

Rocky Flats Citizens Advisory Board Recommendation 96-16

Comments and Recommendations on the Department of Energy's Ten Year Plan for Rocky Flats

Approved November 7, 1996

The Rocky Flats Citizens Advisory Board (RFCAB) appreciates the opportunity to provide comment on the Rocky Flats Ten Year Plan (TYP) and the Ten Year Planning process. While RFCAB is concerned that the Department of Energy (DOE) and its contractors move expeditiously to clean up Rocky Flats, we are also concerned that this cleanup be done in a safe manner and result in a clean site that does not present a danger to the public, workers or the environment in the short and long term. In addition to the recommendations provided below, we recognize the positive aspects of the TYP, which are consistent with RFCAB's previous recommendations:

- Identifying aggressive cleanup goals for a specific timeframe.
- Identifying correction of plutonium storage problems as high priority (see RFCAB 95-16, "Consolidation and Storage of Plutonium at Rocky Flats" and RFCAB 95-4, "Endorsement of Summit Priorities.")
- Advocating plans for a safe interim storage facility for plutonium at Rocky Flats, while keeping the option for offsite movement open. (see RFCAB 95-16, "Consolidation and Storage of Plutonium at Rocky Flats.")
- Moving forward with deactivation and decommissioning activities. (see RFCAB 95-9, "Mortgage Reduction.")

Cleanup:

RFCAB is concerned that the Ten Year Plan (TYP) have a realistic scope. The TYP for Rocky Flats will not achieve "complete cleanup" in ten years, nor will other sites throughout the complex achieve complete cleanup in ten years. It is important that the public and Congress clearly understand what level of cleanup is proposed and what will be left to do after ten years. Otherwise, Congressional funding may be threatened.

Also, RFCAB is concerned that the community not be left with simply an "administrative cleanup" at

Rocky Flats. We remind DOE that we, along with the Future Site Uses Working Group and many others have recommended ultimate cleanup to average background levels for the Front Range when technology allows for this in a cost-effective and environmentally sensitive manner. ***RFCAB recommends that DOE develop a plan for continual improvement of the site beyond the ten year planning process, including technology development efforts aimed at improving the site condition in future years.*** (see RFCAB 95-7, "Endorsement of Future Site Uses Working Group Report"). ***We would also appreciate information on DOE plans for such technology development.***

Decision-Making Process

RFCAB understands and appreciates that DOE intends to make the Ten Year Planning process an iterative one (per the commitment made by Assistant Secretary for Environmental Management Alvin Alm during his visit to Rocky Flats on October 19) and involve stakeholder input in the major decisions that are necessary for the planning process to move forward.

We are concerned, however, that since the major assumptions have already been made internally in the draft TYP, stakeholder input at this stage will be given cursory consideration by DOE, at best. Because the draft TYP lacks meaningful analyses of contingencies should the assumptions fail, there is an unreasonably high reliance upon the assumptions becoming facts.

This concern has already been, we feel, illustrated by the review process associated with the adoption of the soil action levels (SALs). Because the draft TYP already assumed a soil action level of 85 mrem (the same levels to which trenches T-3 and T-4 were cleaned), the "burden" was on commentators to prove that 85 mrem was not a good choice--rather than involving the stakeholders in the development of the SALs. While RFCAB does not expect DOE to readily adopt all of our recommendations, we feel that we had an unreasonable burden and despite our intensive efforts, our recommendation did therefore not receive appropriate consideration.

The *10-Year Plan Decision-Making Process Management Plan* (Rev. 2.3, 10/15/96, the "Plan"), seeks to "describe the framework for public participation in future decision-making." The Plan states that each planning assumption in the TYP will be subject to a decision-making process to validate or modify it and that the process will be a "multi-attribute, risk-based process." The process includes, among other things, the use of a "Decision-Making Team" involving stakeholders; a "decision hierarchy" (what decisions must be made before others and why); and the iterative process of "tak(ing) the major assumptions and review(ing) them against one or more alternatives," with which stakeholders are to be involved.

The SAL decision-making process did not appear to adopt this approach. Also, it is unclear what quality and quantity of stakeholder involvement can be expected.

RFCAB requests that we be involved in developing the public involvement portion of the Decision-Making Process, as soon as possible before the process is used for other decisions in accordance with

the TYP. We would like to initiate these discussions in conjunction with our upcoming discussion regarding the SAL decision-making process. RFCAB wants to collaborate with the principals in developing and adhering to a more effective process in which our recommendations will be considered, including the opportunity to participate earlier in the process and the establishment of a more meaningful dialogue, as we have discussed with DOE.

While Rocky Flats should proceed with work in areas that have a high level of community consensus, we are concerned that areas without community consensus not be acted upon until that consensus is reached through the process to be established. This would not result in a delay to major risk reduction activities as the areas of plutonium stabilization, construction of an interim plutonium storage vault, and mortgage reduction/deactivation and decommissioning activities all have a high level of community support. RFCAB feels that public participation in the TYP planning process has been insufficient from the outset, as no community input was sought or incorporated into the July 31 draft TYP.

RFCAB requests that the November 15 draft TYP not be used as the basis for planning for the upcoming year until the community has adequate time to review and comment on the plan.

On a national level, RFCAB recognizes that many questions regarding disposition of materials at Rocky Flats are not simply local decisions. *RFCAB reiterates its call for a national dialogue on radioactive waste and materials treatment, storage, and disposition.* It is imperative that this dialogue encompass the full range of waste materials decisions, and that adequate time be allowed for this dialogue to occur (RFCAB estimates two years).

RFCAB further recommends that DOE implement an annual review process for the Ten Year Plan. Such review should include the plan's goals, assumptions, accomplishments, consideration of new information, and public involvement.

