

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, February 5, 2001
8:00 – 11:00 a.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), Mary Harlow (Alternate, Westminster), Lorraine Anderson (Director, Arvada), Ken Fellman (Alternate, Arvada), Carol Lyons (Alternate, Arvada), Paul Danish (Director, Boulder County), Lisa Morzel (Director, City of Boulder), Matt Magley (Alternate, Superior).

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), Dave Shelton (Kaiser-Hill), Jo Giacomini (Kaiser-Hill), Gary Voorheis (Kaiser-Hill), Rob Easdon (Kaiser-Hill), Len Martinez (Kaiser-Hill), Bob Wilson (DOE), Paul Hartman (DOE), Steve Gunderson (CDPHE), Rob Henneke (EPA), Noelle Stenger (RFCAB), Kristi Pollard (Senator Allard), Doug Young (Congressman Udall), Theresa Sauer (Governor Owens), Beth Cooper (Congressman Tancredo), 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), Bob Nelson (citizen), Dan Chesshir (RFSOIU Local #1), John Whitney (RFSOIU Local #1), John Barton (USWA Local Union 8031), James Masingale (USWA Local Union 8031), Gail Bange (Wackenhut Services, LLC), Beth Wohlberg (The Daily Camera), Linda Tharp (Arvada Sentinel), Sean Kelly (Denver Post), Berny Morson (Rocky Mountain News), George Vancil (Arvada), James Burrus (Boulder County), Martin Toth (Superior), Tom Atkins (CINQ), Steve Smith (Xcel Energy).

Convene/Agenda Review

Michelle Lawrence called the meeting to order at 8:15 a.m. There were no proposed changes to the agenda.

Business Items

- 1) **Appoint Coalition Officers** – Michelle Lawrence made a couple of comments during her last morning serving as Chairman. Michelle addressed the issue of a letter from the Citizens Involved in the Northwest Quadrant (CINQ) sent to Jefferson County and the press. She took exception to the inflammatory remarks asserting Jefferson County and Nanette Neelan

misrepresented the facts of the Northwest Quadrant Feasibility Study to the Board. Michelle explained she had approved the map handed out at the last Board meeting, and the right-of-way south of Highway 72 along Indiana was not on the map because it would not exceed the county standard of 130 feet. In reference to CINQ's complaint that no minutes were available from the management meeting, Michelle stated they had widely distributed copies of the meeting tape. Lorraine Anderson added the map needs to be corrected to reflect the intersection at 64th, which is in the process of being rebuilt for safety purposes. David Abelson then continued the process of appointing new officers. In accordance with the procedures for selection of officers of the Board, Paul Danish was appointed as the new Chairman of the Board, Sam Dixon was appointed Vice Chairman, and Lorraine Anderson was selected by drawing to fill the position of Secretary/Treasurer. Barb Tenney explained that in the IGA and the bylaws the parties are to designate their directors and alternate directors each year. Barb said although the Coalition does not have its own enabling legislation it is a public entity which therefore requires that its directors execute an oath of office, which she then handed out and asked to be returned to her by the end of the meeting.

- 2) **Motion to Approve Consent Agenda** – Lorraine Anderson asked that minutes from the January 8th meeting be changed to reflect the fact that the settling ponds referred to on page 4 are actually agricultural stock ponds, since they have never been settling ponds and are not a part of the Site water system. The Board discussed the appropriate way to handle language in the minutes that is factually incorrect. Lorraine agreed the correction could be noted in the current meeting minutes. Lisa Morzel motioned to approve the consent agenda. Tom Brunner seconded the motion. The motion passed 7-0.
- 3) **Executive Director's Report** – David Abelson briefly discussed worker safety and distributed Barbara Mazurowski's letter responding to the Coalition's letter of December 20th. He explained the safety partnering workshop, of which the Coalition had requested minutes, has not yet taken place. David then said the Coalition's letter regarding the 771 DOP had generated a good dialogue regarding the integration of D&D and ER activities. He is now in the process of developing with staff a letter regarding the 371 DOP. He also directed attention to the Site's response to the Coalition's letter regarding RSALs. David next informed the Board he worked with the new acting director of the CRO office, Bob Baney, at the CRO Executive Director's conference. The Board will be meeting with Bob on their lobbying trip to Washington D.C. this March. David also handed out a draft letter from the Coalition to Spencer Abraham congratulating him on his appointment as Secretary of Energy. David concluded by encouraging the Board to attend the Annual State of the Flats meeting on February 20th.

Public Comment

Tom Atkins, CINQ, acknowledged Michelle Lawrence's comments and apologized to Nanette Neelan. He said the public becomes cynical after seeing the same mistake made three times, and added that removing that piece of right-of-way from the map gives the corridor the appearance of having been approved.

