

# ROCKY FLATS CITIZENS ADVISORY BOARD

## MINUTES OF WORK SESSION

### February 2, 1995

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**FACILITATOR:** Reed Hodgkin, AlphaTRAC

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

**BOARD/EX-OFFICIO MEMBERS PRESENT:** Alan Aluisi, Stuart Asay, Jim Burch, Jan Burda, Ralph Coleman, Tom Davidson, Eugene DeMayo, Gislinde Engelman, Tom Gallegos, Kathryn Johnson, Jack Kraushaar, Albert Lambert, Beverly Lyne, Linda Murakami, David Navarro, Gary Thompson / Tom Marshall, Leanne Smith, Steve Tarlton

**BOARD/EX-OFFICIO MEMBERS ABSENT:** Lorraine Anderson, Lloyd Casey, Chuck Clark, Reginald Thomas / Martin Hestmark

**PUBLIC/OBSERVERS PRESENT:** Joe Rippetoe (citizen); Hank Stovall (HAP); Chris Dayton (ICF Kaiser); Christine Bennett (AlphaTRAC); Sheldon Anderson (EG&G); W. H. Diment (citizen); George Martelon (DOE/SAIC); Cheryl Arnold (WSI); Ann Moss (Shapins Assoc.); O.J. Shaw (Arvada Assoc. Modelers); Gerald Sullivan (citizen); Mike Freeman (citizen); T. DuPont (citizen); T. Masoner (citizen); Robert E. McClair (citizen); David C. Moody (LANL/RF); Chris Timm (ICF KE); Joelle Klein (CRC/RFFO); Elizabeth Baracani (Suerdrup Environmental); Pete Hixson (ICF KE); Bob Nau (citizen); Sujit Gupta (CAB E/WM Committee); Lou Johnson (EPA); O. B. Spence (citizen); T. Crawford (DOE); Marcia Morris (DOE); JoAnne Whitman (DOE); Dick Andrews (citizen); Mike Bolles (DOE); Mike Gasser (citizen); Deirdre McCarthy Gallagher (Jason/DOE); Don Beck (DOE-EM); Roger Butler (DOE); D. Ruscitto (DOE/RFFO); Bonnie LaVelle (EPA); Mary Davis Hamlin (CDR Assoc.)

#### **PRESENTATION - FUTURE SITE USE WORKING GROUP:**

Mary Davis Hamlin (CDR Associates, facilitators for the Future Site Use Working Group) gave an overview. The Future Site Use Working Group (FSUWG) is charged with developing long-term future use options for the Rocky Flats site, and has been in operation for about 1-1/2 years. CDR was asked to convene a comprehensive stakeholder group to talk about future uses for the site. FSUWG has been attempting to determine and understand individual stakeholder interests - the fundamental needs of stakeholders. Part of this process is extensive data gathering about the conditions of the site. At this time, the group is working on generating and proposing options that will reflect the range of

interests of those stakeholders. A suitability study of the area was prepared during the process and looked at critical habitats, topography, and other natural features of the site. Early future use options suggested by the group include resource protection, environmental technology, recreation, grazing, industrial/commercial uses, mining, and a potential highway corridor.

**Bonnie LaVelle** (U.S. EPA). EPA considers this an important part of the cleanup process. The Superfund statute requires protection of health and the environment, and to strive to use permanent solutions for cleanup. EPA has developed regulations to implement the statute, and requires the targeting of a reasonable maximum exposure. One of the key points of information is a baseline risk assessment. EPA will look at the future use and how people might be exposed, then decide if something needs to be done about the contamination based on that information. The FSUWG is important to EPA's decision-making process to help target cleanup for future use. EPA would like the future use options to be generated without consideration of cleanup implications so that it would be unbiased. The information presented is very preliminary, and is likely to be ongoing for several years. Land use will affect cleanup decisions, i.e., if it were determined that a certain area would become open space - where there is no human exposure the risk goes down considerably and under Superfund you may not need to do the same level of cleanup. However, the state believes that there is a responsibility to clean up the site, and then determine the land use.

