

**Rocky Flats Coalition of Local Governments Board Meeting Minutes**  
**Monday, May 2, 2005**  
**8:00 a.m. – 12:45 p.m.**  
**Jefferson County Airport, Broomfield**

**Board members in attendance:** Gary Brosz (Director, Broomfield), Lori Cox (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Sam Dixon (Director, Westminster), Jo Ann Price (Alternate, Westminster), Ron Hellbusch (Alternative, Westminster), Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Jim Congrove (Director, Jefferson County), Nanette Neelan (Alternate, Jefferson County), Karen Imbierowicz (Director, Superior), Devin Granbery (Alternate, Superior), Shaun McGrath (Director, Boulder), Carl Castillo (Alternate, City of Boulder), Ben Pearlman (Director, Boulder County), Jane Uitti (Alternate, Boulder County).

**Coalition staff members and consultants in attendance:** David Abelson (Executive Director), Kimberly Lohr (Assistant Director), Rik Getty (Technical Program Manager), Barb Vander Wall (Seter & Vander Wall, P.C.), Erin Rogers (consultant).

**Members of the Public:** Dave Shelton (Kaiser-Hill), Joe Legare (DOE), Frazer Lockhart (DOE), Karen Lutz (DOE), John Rampe (DOE), Rob Henneke (EPA), Steve Gunderson (CDPHE), Edgar Ethington (CDPHE), Shirley Garcia (Broomfield), Al Nelson (Westminster), Bob Nelson (Golden), Doug Young (Rep. Udall), Ken Korkia (RFCAB), Roman Kohler (Rocky Flats Homesteaders), F.P. Cruz (RFSOIU), Ron DiGiorgio (USWA Local 8031), Chuck Miller (USWA Local 8031), Hank Stovall (former Coalition Board member), Hildegard Hix (citizen), Harvey Nichols (CU), Todd Neff (Boulder Daily Camera), Glenn C. Fischer (U.S. GAO), Gerald DePoorter (RFCAB), P.A. Rice (RFCAB), Bob Darr (DOE), Mary Hemmann (RMPJC), Andrew Tirman (RMPJC), Marion Galant (CDPHE), Jennifer Bohn (RFCLOG accountant), John Corsi (Kaiser-Hill), Eric Abelquist (ORISE), Norma Casteñeda (DOE), Terry Van Keuren (Representative Tancredo), Jan Walstrom (Kaiser-Hill), Dale Kralicek (WCRA), Jeff Lively (MACTEC), Steve Davis (RFCWM), Kim Grant (Arvada, RFCWM), Representative Mark Udall, Don Rolf (RFCWM), Phil Thomlison (RFCAB), Karen Deike (RFCLOG consultant), Mark Sattelberg (USFWS), Amy Thornburg (USFWS).

**Convene/Agenda Review**

Chairman Shaun McGrath convened the meeting at 8:00 a.m.

**Business Items**

**1) Consent Agenda – Gary Brosz motioned to approve the consent agenda. Lorraine Anderson seconded the motion. The motion passed 7-0.**

**2) Resolution Supporting Rocky Flats Cold War Museum – Kim Grant from the Rocky Flats Cold War Museum reported that the Museum Board has requested the support of the Coalition for the Museum and related funding. Mr. Grant referred to the Coalition’s historical support of**

the need for a museum to serve as a source of institutional memory regarding Rocky Flats history and impact on this community.

Shaun McGrath noted that the resolution reflects the goals of the Coalition in terms of the long term stewardship of Rocky Flats.

Lorraine Anderson motioned to approve the resolution. Gary Brosz seconded the motion. The motion passed 7-0.

**3) Executive Director's Report** - David Abelson reported on the following items.

- Kimberly Lohr is leaving her employment with the Coalition. David is bringing in two people to replace her. Erin Rogers, former RFCAB staff member, will attend Board meetings and prepare the minutes, as well as update the website when necessary. Katie Ewig, former RFCLOG staff member, will be assisting David in the office through the summer. David will reassess staff needs when Katie returns to her teaching position at the end of the summer.
- The Board received a fax of a letter that was sent to DOE Secretary Bodman from Senators Allard and Salazar and Congressmen Beauprez and Udall addressing several issues related to the development of a Local Stakeholder Organization for Rocky Flats. David asked the Board members to please review this letter before the discussion later in the meeting.
- The draft Memorandum of Understanding between DOE and DOI regarding the management of Rocky Flats mandated by the Refuge Act was finally issued. Coalition and local government staff have reviewed the MOU and found that the issues previously identified by the Coalition remain relevant, but there is no need to comment further so this issue is not on the agenda.
- Per the Board's request for frequent updates on the status of remediation of A-series ponds following an americium exceedance, David distributed copies of an email update from John Rampe. Any further questions should be directed to Rik Getty or John Rampe.
- David provided copies of the Coalition's financial report to Board members

