

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, January 8, 2001
8:00 – 12:15 p.m.
Mt. Evans Room in the Terminal Building
Jefferson County Airport, Broomfield

Board members in attendance: Michelle Lawrence* (Director, Jefferson County), Nanette Neelan (Alternate, Jefferson County), Tom Brunner (Director, Broomfield), Hank Stovall (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Sam Dixion (Director, Westminster), Mary Harlow (Alternate, Westminster), Lorraine Anderson (Director, Arvada), Ken Fellman* (Alternate, Arvada), Paul Danish (Director, Boulder County), Carolyn Dulchinos* (Alternate, Boulder County), Lisa Morzel (Director, City of Boulder), Amy Mueller (Alternate, City of Boulder), Matt Magley (Alternate, Superior).

*Arrived/Departed at time indicated

Coalition staff members and consultants in attendance: David Abelson (Executive Director), John Marler (Technical Advisor), Kimberly Chleboun (Program Assistant), and Barbara Tenney (Icenogle, Norton, and Seter, P.C.).

Members of the Public: John Corsi (Kaiser-Hill), Mark Spears (Kaiser-Hill), Jeremy Karpatkin (DOE), Paul Golan (DOE), Paul Hartman (DOE), Tom Lukow (DOE), Rob Henneke (EPA), Noelle Stenger (RFCAB), Victor Holm (RFCAB), Pete Jacobson (Senator Allard), Kristi Pollard (Senator Allard), Doug Young (Congressman Udall), Theresa Sauer (Governor Owens), Nancy Hunter (Congressman Schaffer), Doris DePenning (Friends of the Foothills), Hildegard Hix (Sierra Club), Roman Kohler (RF Homesteaders), Sonja Groghegan (Citizens Concerned about Nuclear Waste Impacts), Jyoti Wind (Citizens Concerned about Nuclear Waste Impacts), Dan Chesshir (RFSOIU Local #1), John Whitney (RFSOIU Local #1), Anthony DeMaiori (USWA Local Union 8031), Gail Bange (Wackenhut Services, LLC), Beth Wohlberg (The Daily Camera), Nancy Willis (The Westsider), Harvey Wittmier (USFWS), David Waddington (The Environmental Group of Coal Creek Canyon), James Masingale (USWA Local Union 8031), George Vancil (Arvada), Bob Nelson (citizen), Stacie Oulton (Denver Post), Berny Morson (Rocky Mountain News), James McCarthy (Arvada), Bob Manwaring (Arvada), Dave Downing (Westminster), Don Owen (DNFSB).

Convence/Agenda Review

Michelle Lawrence called the meeting to order at 8:23 a.m. There were no proposed changes to the agenda.

Business Items

- 1) **Motion to Approve Consent Agenda** –Lisa Morzel motioned to approve the consent agenda. Tom Brunner seconded the motion. The motion passed 7-0.
- 2) **Executive Director's Report** – David Abelson explained the Executive Committee had removed discussion of prescribed burns from the Agenda since DOE will not seek regulatory approval to conduct a controlled burn this Spring. He directed the Board's attention to a letter from Barbara Mazurowski to Rocky Flats Stakeholders which explains DOE's decision. David also discussed correspondence regarding the Building 771 worker exposures, including the letters the Coalition sent to DOE and the DOE Office of the Inspector General. Additionally, the Board packet included letters from EPA and CDPHE in further response to the Coalition's RSAL letter. David then described his work in Washington, D.C. including the reason for his visit, the Resources for the Future conference. He learned more about funding options for long-term stewardship activities along with Carol Lyons and representatives from the State. David went to Washington one day early in order to meet with Gary King about Coalition funding. DOE will give the Coalition another \$50,000 and thus complete DOE's original obligation of \$500,000. It would be unlikely to receive any additional DOE money until October 2001. David was also able to attend the worker health benefit event, celebrating the legislation passed and the Executive Order implementing the legislation. David then circulated the Quarterly Finance Report. Lisa Morzel made the request that discussion of controlled burns not be delayed too long since there are still issues that need to be discussed by the Board, including alternatives to burning and a review of the test burn data.

