

# ROCKY FLATS CITIZENS ADVISORY BOARD

## MINUTES OF WORK SESSION

### August 3, 1995

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**FACILITATOR:** Reed Hodgkin, AlphaTRAC

Linda Murakami called the meeting to order at 6:00 p.m.

**BOARD / EX-OFFICIO MEMBERS PRESENT:** Alan Aluisi, Jan Burda, Lloyd Casey, Chuck Clark, Tom Clark, Ralph Coleman, Tom Davidson, Eugene DeMayo, Mike Freeman, Tom Gallegos, Kathryn Johnson, Mike Keating, Jack Kraushaar, Beverly Lyne, Tom Marshall, LeRoy Moore, Linda Murakami, David Navarro, Gary Thompson / Leanne Smith, Steve Tarlton

**BOARD / EX-OFFICIO MEMBERS ABSENT:** Jim Burch, Sasa Jovic, Albert Lambert / Martin Hestmark

**PUBLIC / OBSERVERS PRESENT:** Doug Young (Governor's Office); Les Austin (citizen); Kenneth Werth (citizen); Frank Smith (citizen); Steve Blush (Steve Blush Consulting); Tom Hertman (Sciencetech Inc.); LizBeth Cone (ASG); Larry Helmerick (DOE/RFFO); T. E. DuPont (citizen); Patrick Etchart (DOE/RFFO); J. Anderson (citizen); Larry Wilson (SAIC/RFFO); LaDonna Edgington (Kaiser-Hill); Catherine Conn (RMRS); Sujit K. Gupta (E/WM Committee); Dan Miller (AG's Office); W. H. Diment (citizen); C. R. Sykes (DOE); R. Moraski (Technadyne); Sam Cole (PSR); Kim Grice (CARP); Kay Ryan (SWEIS); Elizabeth Baracani; Charles Nuckols (citizen); Mr. and Mrs. William H. Schierkolk (citizen); F. J. Valenzuela (citizen); Rick DiSalvo (RFFO); Dave Ericson (RFETS); Joe Springer (RFFO); Sheila Seery (ENI Inc.); Jeremy Karpatkin (DOE/RFFO); S. J. Olinger (DOE/RFFO); Susan Dover (citizen); Cliff Villa (EPA); Bob True (CDPHE); George Martelon (RFFO/SAIC); Kathleen Morrison (Parsons Brinckerhoff); Nancy Tuor (Kaiser-Hill); Dave Shelton (Kaiser-Hill); Chris Dayton (Kaiser-Hill); J. Sowinski (CDPHE); Hank Stovall (HAP); Jeff Kerridge (DOE); Joe Schieffelin (CDPHE); Lou Johnson (EPA); Sharon Hardin (citizen); Sherri Rudolph (DOE); Peter Sanford (SAIC); Tom Dorsey (citizen); Edd Kray (CDPHE); Chris Roberts (Daily Camera); Trish Bangert (AG's Office); Paula Elofson-Gardine (EIN); Susan Hurst (EIN)

#### **PRESENTATION - COLORADO LIEUTENANT GOVERNOR GAIL**

**SCHOETTLER:** The Lt. Governor is taking a very active role at this time in Rocky Flats issues on behalf of Governor Romer. She introduced herself to the Board and stated that she is seeking input on issues related to Rocky Flats. Plutonium safety is considered the

top priority; followed by long-term cleanup to make the site usable, and then removal of all toxic substances on-site. The state is seeking help and advice on how to resolve these issues, and especially wants to be certain there is strong public involvement.

**Q/A Session:**

**Question:** One thing is to be sure that the plutonium, while it is located at RFETS, is as safe as possible. A number of groups have recommended that plutonium be externally regulated. Since you are on the DOE Advisory Committee on External Regulation, how is that issue progressing?

**Answer:** We're getting close to making some recommendations. I doubt that there will be unanimity. The next two meetings will discuss what those recommendations should be. There will likely be a unanimous recommendation to have external regulation; the issue of how that should happen may be more contentious.