Worker Safety Briefing

James Masingale, steelworkers union, said they are in agreement with Barbara Mazaurowski that they need to stay vigilant. John Barton, steelworkers union, said they had seen an increase in communication between Kaiser-Hill's upper-level management and the union, but it hasn't gone to the worker level yet. John said workers still perceive a problem stopping work or questioning their supervisor for fear of retaliation. However, he sees a greater interest in trying to resolve concerns before they get out of hand.

Dan Chessir, guards union, gave the Board copies of the latest issue of Envision, the Site newspaper, which includes a map of the Protected Area (PA) and explains the reconfiguration. He noted gates 8 and 9 currently have scanners and xrays to detect any materials taken out of the PA, and they have the ability to close these gates. When the PA shrinks, remaining special nuclear material (SNM) will be consolidated in the 371/374 complex where a newly installed fiberoptic security system will protect it. Dan said there will still be materials in buildings outside the confined area once the PA shrinks and the established barriers are removed. Dan explained the guards have asked the Site why these systems should be eliminated. He acknowledged Kaiser-Hill wants to make it easier to get noncleared individuals in the buildings for D&D work. So, the guards offered the possibility of streamlining the security process, but keeping in place boundaries with scanners and xrays, and a limited number of security personnel to look at individuals coming out of the zone. Dan said he realizes the security workforce will need to be reduced, and his purpose in stating these concerns is not to protect the guard's jobs, but rather to provide protection from the possibility of a disgruntled employee. Dan then answered questions from the Board and provided the following additional information: 1) the security workforce will be reduced by 20-30 workers with the PA shrinkage; 2) Kaiser-Hill has been planning the shrinkage and holding meetings for over a year; 3) the only checkpoint will be for building 371, but there are still outside boundaries which require access cards, and you are required to wear a badge onsite; 4) the fire security system will not change; 5) the current PA fence will come down; 6) DOE is ultimately responsible for any security incident; 7) there will still be equipment in the 700 complex, but buildings will be scanned and surveyed before the area is opened; and 8) noncleared workers must be escorted by workers with clearance and knowledge of the areas. Paul Danish said he hoped DOE and Kaiser-Hill would comment on the guard's concerns.

Paul Hartmann, DOE, said he would not be able to address this issue today, but he would talk to their security director about providing the Board with this information. Paul then referred to his January briefing to the Board in which he discussed safety trends. He said Rocky Flats Field Office (RFFO) is highly concerned about the increasing trend of safety events, thus the hard-hitting letter Barbara Mazurowski sent to Kaiser-Hill January 5th. In discussing the letter, Paul said the two criticality infractions indicated procedures and controls for SNM handling were not being executed correctly, and roles and responsibilities between workers and supervisors were not well understood. Additionally, the uptakes in Building 771 revealed violations of radiological work permit log in requirements and inadequate radiological surveys. Paul then cited previous Kaiser-Hill penalty fees totaling \$410,000, and noted that although they have seen

some positive safety indications, RFFO felt it necessary to address this trend before it becomes any more severe. Paul said Bob Card had responded to Barbara's letter by stating Kaiser-Hill is serious about safety and will take corrective actions. Paul concluded by listing the current actions DOE is taking in response to recent events. There will be two reviews by an EH independent oversight unit into the Building 771 uptakes and into overall safety management; two reviews by the OIG into waste, fraud, and abuse, and safety and health risks; the annual Integrated Safety Management (ISM) review; efforts to train and retain Facility Representatives; efforts to work with DOE Headquarters, Environmental Management, in reviewing onsite safety; and, RFFO realignment effective March, to consolidate and concentrate safety personnel and create a DOE Assistant Manager for Safety. Barbara has also hired a safety consultant to work directly for her onsite. The floor was opened for questions.

Tom Brunner asked if the money for this additional personnel and oversight was already in the budget, or where the money might come from. Paul said he wasn't sure because he wasn't responsible for the budget, but in general the contract provides for this activity to be done safely so there may be enough wiggle room, especially since these DOE actions are not unheard of and are appropriate. Paul said he could get a more detailed answer if the Board so chose. Hank Stovall asked why it took so long between the potential uptake and verification of it, and what would be the shortest time in an emergency DOE could get testing done. Paul deferred this to Kaiser-Hill since it is an in-depth process, although he did explain if there was a rapid uptake the site would do an immediate rough evaluation, but bioassays take time. Hank then asked if only written information would be reviewed in the audits and reviews, or if they would interview people working in the buildings. Paul replied they would substantially review the buildings and people involved at every level. Mary Harlow asked if there would be one final report consolidating all the studies and providing the bottom line of all the safety investigations. Paul said many of the reviews are independent, and much of the IG audit may not be public, but he could put together an outline of how they all fit together.