Public Comment

Sonja Groghegan, Citizens Concerned about Nuclear Waste Impacts, asked when the Board anticipated discussing the prescribed burn issue. Michelle Lawrence said that would be decided while reviewing the Big Picture at the end of the meeting.

Adopt FY 01 Strategic Plan

Lisa Morzel and Lorraine Anderson asked if the mission statement could be slightly expanded to include a description of Rocky Flats' original use. David explained that paragraph had been taken straight from the IGA. Barb Tenney noted that the IGA also described the Site in a separate paragraph as, "a former production facility for nuclear weapons components." Lisa Morzel motioned to approve the FY01 Strategic Plan with the addition of the language identified by Barb Tenney. Lorraine Anderson seconded the motion. The motion passed 7-0.

Finalize Board Position on Allard-Udall Wildlife Refuge Bill

David Abelson directed the Board's attention to correspondence that had been faxed out last week. The correspondence consisted of newly drafted water easement language and letters from Broomfield and Westminster approving of the language; a letter from Boulder County to the

Jefferson County Commissioners disapproving of the proposed firing range; and a draft Coalition resolution composed by Westminster for discussion purposes. The Board first discussed the water easement language drafted by Doug Young. Mike Bartleson said Broomfield is satisfied with the language, as it formalizes the easements the ditches are already on. He also stated that the water rights are already on record, and Broomfield will survey the easements and record them with the county as well. Mary Harlow said Westminster's staff and water resources lawyer also agreed this language is acceptable.

The Board then discussed the firing range issue. Lisa Morzel reiterated the City of Boulder's opposition to the continued use of the Rocky Flats firing range post-closure. However, they recognize the regional need for a firing range and are looking into constructing an indoor rifle range on 26 acres of open space near Valmont Dike. They have also tentatively identified a site for an outdoor range in Boulder County. Both facilities would be open to other municipalities, and at some point Boulder would like to meet with other governments in the region to discuss options. Lisa suggested since money has been invested in the relatively new Rocky Flats firing range, the facility should be deconstructed and, if possible, moved to the new Boulder site. Michelle Lawrence said Jefferson County wants to support their Sheriff's needs and Boulder's offer may do that. Tom Brunner said Broomfield believes the firing range would not be a compatible use with the refuge. Lorraine Anderson said that although Arvada had no strong feelings either way, the firing range was a huge investment of taxpayer's money and should be phased out over time. Arvada believes it should be a long-term goal to remove the range from the site, but in the meantime it would be a waste to demolish it. Sam Dixon said Westminster had written a letter opposing the firing range and that they would be open to discussing Boulder's ideas. She also suggested moving the facility to Boulder before closure, if it is within Boulder's timeline. Lisa said it could occur within the next couple of years, but she would have Amy work with David to get the details to the Board. Michelle said Nanette would also work with the Sheriff's office, and asked David to research the possibilities with DOE and Kaiser-Hill. Paul Danish said Boulder County was delighted with the City of Boulder's offer, especially since they had concerns about safety and liability issues at Rocky Flats. Michelle said it appeared unanimous that the Board did not want a permanent shooting range on-site, and the Board then discussed the appropriate language for the resolution. The Board members eventually agreed on the approximate language, "The Coalition opposes the insertion of any new language to the Bill related to future uses, such as allowing a shooting range." Paul Danish motioned to approve the aforementioned language opposing a shooting range. Tom Brunner seconded. The motion passed 7-0.

Ken Fellman began discussion of the transportation corridor issue by stating he had talked with Sam Dixon the night before about keeping options open for the corridor, but not at the expense of any threat to water supplies. He stated that it has been Arvada's position from the start that whether the road is built according to current bill language, or a 300 foot right-of-way, or through the southeast corner and Section 13, environmental concerns must be met. Also, if the corridor were to cut across the southeast corner, Arvada has no problem committing to keeping the orphan piece of land permanent open space. Ken said Arvada is in the second phase of an alignment study through the area, which should be completed within three to four months.