**Comment:** I would hope that if a decision is made that there is external regulation by a Board or similar entity, that it be comprised of individuals who have some knowledge about the subject. I think it's important to not create another layer of bureaucracy.

**Response:** I would be interested to know if you feel there is an entity already in existence that could do it, or if you feel a new agency should be set up to do it. I think people feel it is not necessary to increase load of regulations.

**Question:** Do you know the mechanism that the federal government will be using to decide on the final disposition of plutonium at RFETS and other weapons sites, and whether the states will be involved in making that decision?

**Answer:** I don't know if the federal government knows yet how it will make that decision, but the states plan to be very involved.

**Question:** Do you envision the states having veto power?

**Answer:** I can't tell you that yet. If a state says they don't want it, it's going to be very difficult to put it there. But all of that may change over the next 10-15 years. It's important to set up a national process to help come to some decisions - to get states to come together.

**Question:** To get the plutonium and hazardous materials moved soon, we will most likely have to have a disposal site in Colorado. Has the Governor's Office had any thoughts about establishing a disposal site in Colorado at any place other than Rocky Flats?

**Answer:** We have had a couple of conversations about it - but it's not something we can resolve just in the Governor's Office. We need a lot of your advice on how to decide that.

**Comment:** Using missile silos to store plutonium and hazardous waste has been discussed - because they're here and are probably a good, safe storage facility. The other thing discussed is placing a disposal site in eastern Colorado.

Comment: I hope that if external regulation goes forward, it is a group that is empowered to be result-oriented and would have the teeth to make things happen - and not just be another advisory committee. In addition, whatever it takes - we need to greatly expedite getting on with our cleanup mission.

Response: I agree with you, I'm action-oriented as well. We need to get things resolved - to get it safe and move on - but do it wisely. We can't spend many more years fighting over what's going to happen.

Question: What leverage does the state have with DOE about the plutonium at RFETS - about getting it off-site? How will that leverage be used? Does the state have some kind of review process so that the pressure is kept on DOE to keep to deadlines and keep the public informed?

Answer: The public must be kept well-informed and we must get constant feedback. We plan to keep up intense pressure to get decisions made about permanent storage. But I can't tell you yet how this will be resolved.

Question: There is concern that decisions are being made without notification - all of the RF interest groups need to be kept in the loop. There is also concern about reducing or preventing public exposure from migration off-site from RFETS, and beefing up the monitoring program in communities near the site.

Answer: Can you give me an example of a decision that's been made without adequate public involvement?

Response: Not off the top of my head. With the External Regulation Committee, there was really poor public attendance at the meeting here in Denver because the notification was so rapid - there's not enough lead time to have more people adjust their schedules to be there.

Answer: I assume that everyone around the table has a big network, and that there are lots of ways to communicate with that network. And hopefully if people are interested, they will come.

Question: I haven't seen the issue of security/terrorists addressed. It seems to me that this would be in the Governor's area. Is there in place a mechanism to bring in security forces such as the National Guard or whatever is necessary.

Answer: Yes, we have lots of disaster plans, and this is definitely one area of big interest.

Question: I heard that because of budget cuts, when cleanup work was going on at the solar ponds, they weren't allowed to have full-face respirators and in some cases coverup overalls because then they'd have to pay the contractor extra. How can we make sure that this does not happen?

Answer: Worker safety is a prime concern.

Question: Why has the Governor stated that all nuclear waste should be shipped out-of-

state? Don't they know that other states don't have the technology to do away with nuclear waste? All they're doing is storing it. I'm afraid the state will be looking at a class-action lawsuit.

Answer: All of those things are possibilities. It's clear that other states don't want what we have, and we don't want them to send what they have here. We are, however, the only site that is right in a major population area. That makes us different from some of the other sites. I don't have an answer, but it's something that we're very aware of.

Question: There are more cuts to cleanup Rocky Flats. What is your office doing to make sure that decisions made in Washington won't continue to have a negative impact?