### **DOE NATIONAL BUDGET ISSUES - DISCUSSION:**

Linda Murakami explained that at a presentation in January, Thomas Grumbly discussed budget priorities and noted that the environmental management program will have a budget cut of approximately \$4.4 billion. He expressed concern about maximizing efficiencies and not compromising cleanup and compliance agreements. The budget cuts will affect the site, and the CAB should look at prioritizing with DOE so the money that has to be spent is spent in the most efficient way. Roger Butler, chief financial officer for the RFFO, discussed a briefing given by Mark Silverman for the Governor's Office, Congressional delegation representatives, EPA, CDPHE and stakeholder groups regarding the fiscal picture for Rocky Flats. The budget for FY 96 has not yet been delivered to Congress - that will happen on February 6. DOE is proposing to set Rocky Flats up as a pilot program to say that the manager of Rocky Flats has the latitude to use all of the resources, and to apply those resources to what programs are deemed to be the highest priorities at Rocky Flats. The advantage is that would give the manager the ability to address the high priority activities. The shortfalls in the budget for out-years up to the year 2000 present challenges in terms of the expectations for accomplishing the mission and productivity.

**Recommendation:** Send letter from CAB to Hazel O'Leary regarding proposed budget

and priorities. Minor changes were made to the text.

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

## COMMITTEE REPORTS:

### 1) Executive Committee

Ken Korkia and Erin Rogers gave an update on plans for the Summit meeting in March. Brookman-King has been selected to serve as meeting planner. The meeting will attempt to discuss more of the "big picture" at Rocky Flats. Invitations will go out this week to approximately 100 persons and organizations. Pre-Summit educational materials for participants will take the form of a series of two-page papers on the major topics at Rocky Flats. The various sponsors of the Summit are collaborating to produce the papers. A survey has been distributed to help plan the Summit, and to assist CAB with its work.

CERE Update: Jim Burch attended the CERE meeting in Salt Lake City. The project will focus on performing a qualitative risk evaluation of all DOE facilities nationwide. Three categories: public, worker and ecological risks. A report will summarize the most important issues identified. Stakeholders were invited to attend this meeting to provide input.

**Recommendation** (from David Navarro): CAB request DOE sponsor a public meeting with the two potential RFETS contractors. Some Board members were in favor of pursuing a public meeting. However, others did not feel it is necessary, and some concerns were addressed regarding proprietary information and timing.

**Action:** Motion to table the item. APPROVED (by a majority).

### 2) Site Wide Issues Committee

**Recommendation:** Approve Gislinde Engelmann to serve as co-chair of the committee.

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

### 3) Environmental/Waste Management Committee

**Recommendation:** Change CAB policy to allow non-CAB members to serve as co-chair of a committee, provided one co-chair position is filled by a CAB member. Amended to state that non-CAB member will be vice-chair.

**Action:** Motion to accept as amended. APPROVED (by a majority).

### 4) Alternative Use Planning Committee

**Recommendation:** Forward comments and questions to NCPP Steering Committee regarding NCPP Stage II IM/IRA Decision Document. Some questions were raised, and it was decided to amend comment no. 3).

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

**Recommendation:** Following the discussion on comments regarding NCPP IM/IRA, it was suggested that a letter be sent to the NCPP Steering Committee to ask for clarification of responses to CAB questions about NCPP, and to question why the response took so long to be forwarded to CAB.

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

5) Community Outreach Committee

**Recommendation:** Approve sending three letters of support regarding ComRad. Some concerns were expressed by Board members about the ComRad program, prompted by an article on the program in Westword. Some Board members thought the program was valuable.

**Action:** Motion to table this item. Someone from ComRad program will attend a future meeting to answer questions about the program. APPROVED.

6) Plutonium and Special Nuclear Materials Committee

The committee received updates on disposition of special nuclear materials, and involvement in meetings of the integrated planning program at Rocky Flats to assess plutonium vulnerability. There was also a presentation on nuclear criticality. In addition, a special meeting was held re: the CAB work plan; the committee received a summary of issues most important to DOE.

7) FACA Committee

**Recommendation:** Approve new policy regarding CAB participation in EMSSAB. Minor changes were made to the text.

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

**Recommendation:** Send letter to Cindy Kelly stating that CAB agrees to participate in EMSSAB. There was a good deal of discussion about the content of the letter. It was suggested to add a statement that notes the positive relationship that has developed, and to delete the last two sentences; other minor changes were made to text.

