

**ROCKY FLATS CITIZENS ADVISORY BOARD  
MINUTES OF WORK SESSION**

**December 2, 1999; 6 - 9 p.m.**

**Arvada Center for the Arts and Humanities  
Arvada, Colorado**

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**FACILITATOR:** Reed Hodgins

Jerry DePoorter called the meeting to order at 6:20 p.m.

**BOARD / EX-OFFICIO MEMBERS PRESENT:** Ray Betts, Shawn Burke, Eugene DeMayo, Jerry DePoorter, Joe Downey, Jeff Eggleston, Tom Gallegos, Mary Harlow, Victor Holm, Jim Kinsinger, Bill Kossack, Tom Marshall, LeRoy Moore, David Navarro, Markuené Sumler, Bryan Taylor / Steve Gunderson, Joe Legare, Anna Martinez, Tim Rehder

**BOARD / EX-OFFICIO MEMBERS ABSENT:** Mary Mattson

**PUBLIC / OBSERVERS PRESENT:** Greg Murray (citizen); Kenneth Werth (citizen); Joe Rippetoe (citizen); Roman Kohler (citizen); Katie Ewig (RFCOLG); David Abelson (RFCOLG); John Marler (RFCOLG); Jerry Harden (USWA 8031); John Winters (citizen); Roslyn and Joe Goldfield (citizens); Hank Stovall (City of Broomfield); Bruce Dahm (City of Broomfield); David and Doris DePenning (citizens); Rudy V. Garan (MERCOS); Patrick Etchart (DOE-RFFO); Cindy Trevithick (Tom Tancredo's Office); Carol Lyons (City of Arvada); Don Owen (DNFSB); Tom Stewart (CDPHE); Elizabeth Cincetti (citizen); David Kohl (citizen); Travis Roberts (citizen); Louise Janson (citizen); Alan Trenary (citizen); Craig Smith (Arvada City Council); Larry Hankins (citizen); Elizabeth Asnira (citizen); Moe Bonakdar (MERCOS); Maby Mahboubi (MERCOS); Ken Korkia (CAB staff); Erin Rogers (CAB staff); Deb Thompson (CAB staff); Brady Wilson (CAB staff)

**PUBLIC COMMENT PERIOD:**

**Comment:** Kenneth Werth: Can DOE explain the difference between hazardous waste and transuranic waste? It seems as though the WIPP site won't move forward unless that is straightened out.

**Response:** Joe Legare: One is a regulatory distinction based on a statute in the regulation under EPA, RCRA and the Colorado Hazardous Waste Act and relates to more conventional toxicants like solvents and metals, things of that nature. Transuranic refers to the radioactive element of a waste, and transuranic literally means "greater than uranium." In our case it refers primarily to plutonium, and there are some issues about its concentration and years of half-life. So one is a radiological determination, and the other is a regulatory determination. WIPP has been designed for and can accept transuranic waste that is both RCRA regulated or hazardous, and non-hazardous. The intent is that all waste, regardless of the determination, would eventually go to WIPP for disposal.

**Comment:** Doris DePenning: I want to take the opportunity on behalf of the communities I represent in the northwest part of Jefferson County to thank the Board for the work you do and the time you spend. I appreciate it, and so do the people who are working with us as part of homeowners groups and representative citizen groups in that part of the county. We also thank you for the Vision statement that you finalized in October. Site reuse as open space is something that has been in the hearts of the people for a long time. We appreciate you taking that stand.

**Comment:** Jerry Harden: I am president of Local 8031, representing most of the hands-on workers at Rocky Flats. I appreciate the cooperation we have seen with the Board over the years. We ask your support for the upcoming visit of the Assistant Secretary of Environmental Safety and Health, David Michaels, in pursuing ongoing health and medical surveillance, as well as coverage for the workers who are affected at Rocky Flats. He will be at the Arvada Center on December 15<sup>th</sup>. We are going to press hard to have the Assistant Secretary make a commitment to provide this ongoing surveillance as well as medical coverage for our workers who have demonstrated health effects. Part of our problem is the current Secretary of Energy has made promises at several other locations, but has neglected Rocky Flats in many of his studies. I ask your cooperation in helping us to encourage DOE and Congress to pursue a meaningful program to guarantee that these people will have proper attention.