Answer: The budget's a big problem. We need to keep pressure on our delegation and our friends in Congress to maintain a level of funding that will ensure cleanup as well as maintenance. Also, we need to reduce the mortgage so that more money can go into cleanup and stabilization of plutonium, rather than just maintaining the facility. In addition, we're more likely to be persuasive in going after funding if we have a plan in place that we can say, "here's what we're going to do, here's how we're going to do it and here's how much it's going to cost." We're competing with a lot of sites, and we need to develop that advantage.

**KAISER-HILL DISPOSAL CELL PRESENTATION** (Nancy Tuor, Kaiser-Hill):

Kaiser-Hill discussed plans for an on-site waste management facility at RFETS to handle low-level and low-level mixed waste. Kaiser-Hill would like to discuss the possibility of such a facility with CAB, as there are limited options for both on-site and off-site disposal, and this option may be more cost-effective. Any cost savings could then be used for additional risk reduction activities. The alternative being proposed is to co-locate the facility with the RCRA Subtitle D Landfill now under construction. Kaiser-Hill believes this would allow for better management of on-site waste, and help to accelerate cleanup.

**Feedback & Q/A:**

Question: Where is the proposed landfill?

Answer: If you enter through the west gate, to the north of the access road and to the west of the industrial area.

Question: Not the West Spray Fields?

Answer: No, it's fairly close in to the industrial area.

Question: It's uncontaminated land so far as you know?

Answer: Yes.

Question: How are you going to remove this, and how much will it cost in today's dollars - since it's going to leak and have to be removed, or will have to be removed for treatment?

Answer: We're doing a lot of cost information and alternatives evaluation. We don't have

the answers tonight. But wherever you put it, there will be a potential cost with later removing it. We're building in retrievability, and we're bringing those options to the Site Wide Issues Committee for discussion on August 7. The method would depend upon what retrievability features you have in the design.

Question: There is a disposal site for low-level now - if we don't have the money to send it to the Nevada Test Site now, what makes you think years down the road we'll have the money, along with the additional cost of retrieving it?

Answer: The costs associated with off-site transportation drove us to look at on-site options.

Comment: But it will be the same cost later on.

Response: There may be new technology, technical options that will allow us to do different treatment.

Comment: We don't need technology now, we can ship it to NTS.

Response: Yes we can, it's very expensive but it can be done.

Question: Those costs associated with containers, where did you get those?

Answer: Some of those costs are high because of security issues, and dispersed storage.

Question: Could you explain the difference between the Subtitle C and Subtitle D sites?

Answer: Subtitle D is for solid waste - that specifically excludes hazardous waste. Subtitle C is a more secure design to accept hazardous materials and have better containment.

Comment: I'm not sure that it's a good idea to talk about retrievability. What we need feedback on is the idea of disposal. We're not necessarily talking about digging this stuff up and taking it anyplace else - this may be the final resting place. I think everybody needs to be clear on that.

Question: Is NTS capable and will they accept our low-level waste at this time? And if they are, why aren't we shipping it there for final disposal?

Answer: We are shipping some, and NTS is able to accept a lot of the waste, but there is also a lot of waste at RF that is not certifiable at this time.

Question: What will it take to certify it?

Answer: A lot of repackaging, going through the paperwork. NTS takes straight low-level waste. And a large portion of what we're looking at is low-level mixed waste.

Question: In your alternatives, you have included disposal at existing disposal sites and the on-site alternative. Why didn't you include an analysis of the possibility of DOE establishing its own disposal site out of the metro area?

Answer: One assumption was that if at all possible, we wanted an alternative to allow us

to start placing waste somewhere fairly quickly and in large volumes. We have very aggressive plans to start removing contaminated soils and would like to be able to get them into storage/disposal as soon as possible. We were trying to focus on sites that would allow us to start aggressive cleanup as soon as possible.