Arvada does not want to foreclose any options that would take an act of congress to reopen, and he has discussed this with Sam. Sam said she wasn't quite sure how to word language they could both agree to, since she would like to support the current language or any future transportation corridor if it would not affect water quality, but she is still very concerned about Section 13. She stated that if the water protection language was strong enough it might pass Westminster's Council. Lorraine Anderson suggested using the language from the draft resolution, but changing it to allow the option of a transportation corridor on the east and southeast border of Rocky Flats, taking into consideration water quality issues. She added that it would not be possible to build a road that would impact the waters of the U.S. Tom Brunner said that although Section 13 would not impact Broomfield's water supplies, they take an interest in anything impacting the watersheds, no matter which city is affected. Tom also stated Broomfield would have no problem with keeping the option open to use Section 13 if necessary since Broomfield will most likely use and need the corridor eventually as well. Paul Danish said Boulder County is not in principal opposed to Section 13, but he is worried that if the right-of-way is discussed in the bill, it could be taken by officials in the future as an endorsement for the road. He suggested a sentence that says, approximately, "nothing herein contained should be taken as an endorsement for this transportation corridor." Hank Stovall also suggested language to the effect of "impacts to Section 13 should be minimized where possible." Lisa Morzel said the City of Boulder prefers the current bill language, especially given public sentiment regarding the Northwest Parkway. Lisa stated that the Northwest Quadrant Feasibility Study findings suggested only widening existing roadways, and the IGA had also discussed roads, so she does not agree with this discussion. Additionally, Lisa stated concern over changing any language since the bill in its current form has the consensus of the entire Colorado congressional delegation. Ken Fellman replied the current language makes no reference to safety or water contamination issues, and Arvada wants to ensure these issues are addressed. He also said the risk of losing the delegation's consensus is a non-issue since Allard and Udall staff have said they would work with the Coalition, and if Allard and Udall agree to modify the bill he can't believe other congressmen would disagree. Doug Young corrected Ken and explained the bill does speak to the issue of protecting the environment in Section D, on page 7. They did not specify each individual law in order not to omit any applicable laws. Michelle Lawrence agreed it was wise not to specify each law, and then confirmed Jefferson County would support the 300 foot right-of-way in order to leave alignment options open after going through the Environmental Impact Statement (EIS) process.

The Board then pursued a lengthy discussion about corridor alignment and its relation to topography, drainage basins, the Wheatridge/Lakewood reservoir, settling ponds, and the current bill language. David Abelson drew a map illustrating differences between the proposals, and Arvada and Westminster transportation engineers also helped explain the potential alignments. They explained that the Colorado Department of Transportation (CDOT) proposed a 2000-foot radius curve at Indiana and Highway 72, which may require one quarter of Section 13, or 160 acres. Ken proposed the Coalition request Allard and Udall to modify the language in Section 4(e) to allow for a right-of-way corridor along Indiana, and if necessary through the southeast corner of Section 13, with the understanding that subsection 4(e)(1)(D) will address and in fact prohibit any road that would negatively impact contamination, drainage, erosion, or other issues

that could negatively impact water supplies. Tom Brunner said he would second that language. Doug Young said it would be very helpful if the language could be as specific about footage as possible. Ken amended his proposition to include 300 feet along Indiana. Tom again said he would second it. Further discussion among the Board ensued which highlighted areas of disagreement. Ken Fellman motioned to request Allard and Udall to modify the language in Section 4(e) of the wildlife refuge bill to allow for a 300 foot right-of-way corridor along Indiana, and if necessary through the southeast corner of Section 13, with the understanding that subsection 4(e)(1)(D) will address any negative impact to water supplies, including contamination, drainage, and erosion. Tom Brunner seconded the motion.