**Comment:** Joe Goldfield: Regarding the question on hazardous versus transuranic waste, the response didn't answer the question. Is it true that the authorities in New Mexico have refused to let WIPP accept mixed waste, and that Rocky Flats agreed not to ship mixed waste to WIPP, but actually has shipped mixed waste to WIPP?

**Response:** Joe Legare: No, we have not been shipping mixed waste to WIPP, and mixed waste has not been put down into WIPP. We have shipped non-mixed transuranic waste, a total of 11 shipments this year to that facility. All of this waste has been extensively characterized and reviewed not only by Rocky Flats, but also by Carlsbad as well as the New Mexico Environmental Department. The current issue is not about whether or not New Mexico has the authority to regulate hazardous waste in that facility — they do. We are working aggressively to prepare for an audit the week of December 13.

Representatives from Carlsbad and observers from New Mexico will perform an audit to see if we are prepared to ship mixed waste to WIPP. That will be our audit for the RCRA permit. What we have been shipping to date has been non-mixed waste, not subject to that RCRA permit. Some of the confusion stems from the fact that they have probably reviewed some data that is about nine years old, which would lead them to believe this is mixed waste. But in fact in the period from 1992-1996, this waste was reviewed extensively by DOE and CDPHE concurred that this was not mixed waste, but transuranic waste.

Steve Gunderson: We weren't aware that New Mexico was going to issue a compliance order until it was issued on November 30. Considering the issues and concerns regarding waste stored at Rocky Flats has been such a big issue for local government and the state, our regulators have been extensively involved. It is the position of CDPHE that we believe the New Mexico Environmental Department has made an erroneous determination by concluding that these residues should be regulated as a hazardous waste. In the early 1990s, we concurred in writing that we considered these wastes not to be hazardous. We will provide the New Mexico Environmental Department with the data we have on these classifications, and in addition will request from DOE any documentation that supports their position.

**UPDATE ON THE STATUS OF MILESTONE NEGOTIATIONS FOR THE ROCKY FLATS CLEANUP AGREEMENT:** After last month's meeting, the Board asked for an update from the RFCA principals on how talks were progressing on milestone setting. Representatives from DOE, CDPHE and EPA discussed their views on the negotiations.

- **DOE** (Joe Legare): There have been a few meetings with the principals to discuss FY00 and outyear milestones. On the FY00 milestones, DOE is close and optimistic that over the next couple of weeks, an agreement will be reached. However, a few technicalities remain to be negotiated. The first area is about shipments to WIPP. One of the things DOE wanted to be cognizant of during the negotiations is that there are a lot of variables related to WIPP shipments, such as timing and amounts. Based on the assumption that DOE will be up and shipping again March, another 75 truckloads will be shipped this fiscal year. That could potentially be an enforceable milestone for the regulators. A second waste stream is low level waste. DOE's interest is ensuring that shipment of low level waste is tied to what Rocky Flats generates. DOE estimates what it feels is a reasonable number of 6,000 cubic meters, or about one truck a day, going to the Nevada Test Site. The third area of waste was related to treatment as well as offsite shipment, and that is the pond sludge. There are still a few details to work out, but the agreement would be get that material treated this year. DOE-HQ may be providing some funding for a technology demonstration project, the funding issues remain to be agreed to. The last area is D&D — one milestone is to demolish Building 779

this fiscal year, and the second is to complete 14 D&D worksets this fiscal year. Some of those projects are not yet fully funded, but the commitment from Kaiser-Hill is there to make those projects happen. DOE is still concerned about having the flexibility available to place resources where they will be most effective. Conditions, as they are discovered, can alter the plans significantly. It is important for DOE to have a D&D milestone that allows the flexibility of the contractor to move those resources around. The regulators did agree to that.