Question: There's a lot of space at the plant - why do you feel you have to bury it when you should have some space for it? And also the idea of building more buildings, there's a lot of concern about allowing further sprawl of this facility.

Answer: We would love to do more dismantling.

Comment: NTS is already the most contaminated place in the U.S., and yet we want to bury radioactive waste in a very pristine area. This doesn't make sense.

Response: The waste NTS will take is a very small portion of the waste that we have to dispose of.

**PRESENTATION - COLORADO ATTORNEY GENERAL GALE NORTON:** The Attorney General stated the national attorneys general are working with Congress to develop a regulatory framework in which the states will have greater authority over the cleanup of DOE sites. There are three options for regulation of federal facilities: 1) self-regulation by DOE; 2) federal regulation by EPA; and 3) regulation by the states. This third option would give states authority over the Superfund cleanup similar to the way states regulate wastes under the Resource Conservation and Recovery Act (RCRA); this choice is preferred by the national attorneys general. The regulatory framework must have the following key elements: agreement on cleanup measures must be clearly enforceable by the states; there must be a clear federal commitment to fund the cleanup process; and there must be meaningful public involvement. She is seeking ways to increase and better facilitate public involvement with the weapons complex sites.

**Q/A Session:** Question: What avenue is available for people who work at the site to let someone know about erroneous, duplicative regulations?

Answer: There's not any new mechanism right now. What we suggest is the appointment of a national committee to look generically across the board at the kind of problems that exist. We're also suggesting that we look specifically at orders under the AEA and have those evaluated. In the meantime, I'm sure that Kaiser-Hill might be interested in those kinds of things.

Comment: If you don't know who to tell, let me know and I'll figure out a way to get the information to people that can act on it (Steve Tarlton).

Question: If states become the regulators, who would keep an eye on the state, or how would that monitor itself?

Answer: The public would. The idea is that the states would be accountable as regulators

through the ordinary political processes, and because we are somewhat closer to the situation, our perspective might be somewhat different than that of the EPA or other regulators. We would be applying the statutory framework that Congress would set out.

Question: How would there be any continuity, if different persons are elected?

Answer: That would largely come through CDPHE, and that would continue into the future.

Comment: Regarding state regulation, there should also be resources that come with the responsibility - particularly funding - and that there are minimal national standards set that each state must meet.

Response: Clearly the states would be dealing with national standards that would have to be met. The main concern is that the states would ask too much. One of the things that has been discussed in Congress is the idea that states should have to pay some kind of share of whatever the cleanup is. The financial issue is still up in the air.

Question: Are you familiar with the Hanford bill?

Answer: We are in the process of reviewing that to submit comments to the Speaker's Task Force. There are some good aspects of it, because it does move more of the decisions down to the site instead of having those made in Washington, and some other aspects of state control that we like. But we're still reviewing the details to see how it would apply here.

Question: Is the state also looking into the possibility of regulating the weapons-grade nuclear materials?

Answer: That is something that is being discussed. It's not something where we have a clear proposal yet. We're trying to work through that issue in our negotiations.

Question: What is the state doing to try to damage-control the dismantling of environmental laws that makes the polluter pay, and is the state pursuing amending or abolishing the AEA so that another agency can have authority over DOE?

Answer: The states are not pushing to abolish the AEA. We are pushing to do away with some of the outmoded aspects of it. And we are focusing on sovereign immunity from the civil perspective so that we have some ability to impose penalties. We currently have that under RCRA, we're working to be sure that is clarified.

Question: Is that open for civil suits from the public?

Answer: The FFCA does allow citizen suits to give penalties, under RCRA.

Question: You raised the issue that the EPA is somewhat hampered by their ability to sue other federal agencies - can you give a legal opinion on what it would take to remove that impediment.

Answer: That depends on your interpretation of the constitution. The way it has been interpreted is that the federal government is unified and therefore cannot sue itself. The state has a different view of that, and we do have various agencies of the state on occasion suing each other. That's not productive - but the federal government is based on the idea that conflicts within the federal government are resolved by a chain of command. There's really nothing much you can do. But that doesn't mean they can't be involved in the process in a meaningful way.