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

8) Membership Committee

Notices of vacancies were sent to those on CAB's mailing list; to date 15 requests for application have been received. A revised recommendation regarding minimum level of involvement for Board members will be brought to Board again in March. Advertising will begin this week in the Denver Post, Rocky Mountain News, Westword and local papers. The committee has defined a selection process and criteria.

**NEXT MEETING:**

Date: March 2, 1995, 6 - 9:30 p.m.

Location: Westminster City Hall, Multi-Purpose Room

Agenda: Radiation/Health Physics

**ACTION ITEM SUMMARY: ASSIGNED TO:**

- 1) Revise and send letter to Hazel O'Leary re: budget issues Staff
- 2) Revise/forward comments on NCPP IM/IRA to Steering Committee Staff
- 3) Prepare letter to NCPP Steering Committee re: responses to CAB Staff
- 4) Revise and send letter to Cindy Kelly re: FACA Staff

**MEETING ADJOURNED AT 10:35 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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**QUESTION AND ANSWER / PUBLIC COMMENT PERIOD TO FUTURE SITE USE WORKING GROUP PRESENTATION:**

Comment: As a group, we need to think about how to integrate the cleanup with future site use.

Question: What is the highway corridor?

Answer: Some people felt the need to consider a transportation corridor, such as W-470.

Comment: Westminster City Council had a presentation on the five alternatives that were discussed tonight. There was a consensus of council to support the first alternative, which is primarily open space area, and they directed staff to prepare a resolution stating that. Council will likely vote on that in the next four-six weeks. Westminster wants to leave it open space, and has no interest in annexing at this time or in the near future.

Comment: The Jefferson Center plans are looking at a time frame of 50 years. The Arvada Futures Committees has a time frame of about 20 years. The development of Rocky Flats, except for existing buildings, you're looking at 20-30 years, it will be a long time before you can figure out what it's going to be used for.

Question: What kind of time frame is this based on for whether or not we're going to rid

ourselves of our waste? This seems idealistic if we wind up keeping what we have.

Answer: We're trying to frame it in both the short-term, when the plutonium is still there, and a longer-term. Whatever we do, we have to make sure we're protecting public health in the future. I don't have an answer, but we're aware of the issue and we're trying to get some good options that we can work around.

Comment: We're so far out on the horizon in terms of future site use, that it's really difficult to nail it down. Most likely in 20-30 years we will still be in the midst of cleanup.

Question: Has the extent of the geographical habitat of the Prebles mouse been determined yet? Won't that override other considerations?

Answer: The habitat has been defined as much as possible. Anything we do under CERCLA has to comply with the Endangered Species Act too. We have to make sure the cleanup also protects the Prebles Jumping Mouse.

Comment: My concern is that future site use is perhaps being used by EPA and DOE to lower cleanup standards, and that by so doing you jeopardize the health of current residents and future generations. My hope is that if you cannot do a full cleanup at this time, that options are preserved for future generations.

Question: What is EPA's commitment to protecting human health and environment? What are the implications of various scenarios that may come back to the FSUWG, i.e., if you get a scenario that calls for complete remediation and requires more cleanup than your standards, what would that mean?

Answer: If we set what we think is a protective level for plutonium in soil but a land use option indicates that's not protective for that receptor, we would lower that for Rocky Flats. We would make sure we were protective for what is going to happen out there in the future.

Question: What's the assumption that's being used for setting standards at this point?

Answer: I'm not sure what standard you're talking about, because there's not really one from EPA. It's under development, but it's not out yet.

Question: It sounds like EPA looks for levels, and then on the basis of those levels determines what the land can be used for?

Answer: What we do is look at what's probable, what's realistic for the land to be used for, and then set the site-specific cleanup goals accordingly. We try to target the cleanup for a realistic land use. We don't set the standards up front and then say that's what you have to use the land for.

Question: CDPHE says that CERCLA and RCRA may have laws that totally rule out residential use. Why aren't we going for what the laws are - why don't we have a statement

of what the laws are and go from there, rather than shooting for residential which is probably impossible?

Answer: Part of the problem is the laws don't explicitly say that. They say to protect human health and the environment, and utilize permanent solutions.