Gary Voorheis, Kaiser-Hill, began by stating if the goal for Rocky Flats is accelerated closure, their first priority must be on safety. Gary explained if they can't work safely, they can't work or deliver risk reduction. He also referred to the recent penalty fees, and noted Kaiser-Hill proposed those penalties in negotiating their contract. Gary then described the two Level-3 criticality infractions in Building 707 and emphasized these are the least severe type of infraction and at no time was there an imminent risk of criticality from these two incidents. Both events resulted from the amount of grams of fissile material placed in a container exceeding the limits for the specified container, which failed to comply with Criticality Safety Operating Limits. Gary outlined actions Kaiser-Hill is taking, including development of a site-wide safety improvement and comprehensive corrective action plan; a pause in work until corrective actions are completed; briefings on individual responsibility to all material handling personnel; revision of the packing procedure for 10-gallon drums, and; the establishment of a root cause analysis team to evaluate these events. Gary said they expect to have restarted all Material Access Area (MAA) closure activities within the next two weeks.

Gary next described actions Kaiser-Hill is taking in response to the Building 771 uptakes in which 10 of the 11 worker exposures still have not been explained. Kaiser-Hill is still investigating in an attempt to identify the contamination source. It is increasingly looking like there was no specific event, but instead a chronic low level contamination situation. As an added precaution, gloveboxes that are off-line have been completely contained in plastic. There is no indication of malfunctioning equipment or alarms. Work in the building was temporarily halted but has resumed with additional monitoring. Workers must wear respirators, and have again been informed of their stop-work authority. A final report with final doses for exposed workers is due this month. In addressing the earlier question of why it takes so long to get dose information back, Gary described the bioassay process. The Site has the capability to immediately detect if someone has had an intake by performing a lung-count, which can take 45 minutes. However, the measurement accuracy is limited so they must test fecal samples for an accurate dose. This dose is based on the body's passing of material and can sometimes even take a year for the rate of decay curve to level out, and ongoing sampling is necessary. In this manner they can determine a final dose and when the event took place. In summary, Gary said improvements will always be needed and Kaiser-Hill will never be satisfied with their safety performance. He added safety must be continually emphasized during the entire course of the closure project. The floor was opened for questions.

Paul Danish asked if it made sense to shrink the PA given the recent criticalities and unknown contamination sources. Gary said the PA is a security issue and radiological controls are not related. He explained shrinking the PA allows workers to more easily access buildings to continue D&D work, but it would not alter the radiological controls in these buildings. Gary also remarked once materials are removed from the buildings, the chance for a criticality or exposure would be lessened as they are removing the sources. Gary advised the Board Kaiser-Hill was not prepared today for a review of the PA reconfiguration. Lisa Morzel asked where the money from Kaiser-Hill's fines went. Paul Hartmann responded he wasn't even sure it stayed with RFFO.

Kaiser-Hill Worker Retention Briefing

Len Martinez, Kaiser-Hill, briefed the Board on the type of programs they are providing to workers in an effort to retain a skilled and experienced workforce. Len provided a chart, which displayed projected staffing needs until 2006. The chart illustrated the shift from "hot" D&D to "cold" D&D, and the overall downward decline in number of positions sitewide. Len explained performance challenges of closure include employee morale, shifting skill sets, recruiting specialized skills for short-term jobs, and working with subcontractors to ensure understanding of safety and performance requirements. Now that the local economy is slowing slightly, it may make it easier to retain workers due to reduced competition. In an effort to retain workers, Kaiser-Hill is providing retraining now that work is shifting from production to demolition. Additional economic retention incentives include an Incentive Compensation Plan to encourage a safe and early closure, modified retirement eligibility, severance benefits, and removing the ceiling on vacation accrual. Benefit plan revisions consist of improvements to the salaried pension plan, the steelworkers pension plan, and the steelworkers savings plan. Len also

described the Site's career transition assistance, which consists of a job skills analysis for workers, an entrepreneurial resource program, revisions to the tuition reimbursement programs, and an employer network to facilitate transitions to other employers. The floor was opened for questions.