Question: How long is the state willing to allow RF to store nuclear warhead buttons?

Answer: I am not happy with that situation, and I would like to see that moved to Yucca Mountain or another appropriate facility. It makes a lot more sense to have plutonium located at someplace far from population centers.

### **FUTURE SITE USE RECOMMENDATION (Alan Aluisi)**

**Recommendation:** Approve final recommendation on future site use as follows: "The CAB endorses the Future Site Use Working Group (FSUWG) consensus recommendations, and acknowledges that the Citizens Advisory Board also has a diverse range of opinion on the FSUWG's 'issues without full consensus.' Additionally, there is not consensus among CAB members regarding whether military-related uses in the industrial area are acceptable in the future."

**Action:** Motion to accept. APPROVED (with 2 abstentions).

**PLUTONIUM AND SPECIAL NUCLEAR MATERIALS - PRE-RECOMMENDATION DISCUSSION ON CONSOLIDATION (LeRoy Moore; Matt McCormick & Shirley Olinger - DOE):** LeRoy Moore reviewed the committee's criteria, beliefs and values on the issues - and reviewed the time frame and options. The committee will return with a recommendation at September's Board meeting. DOE representatives discussed current RFETS activities to remove SNM from the site, the PEIS on storage and disposition of fissile materials, and the safest and most cost-effective interim storage of SNM while it is on-site.

#### Feedback & Q/A:

Question: What portion of the stabilization and consolidation has been accomplished as of today? What fraction of the unstable material has been corrected?

Answer: 60% of the 12.9 metric tons is in 371 today. The liquid stabilization will be started this fall.

Response: It would help if we could get a written response to that question - on both the consolidation and the stabilization.

Question: In the assessment made of what it will take to correct 371, have you taken into consideration the issues that were raised in the June 15 memo to Secretary O'Leary from the DNFSB on the overview of the ventilation system?

Answer: Yes, that's one of the safety class systems. It's addressed in stage two to be scoped - once stage two is completed that cost will be identified.

Question: Do you know what it cost to build 371?

Answer: \$70 million - in 1970.

Question: What would it have cost in 1970 dollars for both the building and the equipment? I think it was substantially more than that. I think a new building now will cost much more than the \$100 million projected. I'd like to see some estimates.

Answer: The \$100 million is for a storage vault only - it's not for any processing.

Comment: We are now looking at not just a new plutonium storage building, but a new plutonium processing building.

Response: The processing building would be just to process the out-of-spec plutonium stored.

Question: You've referred to this as a decision that will be made by Tom Grumbly, and then go to NEPA after?

Answer: If a new building were the decision, we are not covered by NEPA in our current NEPA documentation. If the decision were to modify 371, we'd go through NEPA.

Comment: We don't know all the answers to these questions, but I hope we can get more of that information from DOE.

Question: How will this idea of a plutonium storage building fly in this state? A building built to the standards required for plutonium storage would be used when the plutonium is removed for waste - if DOE isn't talking that way, they need to.

Answer: Clearly if we build a structure that can handle the plutonium, it can handle the rest of the waste. Our thought is that it will be used for whatever our mission is for as long as RF is there with hazardous material.

Question: Is anyone aware of the current status of the MOX market - if one does exist and its place in the new fuels market, and if there's any projection as to expansion of MOX' role or market segment in the new fuels market.

Answer: We just toured a MOX fuel facility in the U.K., and they really are producing fuel for commercial use and they really are responsibly managing their waste. They're even producing high-level waste in the form of vitrified glass and returning it the generator. We saw full-cycle generation, treatment, disposition of old MOX fuel and the generation of MOX fuel.

**CAB BUSINESS** (Linda Murakami):

**Recommendation:** Approve proposal submitted by the Executive Committee asking the Board to reverse its decision to retain a fifth member on the Executive Committee, which was voted on at the 6/25 Board retreat.