Gary Brosz asked for an update on previously reported contaminant exceedances in the drainage ponds. Rik Getty responded that DOE was reporting to regulators on values. John Rampe reported that there was no new information. Data is showing that values at North Walnut Creek are returning to normal, and DOE is hoping that South Walnut Creek will show a similar pattern.

David then presented Kimberly Lohr with a framed photo of Rocky Flats as a commemoration of her valuable service to the board.

**Public Comment**

Ken Korkia (RFCAB) also thanked Kimberly for her great work, notably with the Stewardship Working Group. He noted his appreciation for Kimberly's great relationship with RFCAB.

Dale Kralicek (Woman Creek Reservoir Authority) thanked DOE for funding the Woman Creek Reservoir and the Authority. The WCRA has hired consultants to study water issues and issue

recommendations in order to protect downstream communities. Dale asked the Coalition to review their findings and support the recommendations. The Authority and its consultants are willing to meet to discuss technical issues and the recommendations in order to garner support. Shaun McGrath noted that today's meeting includes a discussion on the ORISE and MACTEC independent reviews, with a quick update on the WCRA project. At the June Coalition meeting, there will be a more technical discussion of these other reviews. Shaun noted that Gary Brosz is chairing the independent review subcommittee, which is open for participation.

Andrew Tirman (Rocky Mountain Peace and Justice Center) noted his satisfaction that the letter from the Colorado Senators and Congressmen regarding the development of the local stakeholder organization (LSO) supported the inclusion on full-voting members from the community. Regarding the ORISE review, he noted that it does not look like the review is taking place under the MARSSIM protocol, which is causing him concern. He is also concerned about whether reviews will use sampling data from the top six inches of soil or the top 3 feet. Andrew requested that the public be given an opportunity to ask questions throughout this meeting. Shaun McGrath noted that some of these issues will be discussed after Congressman Udall addresses the meeting.

The Chair asked the public in attendance to introduce themselves. He then previewed the next agenda item by announcing that Representative Udall will open with a few remarks and then take questions from the Board, and if there is time remaining, will take questions from the audience.

While waiting for Rep. Udall to arrive, Shaun McGrath reviewed the status of a discussion the Board had at its last meeting regarding the creation of the Local Stakeholder Organization (LSO) for Rocky Flats. The Board came to two conclusions at that April meeting: 1) the Coalition felt that the statute creating the LSOs limited public involvement on the LSO Board, and 2) local citizens should be allowed to be involved in the LSO as ex-officio members. Following the meeting, the Coalition began receiving indications that others in the community, including RFCAB, did not necessarily agree with this framework. While in Washington, D.C. recently, Shaun and David Abelson carried a message back to the Colorado delegation that asked for their assistance in negotiating an agreement on issues related to the LSO. The delegation responded by sending the letter mentioned earlier in this meeting which lays out a suggested model for the LSO and endorses a more flexible interpretation of the LSO statute.

### **Discussion with Representative Mark Udall**

Chair Shaun McGrath introduced Representative Udall and thanked him for his bipartisan work in Washington on important issues. Rep. Udall then gave a brief update on Rocky Flats issues and stated his desire to hear from the Board and other attendees about their concerns and questions.

Rep. Udall first mentioned two pieces of legislation he is intending to reintroduce in Congress. The first is related to mineral rights issues at Rocky Flats. Rep. Udall would like to find a creative solution that does not involve the use of cash. The second is the Front Range backdrop legislation, of which the Rocky Flats area is part of a broader effort to preserve areas from

Wyoming to New Mexico. This bill is simply asking the Forest Service to study the issue and prepare a report on their findings.

He also noted that he and the other members of Colorado's congressional delegation are closely watching the Rocky Flats cleanup to make sure it is completed appropriately, and that there is great interest in Washington D.C. in the model used here for a successful path to cleanup and closure. With that, Rep. Udall asked to listen to questions and statements from those in attendance.