Comment: This problem has been driven to date by the laws that require DOE to clean up the site. If we say you don't need to clean it up all the way, you can leave it partly dirty, then there's no driving force for them to clean it up completely.

Question: How much input do you have on the standards?

Answer: I would say they are more site-specific cleanup goals. The CERCLA process is comprehensive. We're looking at: whether the technology is available, is there a place to store the waste once it's generated, do the citizens want us to clean it up to this level, are we sure that the technology chosen can be implemented, are we putting workers at risk by cleaning up to a certain level. All of those things are part of the process.

Question: Who finally sets the level?

Answer: DOE suggests one, and CDPHE and EPA need to approve it. One of the sources of information they use will be the goals set by the FSUWG.

Question: We made some presentations to DOE about possible recreational uses in the buffer zone. Have you picked up any of that information from DOE? Specifically, the Arvada Association of Modelers looked at using a part of the buffer zone for modelers. I'm hoping that information has been given to your organization as part of the requested uses for the land.

Answer: Yes, it was. However, there's another process looking at the short-term. The Sitewide EIS will determine future options over the next 10 years.

Comment: This group has a chance to look at a perspective of more than just human health and environment, and is more open to do that, and that's a big plus to put it in more context of what's the best use for it.

Question: Do you have a schedule of any sort to get your results out to the general public, or to the agencies that will be acting on this?

Answer: Yes. We need to make recommendations to DOE by September. But we plan to be done by April-May of 1995.

Question: Do you have a pre-Rocky Flats survey of that area and the amount of contamination at that time?

Answer: We're attempting to get that piece of information by collecting samples in background areas. We don't have 1950s data, but we're trying to analyze soil, sediment and surface and ground water in areas that we think are not impacted. But the issue of

background has been contested within our group.

Comment: I remember a number from the 1960s that translates to about one pound per one hundred square miles. So that might be a limit.

Comment: In any development, you will have to have utilities - sewer, water, electricity, etc. - and some city will be the one that will have to furnish that, and will also be the ones who will have more to say about how it's developed than any of us.

Response: We're coming up with future use options to guide the decision-makers on the site.

Question: Is there a plan in place, once future site use is selected, for ensuring that it's going to stay that way - will covenants be attached as part of the record of decision?

Answer: What will happen is if we are confident that this process has come up with something that we can defend, we will make this the basis of a baseline risk assessment. If a final record of decision is based on that risk assessment, it's a binding document.

Question: Will that ensure that the future site use is fixed? What mechanism will be in place to ensure that the use will stay?

Answer: I'm not sure. We're not really doing land-use planning. It's not that specific, it's pretty general. It won't be written down and plotted on a map.

Comment: You run the risk of cleaning up too much or cleaning up too little if you change the future site use.

Response: If we don't see that there's a real consensus and real commitment to it, we're going to be more conservative in our cleanup decisions.

Comment: Neither RCRA nor CERCLA require cleanup to pristine conditions. Both of those use risk assessments to evaluate how much cleanup will be required. Also, the plant has been there for 40+ years, and it's going to take us at least that long to get the cleanup done.

Question: How long will this board be here, and when will you know what your advice is - to answer what the future use options are?

Answer: The CAB work plan will be completed by September of this year, and that will be an accumulation of all the presentations received.

Question: If you had an answer in two years, would you go back and revisit that decision?

Answer: Yes, we would revisit an issue - this is an ongoing process.

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## QUESTION AND ANSWER / PUBLIC COMMENT PERIOD TO DOE

## NATIONAL BUDGET ISSUES DISCUSSION:

Question: Do we know how much of a budget it would take to keep things from getting worse at Rocky Flats?

Answer: I don't know that we could break that out specifically without more detail. It would be the enabling and baseline operating activities.

Comment: If we underfund the complex as far as cleanup and maintenance, there's a possibility we could actually be making the problem bigger, and that it will cost more to cleanup because we didn't contain the problems we have now.

Response: That's only if we keep doing things the way we are. But the budget is going down, and we're going to have to do things differently to create efficiencies.

Comment: Congress has attempted to flatten out the budget to force efficiencies.

Comment: Leaving the resources open to reprioritization - there could possibly be a redirect of the funds to something other than environmental restoration. Could you comment on the process and the mechanism by which the RFFO manager would make those decisions?