Before a vote could be taken, Paul Danish offered a substitute motion to amend Ken's motion by putting a period after "300 foot right-of-way corridor along Indiana" and striking the rest of the sentence. Lisa Morzel seconded the substitute motion. Following a vote of the Board, the substitute motion failed 3 to 4, with Boulder County, the City of Boulder and Westminster voting yes.

A vote was then taken on Ken Fellman's motion. Following a vote, this motion failed 4 to 3, with Boulder County, the City of Boulder and Westminster voting no.

Lisa Morzel motioned to support the wildlife refuge bill in its current language, but to amend the bill to include language for the water ditches and the shooting range positions, and allow a 300 foot right-of-way along Indiana. Paul Danish seconded the motion. Lorraine Anderson offered a substitute motion to amend Lisa's motion to allow for Arvada, Broomfield, and Jefferson County to work with the congressional staff to come up with greater specificity on the location of a transportation corridor along Indiana and Section 13. Tom Brunner seconded the substitute motion.

Before a vote could be taken on either motion, the Board discussed the issue of public process and working together to reach consensus. Nanette Neelan suggested Lisa amend her motion to add the language "and that we amend into the process results from an alignment study as it relates to the connection between Indiana and Highway 72." Lisa Morzel amended her motion to include Nanette's suggestion to add the alignment study language. Lorraine Anderson seconded the motion. Following a vote of the Board, the substitute motion passed 7-0. The Board directed David Abelson to work with legal counsel to prepare a written resolution for signature containing the Board's determinations.

*Carolyn Dulchinos left at 10:05 a.m.

[The Board took a 10-minute break at this time.]

Worker Safety Briefing

Mark Spears, Kaiser-Hill's Chief Safety Officer, discussed Site safety procedures and specific safety issues recently raised. He began by saying Kaiser-Hill has contract incentives to

accelerate cleanup and closure, but these are the same elements as a safe closure. Mark emphasized that safety and production go hand-in-hand, and explained safety is their first priority. He also noted Kaiser-Hill loses \$600,000 per day if penalized. Mark then described the Site's top ten accidents since 1995 and noted that Kaiser-Hill is not happy with this record. Most significant incidents were not related to nuclear waste, but were industrial in nature. He described mechanisms Kaiser-Hill uses to manage safety, which include the Integrated Work Control Program (ICWP), stop work authority by everyone on the job, weekly executive meetings, the Joint Company Union Safety Committee, work group meetings, the union grievance procedure, supervisor training, audit and oversight, and tracking and trending analysis. Although there are over 75 performance indices, two basic health indicators measure safety performance: the Total Recordable Case Rate, and the Lost Workday Case Rate. Mark displayed these two charts, which portrayed an obvious upswing in case rates from July to December 2000. He also displayed charts that tracked radiological violations, nuclear licensing TSR violations, and criticality infractions. As the charts illustrated, recent safety performance at the Site has been poor due to occupational incidents, Building 776 electrical near misses, the unexplained uptakes in Building 771, and two Level 3 criticality infractions in Building 707. Mark explained what a criticality is, and that these two criticality infractions consisted of workers overpacking a drum with uranium or plutonium. Mark described the actions being taken in response to these events and concluded by outlining potential initiatives, which may include re-emphasizing the Integrated Safety Management (ISM) process, conducting additional training, incentivizing work crews for safety performance, and penalizing supervisors for unsafe operating conditions.

Tom Brunner said one of the tools Mark had listed was stop work authority, but at an earlier meeting a worker stated Kaiser-Hill had opposed the workers doing this at Building 771. Mark replied this statement was incorrect, and Kaiser-Hill had actually met with the steelworker's union. The union agreed to let Kaiser-Hill issue the stop work order and they also agreed on the criteria for restarting work. Lisa Morzel asked about respirators and Mark responded that Kaiser-Hill does not design safety equipment but they do use the best equipment they can buy for the workers.