Shaun McGrath updated Rep. Udall on the independent reviews that are currently underway. He noted that a few months ago the Coalition was getting so many questions from the public on the question of whether the Rocky Flats cleanup was going to be done correctly and safely that the Board felt it could provide a great service by ensuring another layer of review. DOE took the initiative to bring in ORISE to look at soil sampling and provide an opinion of whether the cleanup standards are being met. The Coalition has hired MACTEC to oversee the work being done by ORISE and to keep the Coalition informed about the progress and results.

Shaun also gave a quick overview of the other ongoing reviews. Rik Getty from the Coalition staff has been tasked with looking at the historical releases of contaminants at Rocky Flats and preparing a 'roadmap' of residual contamination that can be used in the future if problems develop. Gary Brosz is leading a subcommittee which is tasked with identifying and pursuing other information that is needed in order for the Coalition and public to gain trust in the cleanup. The subcommittee is looking into the Walnut and Woman Creek drainages, groundwater modeling and characterization, and the original landfill and has hired contractors to study these issues. Most of the reviews are complete or nearly complete. A spreadsheet has been distributed that lists the issues identified by these independent reviews. These issues are currently being worked through and resolved by the subcommittee in cooperation with the site and regulators. Rep. Udall asked if this spreadsheet was publicly available and was told that it is and will be posted on the Coalition's website. The Board will have a further discussion of these issues later in the meeting.

Lorraine Anderson thanked the Congressman for his interest in the Rocky Flats cleanup and for his support of the Coalition.

Harvey Nichols (CU) informed Rep. Udall that he has some new information regarding fires and asked if he could meet with the Congressman to discuss. Rep. Udall said that he would be interested in seeing the information.

Hank Stovall thanked the Congressman for clarifying the LSO issues in the letter to the DOE Secretary. Rep. Udall briefly summarized the content of the letter for other members of the audience and the Chair noted that more discussion would follow later in the meeting.

David Abelson brought up the subject of Special Cohort legislation. The Coalition has met with Rocky Flats Steelworkers and sent letters to the appropriate Congressional committees with requests for hearings. He asked Rep. Udall for his assessment of the probability of the legislation moving forward. The Congressman responded that there is not any movement on

scheduling hearings at the moment and that some of his colleagues may be simply waiting for a time when they might not have to meet the obligation of supporting these workers. Rep. Udall thinks the best opportunity to get legislation passed may be to insert language into a larger piece of legislation. He recommends that everyone interested in pursuing these issues continue to be vocal and draw attention to it. Colorado's congressional delegation supports the workers and everyone needs to press on and be diligent.

Dale Kralicek (WCRA) asked the Congressman for his support of the recommendations that are coming out of the independent review process. He said that WCRA would be happy to consult with Rep. Udall's staff.

Chuck Miller (USWA Local 8031) presented some paperwork to the Congressman. He reported that Rocky Flats lost 100 Steelworker jobs last week to layoffs. They are now down from 2,700 to 200. These employees are working themselves out of their jobs, and are very proud of the work they have done. There are about 100 Steelworkers who will not qualify for benefits under the current system. These workers need another option given to them in order to qualify, which could include alternate dates, enhanced ability to qualify, counting of post-closure work time, or portability to other sites. Rep. Udall committed to working with his colleagues and their staffs to pursue these issues and will review new information to make sure everyone is on the same page.

F.P. Cruz (RFSOIU) thanked the Congressman for his support. He noted that the workers were given the expectation 10 years ago that if they stepped up and helped with the accelerated, safe closure of Rocky Flats, they would be well taken care of. They did their jobs; even things some thought were not possible. He said he cannot emphasize enough the importance of benefits once these workers leave the site. He asked the Congressman to support the workers in any way he can. Rep. Udall responded that he saw medical coverage to be at least as important as pensions, in that past work at Rocky Flats could be seen by prospective employers as a deterrent to hiring these people. He said he is working on the Special Cohort legislation and that it is important to keep pressure on NIOSH and keep looking at issues including exposure levels and who is eligible. Rep. Udall also said that perhaps he could team up with Mr. Cruz to push for these benefits, as he speaks very eloquently about these issues.

