

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

Monthly Status Report – October 2007

Board meeting summary:

Briefing by Rocky Flats Cold War Museum

Kim Grant and Ann Lockhart, who serve on both the Stewardship Council and Rocky Flats Cold War Museum boards, discussed the Energy Communities Alliance (ECA) August 2007 historic preservation peer exchange. The goal for the ECA meeting was to share ideas and identify lessons learned from historic preservation efforts at Manhattan Project and Cold War era sites. For the Rocky Flats Cold War Museum the meeting presented an opportunity to raise their profile with colleagues from around the DOE complex and to reiterate the importance of preserving the history of Rocky Flats.

Stewardship Council Briefing Materials for Newly Elected Officials

The Board began reviewing briefing materials that can be provided to newly-elected officials and others interested in understanding the history of Rocky Flats, ongoing management issues, worker issues, and Rocky Flats National Wildlife Refuge issues. This effort is ongoing and is part of the organization's 2008 work scope.

Review of Draft Bylaws Amendment

The Board reviewed an amendment to the bylaws regarding appointment of community members to the Stewardship Council Board of Directors. The amendment is needed as the bylaws are silent on the appointment process. The amendment, which was reviewed at the October meeting and approved at the November 5th meeting, provides the member governments shall appoint the community members to the Board. This provision is consistent with DOE guidance regarding the appointment of community members to the Stewardship Council.

Review of 2008 Work Plan

The 2008 Plan builds on the Stewardship Council's efforts in 2007. The Board will continue to focus on DOE management issues, worker issues, outreach, communications, and some USFWS issues. The Plan was approved at the November 5th meeting.

Review of 2008 Budget

The Board began reviewing the 2008 budget. The proposed budget includes a 4.7% decrease over the 2007 budget. Expenditures are expected to remain relatively constant. The budget was adopted at the November 5th meeting.

Legacy Management monthly site inspection summary:

The last DOE site report issued in September was for the month of August. DOE has informed Stewardship Council staff the Department will now likely issue site reports every two months. Stewardship Council staff will continue to include a site status update as part of its monthly report.

Some of the recent site activities include:

- The site recently completed re-grading and re-vegetating the large hillside slump near the former Building 991. The project is intended to stabilize the slope and provide a new vegetation cover. Re-grading resulted in removing over 5,000 cubic yards of soil (about 250 dump truck equivalents) from the slump area and spreading the soil in a 6-inch layer over a portion of the former 903 Pad Area to help improve re-vegetation efforts. In addition, the groundwater monitoring well destroyed by the slumping will soon be replaced.
- A geotechnical contractor has been retained by DOE to investigate the cause of slumps/subsidences at the Original Landfill (OLF). A report will be prepared detailing the geotechnical findings. This analysis will help determine what, if any, long-term repairs will be made to the OLF.
- The site and researchers from Colorado State University have completed the field work portion of the solar ponds groundwater plume treatability study. A final report will be issued that discusses if the new treatment system, evaluated during the treatability study for removing nitrate contamination from groundwater, should be implemented at the site.

One additional activity that bears watching is:

- The site is continuing to sample a groundwater well at the base of the Present Landfill which shows elevated nitrate levels. Currently, there is a slight downward trend in nitrate levels; DOE and CDPHE will continue to observe if the downward trend continues.

Rocky Flats Special Exposure Cohort Petition:

On September 24th, former Rocky Flats workers formally appealed the Secretary of Health and Human Services' decision to limit special exposure cohort status to workers who were exposed to neutron radiation from 1952 – 1966. A copy of the letter can be found in the Stewardship Council's November board meeting packet: www.rockyflatssc.org/agendas.html (see clips section).

On October 22nd, the Senate Health, Education and Labor Committee held a hearing on implementation of the Energy Employees Occupational Illness Program Compensation Act (EEOIPCA). Among those to testify was Senate Majority Leader, Harry Reid. Senator Reid and other Senators representing Department of Energy sites voiced serious concerns about how the EEOIPCA is being implemented. Among other criticisms is the long timeframe for compensating workers and the NIOSH dose reconstruction process. Senator Reid stated he was unsuccessful in securing special exposure cohort status for Nevada Test Site workers. Senator Lamar Alexander, who represents the Oak Ridge facility in Tennessee, stated he is considering introducing legislation that would automatically add workers to the special exposure cohort if it takes too long to decide individual claims.

On October 26th, the General Accountability Office (GAO) issued its long-awaited report on the EEOIPCA. GAO examined (1) costs and oversight of NIOSH's contracts, (2) implementation of the conflict of interest policy for NIOSH and its contractors, (3) the extent of Department of Labor's (DOL) involvement in NIOSH's activities and actions to deny benefits, and (4) challenges to the Advisory Board on Radiation and Worker Safety's independence and options to enhance it. While the GAO did not find evidence that the Advisory Board was impeded in performing its statutory duties, issues pertaining to the board's funding structure, member appointment process, and support staff present challenges to its independence. GAO also raised concerns about DOL transparency and the cost of program.

Congressional update:

In late September, Congress approved a stop-gap measure to continue funding federal agencies through November 16th. A follow-on bill funding most federal agencies through December 14th was subsequently approved. These bills, called Continuing Resolutions, provide funding at current levels pending approval of the fiscal year 2008 appropriations bills. Included in both bills is the Energy and Water bill, which includes funding for DOE's Office of Legacy Management, which is charged with managing Rocky Flats. In late October, Senate Appropriations Committee staff indicated the Senate would wait until the House and Senate completed conference on other appropriations bills before taking up the Energy and Water bill.

Also, in late October Senator Allard was appointed Ranking Member on the Senate Interior Appropriations Subcommittee. He is replacing Senator Craig. Senator Allard also continues to serve on the Energy and Water Appropriations Subcommittee. One of the issues that will come before the Interior Appropriations Subcommittee is funding for USFWS. The refuge system faces a \$2.5 billion shortfall. Jobs are being cut – 20% reduction through 2009 – and costs are outpacing budgets. One of the items included in the House Interior Appropriations bill is an increase of \$56 million over current spending for refuges. President Bush has threatened to veto the bill

Agency update:

The Natural Resources Trustees (DOE, USFWS, CDPHE, CO Attorney General, CO Department of Natural Resources) have begun discussing how to spend the balance of the \$10 million Congress appropriated to acquire privately-held mineral rights under Rocky Flats. Acquisition of three parcels cost approximately \$6 million. As part of determining how to spend the \$4 million balance, the Trustees will reach out to local governments and others, including meeting with the Stewardship Council at its February 5, 2008, meeting.

Site document update:

None at this time.

Stewardship Council update:

In mid-October, Lorraine Anderson (Arvada) and David Abelson (Stewardship Council executive director) attended the annual Intergovernmental Meeting. Meeting participants included Energy Communities Alliance, National Governors Association, National Association of Attorney's Generals, State and Tribal Governments Working Group, and DOE.

The four keys issues the groups discussed included:

1. Budget: Greater stakeholder involvement in budget planning and deliberations as well as the baselining/re-baselining processes.
2. Communication: Continued support for improving transparency and communications with stakeholders.
3. Integration: Better integration of ongoing cleanup with new missions.
4. Natural Resource Damages: Full integration of natural resource injury assessments and long-term stewardship considerations into cleanup decisions and operations.

The groups developed a working group to continue to address these issues throughout the year.