

# 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 – September 2007

### Board meeting summary:

There was no meeting in September.

### Legacy Management monthly site inspection summary:

DOE distributed their August site update on September 6<sup>th</sup>. Highlights of the report include:

- DOE's contractor began repairing the slumps in the Original Landfill (OLF). The subcontractor graded and compacted the area and then placed 227 tons of Rocky Flats Alluvium to ensure that a 2-foot cover thickness was retained. The west portion of Berm #1 and all of the smaller sets of cracks between Berms #1 and #3 were also filled and compacted. The area was then reseeded.
- EPA expressed interest in the regulatory status of the new seep on the OLF that surfaces at the east end of the OLF buttress. DOE believes the seep is associated, at least in part, with the groundwater collected by the buttress drain. EPA staff believes the seep may constitute a point source discharge. Although the seep is not required to be sampled under RFLMA, samples were collected on August 23<sup>rd</sup>.
- DOE and U.S. Fish and Wildlife Service (USFWS) revised the legal description of Rocky Flats to better clarify the lands that were transferred to USFWS for the Refuge.
- On August 8<sup>th</sup>, DOE met with local government staff to discuss its petition to the Colorado Water Quality Control Commission (WQCC) to change the site-specific uranium standard. On August 13<sup>th</sup> the WQCC considered DOE's petition and set the matter for formal rulemaking at its January 2009 meeting. DOE had requested the WQCC hear the petition at its January 2008 meeting.

Stewardship Council staff also discussed with DOE and CDPHE DOE's plan to regrade and revegetate the large slump near the former Building 991 (known as the 991 slump). As part of the process DOE estimates it will remove approximately 7,000 cubic yards of soil; the soil will be added as a six inch layer over the top of the former 903 Pad area and portions of the 903 Inner Lip Area. The additional soil will help improve the ability of DOE to reestablish vegetation in the 903 Pad area. It will also increase the amount of soil cover in an area where there is the potential for radioactive "hotspots". On September 27<sup>th</sup> DOE issued a contact record that spells out scope of work:

[http://www.lm.doe.gov/documents/sites/co/rocky\\_flats/rflma/200705/RFLMACR200705.pdf](http://www.lm.doe.gov/documents/sites/co/rocky_flats/rflma/200705/RFLMACR200705.pdf)

## Rocky Flats Special Exposure Cohort Petition:

On September 20, 2007, Sanford Cohen & Associates (SC&A) submitted to the Advisory Board on Radiation and Worker Health and the National Institute for Occupational Safety and Health (NIOSH) a draft report on the close-out interview process when reconstructing dose to former workers. According to the draft report, the close-out interview is “a critical time in the process of adjudication of a claim. It is the last time that the claimant can provide substantive information that could affect dose reconstruction during the NIOSH dose reconstruction process.” The draft report makes four findings, each of which raises important questions about the accuracy of the information gleaned from the interview process. SC&A offers eight suggestions for improving the process. The executive summary will be included in the November Board meeting packet.

Notably, SC&A has previously raised concerns about NIOSH’s dose reconstruction methodology. (See the Stewardship Council’s May 23, 2007, letter to the Advisory Board on Radiation and Worker Health:

[www.rockyflatssc.org/RFSC\\_board\\_policies/SEC\\_Petition\\_Advisory\\_Board\\_5\\_07.pdf](http://www.rockyflatssc.org/RFSC_board_policies/SEC_Petition_Advisory_Board_5_07.pdf) ).

## Congressional update:

In late September Congress approved a stop-gap measure to continue funding federal agencies through November 16<sup>th</sup>. The bill, called a continuing resolution, will provide funding at current levels pending approval of the fiscal year 2008 appropriations bills. The House has completed all 12 of its appropriations bills but the Senate has only completed four; none have been sent to conference where the two bodies resolve their differences. The Energy and Water Appropriations bill, which funds the Department of Energy, has been approved by the Senate Appropriations Committee but is awaiting floor action. As previously reported, the House Energy and Water bill includes a provision that would place DOE’s Office of Legacy Management, which handles post-closure liabilities, under the Office of Environmental Management. Legacy Management manages Rocky Flats.

Part of the challenge Congress faces is that President Bush has threatened to veto 11 of the 12 bills. This step is noteworthy as the President has not vetoed a single appropriations bill since he took office in January 2001. It is likely that the continuing resolution will be extended past Thanksgiving.

## Agency update:

None at this time.

## Site document update:

On September 14, 2007, the EPA approved the second CERCLA Five-Year Review Report for Rocky Flats. According to the EPA’s letter, “DOE’s adherence with EPA’s draft Five-Year Review guidance (2001) resulted in a thorough evaluation of the Central Operable Unit providing for a high degree of confidence that the Rocky Flats remedies remain protective of human health and the environment. EPA, therefore, concurs with the protectiveness statement made within the report regarding the remedies for the Central Operable Unit.” The Central

Operable Unit largely includes the old Industrial Area and the settling ponds. The final report can be found at: [http://www.lm.doe.gov/land/sites/co/rocky\\_flats/regulatory.htm](http://www.lm.doe.gov/land/sites/co/rocky_flats/regulatory.htm)

### Stewardship Council update:

In September the Board began soliciting applicants for the four community seats on the Board of Directors. The four community representatives that currently serve on the Stewardship Council board – League of Women Voters, Rocky Flats Cold War Museum, Rocky Flats Homesteaders and Ken Foelske – were appointed to two-year terms that expire in February 2008. Each is eligible to apply for reappointment. Ken Foelske has indicated he will not apply for reappointment.

Interviews will take place at the November 5, 2007, Board meeting and appointments will be made that day. Terms start at the February 2008 meeting.