Lorraine Anderson said that it is very important for the workers to be taken care of. It is also important to document the history at Rocky Flats and commemorate the work that was done there, including the way the public reacted to the site. She thinks this can be accomplished with the proposed Rocky Flats museum. Shaun McGrath noted that the Board had approved a resolution supporting the museum earlier in the meeting.

Sam Dixon told the Congressman that she appreciated the work that he has done that has crossed party lines. She reiterated that taking care of the workers is very important to the Coalition and thanked Rep. Udall for his ongoing support of their work.

Chair Shaun McGrath stated that it was his sense that the letter sent by Rep. Udall and the other members of the delegation was able to put to rest a number of concerns about the creation of the LSO. He noted that there was further discussion needed on what the term 'significant majority' means, and whether local governments not represented on the Coalition might be interested in

participating. Rep. Udall responded that there could be a lack of clarity on the definition of closure and how that plays into the timeline for the creation of the LSO. He said to let him know if the suggested timeline is not appropriate and that he would leave it to the community to define 'significant majority'. He said that the timeline is intended to allow RFCAB and the Coalition to continue to operate throughout closure and then bring in the LSO without much overlap.

Gerry DePoorter (RFCAB) thanked the Congressman for his letter on the LSO topic and noted that there has not yet been agreement on membership. RFCAB would like to maintain significant and meaningful involvement in post-closure issues through the LSO. Rep. Udall responded that the gratitude for working on this issue should be directed at the staffs of the congressional delegation that worked on the letter and he thanked the RFCAB for its role in providing a great outlet for citizen involvement.

Ron DiGiorgio (Steelworkers) noted that some employees will not be onsite past this summer, but would still like to be involved in the LSO. He thanked Rep. Udall for his support and noted a recent union merger.

Chair Shawn McGrath noted that the delegation letter on the LSO was accurate in saying that there were many other important issues to be discussed and that LSO discussions should be wrapped up as quickly as possible.

Rep. Udall concluded his time by stating that in the end he hopes to be able to say that the government did right by the people that worked at Rocky Flats and the surrounding communities.

### **Update on Independent Reviews**

Gary Brosz, chair of the Coalition's subcommittee looking into the reviews, gave an overview of the next agenda item. During the past two weeks, there have been a number of meetings on the independent reviews. The subcommittee has developed a spreadsheet to be used as a tracking tool for all of the issues that come out of these reviews. The committee will manage the issues, get responses, make sure they understand the issues and then close out each issue.

John Rampe (DOE) gave a presentation on the 'Final Survey and Independent Verification of Surface Soil Contamination at Rocky Flats'. His first topic was to give a status on characterization efforts at Rocky Flats. At the known or suspected release sites, there has been sampling at several stages, including pre-remediation, in-process and confirmation. Additional 'white space' sampling has also been conducted. All sampling is performed under the auspices of approved Sampling and Analysis Plans, Comprehensive Risk Assessment methodologies and the Integrated Monitoring Plan. As a result of these practices, DOE believes that sufficient data are already being collected to close the site, demonstrate that cleanup is complete, and safely transfer it for use as a wildlife refuge.

John then addressed the question of why DOE directed Kaiser-Hill to perform a final survey of surface soils. DOE made this request in order to provide: 1) additional confirmation that the Buffer Zone was suitable (i.e. no unknown, significant areas of contamination) for transfer to the

U.S. Fish and Wildlife Service, 2) additional confirmation that Kaiser-Hill had completed surface soil remediation consistent with RFCA and contractual obligations, and 3) additional public confidence in the cleanup and future land use. John noted that DOE hopes that the data will confirm what they believe to be true regarding characterization already done, however it may not. It is possible that there may be a need for additional information-gathering or remediation.

John explained that DOE has contracted with ORISE to provide an independent, objective verification of Kaiser-Hill's final survey results, as well as selected IHSS validation. ORISE has performed similar functions in buildings at Rocky Flats for years. DOE has also provided funding to the Coalition to hire MACTEC to provide for informed community involvement. Next, John discussed why surface soils were the subject of these verification efforts. The reasons included the fact that surface soil is the primary means of direct exposure to the future land user, it is the main source of actinides in surface water, and it will not be regularly re-sampled after closure.