Tom Brunner asked what the Coalition could do to help support these programs, and Len responded the Coalition could help with the employer network, or advise if there are any additional programs that Kaiser-Hill may not be aware of. He also said it may be helpful if the Coalition could lobby to continue funding for these programs. Tom asked if it is true that Rocky Flats workers find it difficult to obtain jobs in the private sector due to the fear of health problems. Len said it would be against the law to discriminate against them, and he hasn't personally heard of it happening. He explained this is one reason they support continuing medical coverage to employees once they leave Rocky Flats, and also why the Rule of 70 retirement plan is important. RFFO supports the Rule of 70, but now DOE Headquarters must approve it. It is already in place for the guards. Michelle Lawrence advised Len to contact Jefferson County Human Resources about the employer network.

Washington, D.C. Lobbying Packet

David Abelson explained this lobbying packet is based on the packet from last year, and there are no significant changes. He said thus far Tom Brunner, Paul Danish, Lisa Morzel, Amy Mueller, Sam Dixon, Mary Harlow, and Lorraine Anderson are planning on participating. David also said he is trying to arrange the meeting schedule so they spend Tuesday morning on the Senate side, Tuesday afternoon meeting with DOE, and schedule meetings for the House side after that. He noted the meeting with Representative Tancredo conflicts with the ECA Board meeting. After discussing the packet and schedule, the Board gave David the following directions: 1) change the draft letter to Secretary Abraham to request a meeting with him; 2) attempt to reschedule the meeting with Tom Tancredo; 3) remove the one page summary from the lobby packet and create a separate, 2-page document that describes key points; 4) provide a page that lists Board contact information; 5) confirm that the issues overview is properly updated; 6) add the Rule of 70 to the worker benefits page; 7) look into scheduling a meeting with Senator Campbell; 8) inform the Board of the current meeting schedule, and provide an update every few days; 9) leave Monday, March 5th, open for possible meetings; and 10) look into meeting with Senator Dominci.

Round Robin

Arvada – Lorraine Anderson reiterated that nothing has changed since the resolutions passed at the last Northwest Quadrant Management Committee meeting, and Arvada supports the final resolution of the Northwest Quadrant Feasibility Study. Ken Fellman distributed copies of a letter Arvada sent to the editor of High County News in response to the recent Rocky Flats article and what he perceived to be inaccuracies. Lorraine added the Board should keep in mind the interview between the reporter and she had occurred over nine months ago, and a lot of water had passed under the bridge since then.

Jefferson County – Michelle Lawrence thanked the Board and RFCLOG staff for working together the past year while she was Chairman.

Westminster – Mary Harlow said she attended the ECA conference in Las Vegas last month where they discussed Yucca Mountain opening this year, and I-70 being designated as an alternate transportation route. ECA is working on a resolution regarding transportation issues, and they are looking to DOE for funding for these communities accepting waste. Mary also urged Board members to attend the ECA conference in March.

Boulder County – Paul Danish discussed recent research on the dangers of depleted uranium, and the potential for contamination problems at Rocky Flats if it had been used in ammunition tested on the firing range or as an alloy. The Board agreed to direct staff to research this issue.

City of Boulder – After reading the letter Arvada distributed, Lisa Morzel said she found it reprehensible and inaccurate, and the language was throwing flames on the fire. She insisted Boulder did not vote to support Arvada’s position regarding the right-of-way, but voted to support the Allard-Udall refuge bill. Lisa said Boulder in no way supports going through Section 13, and asked Arvada to represent the facts and be honest. Ken defended his statement that Boulder drove the cost of open space up with their acquisition. He also said his letter referenced the resolution to do an alignment study. Mary said Westminster does not want to go through Section 13 either. Ken clarified Westminster didn’t agree to a radial curve on Section 13, but they did approve of the right-of-way that would be in Section 13. Paul said it appears there may be more than one letter to the editor.

In last comments the Board discussed the draft letter to Secretary Abraham and agreed the first paragraph should note that the Coalition is a Colorado state political subdivision; the language “local elected officials” should be added to the second paragraph, and; it should be signed by all of the Directors.

Public Comment

John Whitney, guards union, thanked the Board for their time in reviewing safety issues, and begged them to remember significant events have taken place, and with more D&D work will come more events. He said the workers do find it alarming, and he was disappointed the steelworkers didn’t say more. John acknowledged the guards don’t handle the materials but they do observe the processes. Paul Danish thanked everyone for their feedback and testimony and said on behalf of the Board it is the most important information received in the last six months.

Review Big Picture

David reviewed the big picture. At the February 26th meeting the Board will finalize the lobby packet, have the Site give an update on controlled burns and the Industrial Area, including the

sampling and analysis plan and the PA reconfiguration. This will segue into the discussion of D&D activities in April.

The meeting was adjourned by Paul Danish at 11:05 a.m.

Respectfully submitted by Kimberly Chleboun, Program Assistant