- **CDPHE** (Steve Gunderson): I agree that we are very close on an overall framework, but will need to add some "meat" to that over the next few months. We are close to agreement on the FY00 milestones. We have also been discussing how to tie our regulatory milestones — particularly for outyears — with the 2006 Baseline and with the mechanism for how the contractor might be measured for performing work under the new contract. Those contract negotiations are still underway. We are also looking at tying in how and when the 903 Pad would be done. The site proposed delaying the 903 Pad to 2005, and we presently have a regulatory milestone for starting that in 2001. We have a letter of agreement to be signed by the principals, still in draft form, that both CDPHE and the Attorney General's Office have recommended be signed by the principal of CDPHE. That should be out within the next week.
- **EPA** (Tim Rehder): With respect to the 903 Pad and not delaying the remediation work until the end, as part of the letter that would serve as a framework for an agreement on the current and outyear milestones, the letter expresses an agreement for conducting the cleanup of the 903 Pad using one of two approaches. No matter which approach, it would start in either 2002 or 2003 and be complete in either 2004 or 2005.

**PRESENTATION BY LEN ACKLAND:** Len is the director of CU-Boulder's Center for Environmental Journalism, and the author of the recently published book, *Making a Real Killing: Rocky Flats and the Nuclear West*. He was invited to the Board's December meeting to talk about his work on the book, and to give his perspective on Rocky Flats issues since he began writing it. Following is a concise summary of his comments.

Len began by noting that only 57 years ago, there were no nuclear weapons, and yet in a short time science moved from the technology to making the weapons — in only two and a half years. Twentieth century humans built huge arsenals of weapons of mass destruction, capable of destroying the human species as well as most other species, in the name of national security. Ten years ago in November, the Berlin Wall fell, signaling the end of the Cold War. About that time is when he first thought about writing a book about Rocky Flats, and specifically the plant as a window into Cold War America. He considers his book to be a case study — not just of this plant, but of a time in society where tremendous energy and resources were expended on making nuclear weapons. From 1952 to 1989, the main task at Rocky Flats was processing plutonium and making bombs equivalent to the bomb that was dropped on Nagasaki.

In his research he reviewed three different arenas: inside the fence, what happened at the plant; second was outside the fences; and the third was the broader national security and issues on a more national level. His sources were documents and people — real people involved in Rocky Flats. There are no fictional characters or notes in the book. He had two major challenges while working on the story — secrecy and science. One of those challenges disappeared because of the end of the Cold War — which was the difficulty in getting people to talk with him. Workers and managers at the plant no longer felt constrained by the secrecy of the Cold War. However, Congress exempted itself from the Freedom of Information Act. One piece of information he needed was about the Senate's Joint Committee on Atomic Energy, a powerful group during the 40s through the 60s. He was not even able to find a list of documents from the committee on the index of classified documents, as the index itself was considered classified. So there continue to be difficulties in obtaining information. And regarding the science, it was impossible to gain the expertise needed to do evaluations. Journalists try to gain enough knowledge, however, to ask questions and try to understand the responses or to get the experts to explain in common language. His book is not technical and is written for a general audience.

Rocky Flats is a large story comprised of many small stories. A lot of research had to be performed, but only a small amount of the information gathered could ultimately be used in writing the story. The story is about people, place, politics and technology. The written history started in the 19<sup>th</sup> century, when Henry and Sarah Church from Iowa homesteaded 160 acres. The Church family forms a narrative thread throughout the book. Many people believe that areas in the west were chosen simply because of vastness and remoteness. However, Len discovered that the two senators from Colorado in the early 1950s — Edwin Johnson and Eugene Milliken — were powerful members of their respective parties. And they were both members of the Joint Committee on Atomic Energy. This committee had nine senators and nine representatives, and two of those committee members were from Colorado. Colorado has a lot of uranium deposits in the southwestern part of the state. Eugene Milliken was a lawyer who represented the mining industry, and Edwin Johnson was a chair of the military committee of the Senate. When it came time to select a site, what better place to put it than in the home state of two senators who had a lot of control over the budget? One area in Colorado was interested in courting a nuclear site, and that was Alamosa. The chamber of commerce there had pitched that the Sand Dunes might make an ideal spot for location of a plant. When the decision was made to site Rocky Flats near Denver, neither senator was outspoken about their involvement. Mr. Ackland believes that to do so might have alienated their constituents in southern Colorado, and thus their work was never revealed.

