI/FS is finalized, as this could predetermine the selection of a particular alternative.

Public Comment

Jeannette Alberg from Senator Allard's office discussed the Radiation Worker Health and Safety Advisory Board meeting which was held in Denver last week. This group meets bi-monthly to review special cohort petitions. The Rocky Flats petition was supposed to be heard in January, but was put off until April. The Advisory Board's working group determined that there were still outstanding issues which were identified by an independent auditor. The Steelworkers agreed to a delay to look at more data. The Advisory Board did not commit to reviewing the petition in June. Sen. Salazar and Rep. Udall also requested a delay. The petition may be taken up in June, but it is not certain. Lorraine Anderson noted that it has been well over a year since NIOSH took over this process, and she expected that process would be quicker and more fair. She added that from what she has read in the paper, this is not the case and asked Jeannette to address. Jeannette said that what Lorraine referred to was Part D of the legislation, and that more claims have been paid than under DOE. The Advisory Board deals with Part B (radiogenic cancer claims).

Updates/Big Picture

June 5: Potential Business Items –

- FY06 Budget Hearing
- Stewardship Council Staffing Needs (in Executive Session)
- Procurement Policies (David would like to postpone until the grant is in place to see if they can be streamlined)

Potential Briefing Items –

- Continue RI/FS and Proposed Plan briefings
- Continue discussing access restrictions and signage
- Briefing on Post-Closure RFCA negotiations, including monitoring and maintenance

August 7: Potential Business Items –

- Ratify Stewardship Council staffing decision

Potential Briefing Items –

- DOE/USFWS updates on condition of Rocky Flats (e.g. revegetation, remedy effectiveness, etc.)
- Approve position on Proposed Plan

There will be no meeting in July. Also, Barb Vander Wall noted that the June meeting is a fill-in meeting, and is not part of regular quarterly schedule.

Member updates – David reported that Rep. McKinley has offered to keep 2:00 p.m. open tomorrow for anyone wanting to go talk with him. David is planning to attend and would like one other Council member to attend with him. Lorraine said she would be happy to attend, but asked if others were interested. Lori Cox said she would like Lorraine to go, and the Board agreed.

Bob Nelson reported that he had a recent conversation with Rep. McKinley just to get to know about him. He said McKinley expressed that he was afraid of plutonium. Bob tried to convince him that legislation was premature and asked him to wait and see what happens under the current process. Rep. McKinley agreed to wait. Bob said he seemed like a reasonable guy and he is very interested to see what David and Lorraine hear from him. Jane noted that it would be helpful to ask him to let the Stewardship Council know by our November meeting if he plans to re-introduce his Rocky Flats legislation next year.

Lorraine thanked the Council members for responding quickly regarding the McKinley legislation and especially thanked Jane, Carl and Clark for their work on this issue. She also thanked Jeannette Hillery for attending the hearings for this bill.

Ken Foelske referred to an article in the news clips that mentioned the 1.4 acres of land that was donated for the Cold War museum, and asked where this land was located. Kim

Grant responded that it is near the old west gate entry, directly south of where buildings 60-61 were located.

The meeting was adjourned at 10:55 a.m.

Respectfully submitted by Erin Rogers.