Assumptions in the Ten Year Plan

RFCAB understands that assumptions must be made in order to develop an integrated plan and move forward with any real work. Because the TYP represents an attempt to provide integrated and complete planning, however, if any of the assumptions are not met, the rest of the planning is threatened. We think that DOE has not sufficiently analyzed and selected any contingency plans to the assumptions. *RFCAB urges DOE to further identify and analyze contingency plans to the TYP assumptions.*

We are particularly concerned with the following assumptions:

- The Rocky Flats TYP assumes that WIPP will open in 1998. Both transuranic wastes and residues are affected by this assumption. *Recognizing the uncertainty of WIPP opening (see, for instance, the recent GAO report), RFCAB recommends that Rocky Flats have a contingency ready to implement if WIPP does not open on schedule. (see RFCAB 96-5, "Recommendation and Comments on Waste Management PEIS"). In the the difference in the amount of waste*

that the complex plans to sent to WIPP in the first ten years (80,000 cubic meters) and the amount that WIPP says it can accept (45,000 cubic meters).

- Low Level Waste and Low Level Mixed Waste are slated for offsite shipment, most likely to the Envirocare facility in Utah (LLMW), the Nevada Test Site (LLW), and the Hanford facility (LLW) in Washington State. ***RFCAB recommends that Rocky Flats prepare a storage contingency in case this option does not prove feasible for reasons of cost or resistance from populations at receiver sites or on transportation routes. (see RFCAB 95-14, "Waste Management: Storage and Disposal at Rocky Flats"). We would also like to know how the Site Treatment Plan re-baselining will alter the TYP.***

Soil Action Levels

RFCAB does not agree with the 15/85 soil action level set by the agencies on October 18. We attach our recommendation on this matter and ask that the agencies reconsider this decision. (see RFCAB 96-14, "Recommendation to Delay Setting Final Soil Action Levels").

Also, RFCAB notes that Assistant Secretary Alm committed to applying the concept of As Low As Reasonably Achievable (ALARA) to the SALs, saying that in some instances cleanup could go beyond 15/85. ***RFCAB would like to see this commitment incorporated into the TYP and would like a detailed explanation of how this concept will be applied.***

Plutonium and other SNM

RFCAB is generally supportive of the approach outlined for special nuclear materials. RFCAB has previously recommended construction of an interim storage facility or facilities for SNM to ensure that plutonium is stored as safely as possible as long as it is at Rocky Flats. It is unclear at this time whether residues will be processed for storage and possible disposal as transuranic waste or whether residues will be processed to extract plutonium which will be added to the stockpile and in the process generating low level waste.

RFCAB requests that plans for residues be clarified as the planning process continues. Also, DOE should assess the viability of a pilot scale facility at Rocky Flats for immobilization of Rocky Flats residues.

Deactivation and Decommissioning

RFCAB is generally supportive of moving along with D&D activities as outlined in the TYP. However, we recognize that there is a high level of potential danger associated with these activities, as evidenced by the recent fines levied under the Price Anderson Act Amendments. ***RFCAB requests that DOE develop and submit for public review a comprehensive set of health and safety standards for conduct of these operations.***

Privatization

There are a number of privatization proposals in the TYP that need further analysis. ***RFCAB requests that DOE present such an analysis for each proposal. If cost savings are a significant motivating factor, then DOE must clearly demonstrate these cost savings.***

RFCAB is developing a recommendation on privatization. ***However, at this time RFCAB believes that if pursued, any privatization must be structured in such a way as to provide clear accountability to regulators and the public, and provide for workforce stability.***

Site-Wide Environmental Impact Statement

RFCAB wants to ensure that plans to complete the SWEIS will be in accordance with the TYP. The SWEIS is required under NEPA for future major federal actions that may arise from the cleanup and closure mission. RFCAB agreed that the SWEIS should be delayed until the major closure decisions have been *identified* but not made. We were originally told the SWEIS would be out by June 1997, but it is unclear whether that is still the goal and what the scope of the SWEIS will be. We want to reiterate the importance of completing the SWEIS for the activities covered in the TYP and caution that the TYP does not analyze alternatives and environmental impacts of the planned activities and should not be considered in lieu of the SWEIS. (see RFCAB 96-7, "Support for Completion of SWEIS" and RFCAB 96-12, "Recommendation Regarding the Site Wide EIS.")

Regarding the SWEIS, RFCAB would like to know the schedule for completion, the public involvement plan and the scope of the document.

Reminder of Commitments Made by Assistant Secretary Alm

RFCAB would like to remind DOE-RFFO of the commitments made by Assistant Secretary Alm at the October 19 Community Work Session. ***RFCAB requests confirmation of these commitments from DOE and would like to know how the Department intends to implement these commitments in the context of the TYP.***

- DOE will extend the comment period for the Ten Year Plan to close of business on November 8.
- DOE will not dispose wastes at Rocky Flats, but will keep materials in monitored retrievable storage.
- DOE will set firm commitment dates for when decisions need to be reached on whether to proceed with contingencies for onsite storage of plutonium, low level and low level mixed waste, and transuranic waste.

- DOE will emphasize the principal of ALARA in cleaning areas of contamination, allowing for cleanup beyond the Soil Action Levels.
- DOE will commit to review the Soil Action Levels on a regular basis, possibly involving the National Academy of Science in the review.
- DOE will assemble stakeholders to look at cleanup and monitoring issues for the period of time beyond ten years.
- DOE will get workers involved in safety management decisions.
- DOE will commit to the Defense Nuclear Facilities Safety Board (DNFSB) to make the decontamination and decommissioning of Buildings 779 and 771 serve as exemplary models for future Rocky Flats and other facilities' work.

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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