In March 1951, the *Denver Post* ran a headline announcing the federal government's plans to build a nuclear weapons site near Denver. There are three distinct periods of plant history. First is from 1951 to 1969, starting with the announcement and ending with the

Mother's Day fire. In that period of time, the plant operated in almost complete secrecy and without accountability. It was a source of jobs and contracts. The media covered the plant as though it was another large corporation — coverage about labor disputes, etc. Workers were concerned about safety issues, but the issues were generally raised in congressional hearings. The AEC's strategy in dealing with the nuclear weapons complex was agreed to at a meeting in December 1950. The summary of the meeting included a statement that officials focused on "the question of exploring radiological safety aspects in order to make the atom routine in the continental United States, and make the public feel at home with atomic blasts and radiation hazards." The media, which normally would have been considered a watchdog for the people, bought into the notion of national security.

The 1969 fire was a turning point in the plant's history. Independent scientists performed soil samples outside the plant and discovered plutonium, plus activists kept the story alive and publicized the scientists' findings. Ed Martell, who at that time was with NCAR, worked with the group that released the report in 1970 on their results. At a hearing held upon the report's release, the AEC denied adamantly that the plutonium had come from the fire, but rather came from the 903 Pad. Up until then, no one knew about the 903 Pad. So in trying to deny one story, they raised public ire about another story. The public wasn't fully informed about the risks of the plant.

In the 20 years from 1969 to 1989, the public became more aware and activists were very involved. Despite the activism, the debate and the concerns, Rocky Flats continued making nuclear bombs until 1989 and still producing a lot of money for the Denver economy. Also, in the mid-1980s, journalists became more aggressive about the Rocky Flats story. There were whistleblowers at the plant that revealed scandals and details about what went on at the plant. Before the FBI raid, there were a considerable number of stories written, and more workers were talking about problems inside the plant, and the story was evolving. Then came the end of the Cold War. The FBI raid on the plant occurred on June 6, 1989. In November, plutonium processing halted and never re-started. Then in January 1992, Rocky Flats was out of the nuclear weapons business. In 1994 the plant was renamed to the Rocky Flats Environmental Technology Site. There are many issues remaining about cleanup, disagreements about standards for plutonium in the soil, about hauling the nuclear waste to New Mexico, and other issues that you now deal with.

In the 1970s, activists called Rocky Flats a local hazard and a global threat. The plant is still a local hazard, but nuclear weapons will never again be made there. The global threat is still with us and will be for a long time. In October, the U.S. Senate defeated the Comprehensive Test Ban Treaty. The shortsighted thinking that prevailed at Rocky Flats lives on. The dynamics that were present during the plant's operation from 1952 to 1989 are being repeated.

From Mr. Ackland's perspective, there are key lessons that remain to be learned about

Rocky Flats. First, national security is too important to be left in the hands of the nuclear weapons establishment. Second, secrecy is contrary to democratic principles and breeds a lack of accountability, and is used to cover up political decisions and mistakes. Third, the mainstream media often don't perform a watchdog function in the area of national security. And finally, engaged citizens can make a difference.

**INTRODUCTION OF PAUL GOLAN:** Paul Golan was recently appointed to serve as Deputy Manager of DOE-RFFO. Jessie Roberson, the current manager, will be leaving soon. Jessie was recently appointed by the President to serve on the Defense Nuclear Facilities Safety Board. Her replacement will be named in the near future. Paul Golan will serve as Acting Manager after Jessie leaves. Paul has been at Rocky Flats for nearly 10 years. He attended the meeting to introduce himself to the Board members and the public.

**NEXT MEETING:**

**Date:** January 6, 6 - 9:30 p.m.

**Location:** College Hill Library, Front Range Community College, 3705 West 112th Avenue, Westminster

**Agenda:** Workshop on risk assessment (with Bonnie LaVelle of EPA); other Board business

**ACTION ITEM SUMMARY: ASSIGNED TO:**

1) NONE

**MEETING ADJOURNED AT 9 P.M. \***

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

**RESPECTFULLY SUBMITTED:**

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Mary Harlow, Secretary  
Rocky Flats Citizens Advisory Board

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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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