Paul Hartmann, RFFO Chief Safety Officer, began by confirming DOE's commitment to safety. He, like Mark, emphasized that it is possible to have both safety and a contract for accelerated cleanup and closure. It is DOE's job to provide tough oversight and ensure there is no conflict, and at the first sign of conflict DOE will always come down on the side of safety. Paul then described RFFO's safety oversight role at the Site, which consists of the facility representative program or the day-to-day oversight; authorization basis/safety authorization, and the planned improvements to that program; contract enforcement; Price Anderson enforcement; and stop work authority. Paul said it was a DOE facility representative who noticed the air sampler calibration error in Building 771 which led to the discovery of the uptakes. Currently, DOE's Building 771 assessment team is reviewing the contractor review team and RFFO is holding frequent discussions with Kaiser-Hill senior management. They are also dialoguing with Headquarters about bringing out help to evaluate this uptake event. Barbara Mazurowski contacted the Office of the Inspector General and is evaluating whether to apply a contract penalty. They have also already reported the event in the Price Anderson Enforcement reporting

system. Paul noted the Site has overall good safety statistics, but they are concerned about the increasing trend of safety events, including the Building 707 criticality infractions and the Building 771 uptakes. He also spoke of the three penalties issued since February 2000, which were \$60,000 for Building 371 ventilation problems, \$100,000 for material handling incidents, and \$250,000 for inadequate work controls in Buildings 771 and 776. Paul said RFFO safety expectations consist of adequate management, fact-finding and lessons learned, and supervisors and workers understanding their roles and responsibilities. He concluded by affirming that significant checks and balances do exist, and DOE is communicating their expectations to Kaiser-Hill via formal and informal assessments, a partnering workshop, and contract provisions.

Don Owen, Defense Nuclear Facilities Safety Board, described the DNFSB role as an external safety oversight, not regulatory. Formal recommendations to DOE are the primary action-forcing mechanism and they institutionalize the process for incorporating a set of integrated safety controls into planning and execution for each hazardous defense nuclear activity. In response, the Site develops the IWCP. The IWCP and Conduct of Operations Guidance governs implementation of safety controls and execution of activities. Don explained the DNFSB also provides feedback and suggestions for improvement, including fact-finding following occurrences.

*Ken Fellman left at 11:50 a.m.

Round Robin

Due to a lack of time, there was no Round Robin.

Public Comment

John Whitney said he was disheartened to see that the Board displayed much more vigor discussing a road as opposed to worker safety, and he reminded the Board they are the worker's check and balance. John also disagreed with DOE and Kaiser-Hill and said accelerated closure and concern for safety are two separate messages. Michelle Lawrence explained that the Board ran out of time during this meeting, but they would continue this ongoing discussion of worker safety next month. Hank Madison, the steelworker's safety representative, said they are committed to working with Kaiser-Hill to provide safety oversight and enforcement.

Review Big Picture

David reviewed the big picture. At the February meeting the first issue the Board will discuss is worker safety. The Board will also draft a lobby packet for the March Washington, D.C. trip, and David will work with the unions for their input. Kaiser-Hill will also provide a briefing on worker benefits. The March meeting will be moved to February 26th since the Board will be in Washington the following week. At that time the Board will discuss the prescribed burn and cleanup process issues.

In last minute comments, Lisa Morzel asked for an addition to the 771 DOP letter to Kaiser-Hill, originally approved by the Board under the Consent Agenda. She asked that on page 2, under explosives, the Coalition request an analysis of potential fractures downward into substructures. The Board agreed. Lorraine Anderson asked that the Coalition get adequate and accurate information to the press, and referred to a recent newspaper article that made the erroneous statement that workers were bringing contamination into the communities. Mary Harlow asked that DOE formally notify the Coalition of any further worker exposures. David said he has been working with DOE Communications to improve the process.

*Michelle Lawrence left at 12:08 p.m.

The meeting was adjourned by Paul Danish at 12:15 p.m.

Respectfully submitted by Kimberly Chleboun, Program Assistant