**Action:** Motion to accept. APPROVED BY A MAJORITY (2 abstentions).

As requested by the Board at its 6/25 retreat, CAB committee co-chairs met to prepare a committee membership and decision-making policy. An option was brought to the Board for its approval. Some Board members expressed concern with the wording and intent of the policy as it is now drafted, including co-chairs who were unable to the meeting when the policy was drafted. It was recommended that another co-chair meeting be scheduled in order to redraft the policy.

CAB is applying for tax exempt status as a 501(c)(3) corporation. The IRS has requested an amendment to CAB's articles of incorporation which states the reason CAB was organized as a non-profit, adds language prohibiting the distribution of corporate earnings to members or officers, and specifically provides for the distribution of assets after dissolution.

**Recommendation:** Approve amendment to articles of incorporation.

**Action:** Motion to accept. APPROVED.

**Recommendation:** Approve proposed outreach mission statement drafted by the Community Outreach Committee which states: "The Rocky Flats Citizens Advisory Board promotes community awareness and confidence in the Board's accessibility for information, participation and responsiveness on Rocky Flats issues."

**Action:** Motion to accept. APPROVED.

**ANNOUNCEMENTS:**

- CAB members are needed to work the booth at ER'95 - Erin has the sign-up sheet.
- Monday night's Site Wide Issues Committee includes for the first hour (6-7 at RFLII) an availability session with the RFCA negotiators.
- David Skaggs will meet with the Board on August 22, 6-7 at the Arvada Center.
- Anyone interested in participating in a small group to review Kaiser-Hill's performance measures, see Tom Marshall.
- Copies of CAB's audit are available in the office.
- All Board members must participate on one committee - see list in Board packet.
- Badges are ready for pickup at RFETS - Board members getting new badges need to pick them up.

**NEXT MEETING:** Date: September 7, 1995, 6 - 9:30 p.m.

Location: Westminster City Hall, Multi-Purpose Room

Agenda: Recommendation on mortgage reduction; RFCA update; committee updates

**ACTION ITEM SUMMARY: ASSIGNED TO:**

- 1) Forward Future Site Use recommendation to DOE/EPA/CDPHE - Staff
- 2) Incorporate comments/bring draft position paper to September CAB meeting - P/SNM Committee
- 3) Schedule meeting of committee co-chairs - Staff
- 3) Revise committee membership and policy - Committee co-chairs
- 4) Forward revised articles of incorporation to Secretary of State - Staff

**MEETING ADJOURNED AT 9:50 P.M.**

\* Taped transcript of full meeting is available in CAB office.

**MINUTES APPROVED BY:**

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Secretary, Rocky Flats Citizens Advisory Board

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**PUBLIC COMMENT PERIOD:**

Question: There is concern about safety issues due to contamination of Standley Lake. What are the concentrations of plutonium and uranium in the lake - what studies have been done? And what do the EPA or other organizations say are the suggested levels for no adverse response?

Answer: A number of studies have been done. There is contamination in the sediment, but the levels are quite low and they don't present a threat to health. One study found the risk to be less than one in a million. The drinking water is safe - it's the most monitored water in the state.

Response: The risk assessments are based on some questionable premises on what will happen when you put plutonium in your body. The question of whether or not you can get plutonium out of Standley Lake is pretty clear - it's possible but not likely. Whether there's a safe level of plutonium in your body is definitely open to question.

Question: Has the Board heard any feedback from other states - how they are handling their nuclear waste? And are they coming up with any solutions?

Answer: We're trying to get some specific information - perhaps by Monday's committee meeting.

Comment: There seems to be no real criteria for getting things done, for making big decisions - how and where will the forces come from to see that things happen?

Response: There are two credible organizations that provide a lot of pressure to get on with things - CDPHE and the DNFSB.

Response: The main problem is that there are no easy solutions to the problems, so it will always be political and any proposed solution will always be somewhat unsatisfactory. It's an inherently frustrating process.

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The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

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