Response: We are in that process for FY 96 and FY 97. The prioritization has now been reduced down to the targets to which we have to build the budget. That priority list is ready to be finalized, along with stakeholder input. That will be discussed at the Summit in March. I believe it would be a plus to have the ability to engage in a collaborative process to determine the priorities, and then apply those resources to whatever we agree the priorities are.

Question: Is there a limit to the amount of money that can get reprioritized?

Answer: That would depend on if Congress approves the pilot, and what the language is when it comes back. But I don't see any restrictions on any limits on transfer of funds.

Comment: The only other restraint I'm aware of is from the manager's position, and that is that Thomas Grumbly has said that our focus is on the proper management of plutonium materials. He does not want to see resources diverted from that.

Question: Some of these things can be worked around to be made more efficient. There's not a lot of leeway when it comes to the law. Do you think we can get to where we're trying to go from where we are now, given the number of laws?

Answer: There are some things that we are doing with the state that are bringing efficient ways to characterize waste.

Comment: We did it without laws for 40 years, and that's what has gotten us where we are now.

Comment: Mr. Silverman mentioned in his briefing the \$533 million figure, but it would

actually be a lower figure than that. My perspective is that we are being sold down the river by the administration in DOE. What's happened with our money is that: 1) these cuts are being made to fund the middle class tax cut, and the money was put on the block by DOE to save the agency; and 2) while they're cutting the cleanup funds, they're increasing funds for weapons research, development and testing. My concern is that DOE will not meet the cleanup commitments, and things may actually get worse. We will pass on to our kids the liabilities of risks to health, risks to the environment, as well as a larger bill if we do get around to actually correcting these problems. I hope that we can do this work more efficiently, and that we can meet those cleanup agreements.

Comment: I would like to encourage DOE to have the vision to not think just in terms of this year's budget or next year's budget, but to look at the overall picture of the intermediate and long-range budget. There may be some cases where it's going to cost more money in the budget in the short run, in order to save a lot more money in the intermediate and long-term. We need to look at the overall picture.

Question: What are you doing to rectify the lack of credibility in your original budget estimates?

Answer: At the beginning of this year we developed the LRATs, and all of those come up with a product. We have laid out project plans to produce that product.

Question: What is the role of the CAB in terms of lobbying Congress? And is there a conflict of interest since you are essentially being paid by DOE in terms of some type of support?

Answer: We can provide education to the public, but we are an advisory committee to DOE and we cannot spend DOE's money to lobby. It is against the law for the CAB to lobby Congress.

Comment: It sounds like the people here would be more than happy to absorb a tax increase to pay for the cleanup of Rocky Flats. I'm disturbed that there is a perception that you are funded by DOE rather than the taxpayers. That's the basic underlying situation - what is the best use of our money.

Response: You're right, it is the taxpayer's money.

Comment: I would certainly not want to have health monitoring activities cut because of budget cuts.

Comment: I don't think this board is supporting a tax increase. But we fall into traps that are being set by the administration and Congress. We could find a lot of money if we look at the priorities that are being set by DOE. And about lobbying - my assumption is that any advice that we come up with for DOE can be passed along to the Congressional delegation and there is nothing inappropriate about that.

Response: Recommendations from the CAB, yes, you can do whatever you want with those.

Comment: Some of us wear many different hats. As a group we cannot lobby, but that does not exclude us from lobbying individually for other organizations we represent. Also, in terms of the cuts being made to save DOE, that is true, but it's better to keep DOE intact rather than the other options of working with Department of Defense or Corps of Engineers. And I believe the CAB will exist for as long as we have serious environmental problems and there's a need for input, guidance and suggestions on how to proceed, there is a need for the CAB.

Question: Regarding lobbying - could we as a committee write to our senators and representatives and say we are concerned about a certain problem with Rocky Flats, and we urge your bringing this problem to the attention of the government, is that covered by lobbying?

Answer: I don't think that would be interpreted as lobbying. If you have any questions before you send it to Congress, just run it by general counsel here at Rocky Flats.

Question: What would really be an example of lobbying?

Answer: Saying that we think you need to restore more money in this program at Rocky Flats - specifically lobbying for funds.

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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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