In terms of plutonium and americium, RFCA requires areas of surface soil contamination that exceed the soil action levels to be removed to a depth of three feet. John noted that they have removed soil well beyond that depth in many instances. However, for characterization and human health risk assessment purposes, soil samples are taken from the top 6 inches of soil, since studies have shown that this is where plutonium is concentrated and that is where the risk to the user comes from. Surveys using instruments generally detect radionuclides in the top 1-2 inches of soil. John pointed out that characterizing only the top-most layers of soil results in more remediation than if the entire top three feet of soil was averaged into the results, and provides a more conservative estimate of risk. Steve Gunderson (CDPHE) noted that under its contract, Kaiser-Hill is required to remove all contaminated process lines.

Gary Brosz opened the question period by asking John to explain what would have been done differently under the MARSSIM process that was to have been used, but was replaced with a different methodology. John responded that some areas would have been characterized more under MARSSIM, others less. The planned helicopter survey bridges the two philosophies.

Carl Castillo asked what the RFCA requirements were for characterization depths. Steve Gunderson replied that if the soil action levels are exceeded, the site must dig to at least 3 feet.

Jane Uitti cited the term 'reasonable certainty' as a requirement in the final survey plan and asked how that would be measured. John Rampe responded that the flyover survey will provide 100% coverage of the areas, but this survey will not detect areas of contamination smaller than 80 square meters, based on resolution limitations.

David Abelson noted that there had been some disagreement between the Coalition and regulators regarding measurement of surface contamination. He asked whether the site can prove that areas around process waste lines are clean when there is no surface expression of that possible contamination. David also asked if a sampling workscope discussed in a recent DOE press release will still be used, including aerial scanning, ground-based scanning and taking individual samples. John Rampe explained that the major departure from original plans is that

they will no longer be taking new samples to compare to historical samples. This change was made because DOE did not think that information would help answer important questions. They are doing other things that will provide that information to confirm the extent and nature of plutonium contamination. Also, the flyover survey will provide a good overall look at whether the conditions are the same. Kaiser-Hill is performing a perimeter survey that will provide information as well. Because of these other sources of information, the need to take additional samples evaporated.

Sam Dixion questioned the value of the helicopter survey with regard to identifying contamination left from process waste lines. John Rampe responded that this is not the intent of the helicopter survey.

Gary Brosz noted that tripod snapshots are being taken around the perimeter of IHSS, but these are not getting into the interior and asked why. John Rampe responded that they have changed their approach in the last week by adding an ORISE review of the 903 lip area interior. All IHSS interiors have been confirmed by sampling/regulatory reviews. The 903 lip area is the only site that still looks like it did after completion of the remediation, which makes it a good area to use in this case. Gary said that verification work should be separated from work done in remediation and that it is not looking like it is. John Rampe responded by saying they are now asking ORISE to go into middle of 903 lip area and give independent verification.

Shaun McGrath said it was his understanding that there was some sort of policy limiting residual contamination in areas of the buffer zone to 7 pCi/g. John Rampe responded that they are using 7 pCi/g as a cutoff for areas to be retained by DOE, and which may need some kind of controls.

Next, Jan Walstrom of Kaiser-Hill gave a briefing on the 'Final Survey Plan for Rocky Flats Sitewide Surface Radiological Characterization'. This final survey is designed to address two key questions presented by DOE: (1) are there any unknown, significant areas of radiological contamination on the surface of the site, and (2) has Kaiser-Hill completed soil remedial actions consistent with RFCA and contractual obligations?

One of the ways Kaiser-Hill will address these questions is by bringing in Bechtel-Nevada in mid-June to conduct an aerial scan of the entire site. The scan will involve 100 foot lines of flight over the site at an altitude of 50 feet (depending on safety). An array of 12 sodium-iodide detectors on each copter will detect any gamma-emitting source. The detectors have a 729 sq. meter field of view with 10-20% overlap between flight lines. Plutonium concentrations will be calculated based on americium, which is a well-established practice. Bechtel-Nevada is the national expert on aerial survey and this is a proven technology. The lowest level of contamination this survey will be able to detect is 50 pCi/g (RFCA soil action level) averaged over an 80 sq. meter area.

If wide-area scanning identifies no significant area of unexpected surface radiological contamination, then no further action will be required. If potentially contaminated areas are identified from the scanning, additional ground-based scanning and sampling may be required. Based on these results, additional remediation may be required if areas are identified that fall above the RFCA limit of 50 pCi/g.

Jeff Lively (MACTEC) pointed out that it will also be important to make sure that known areas of contamination onsite (i.e. waste storage areas) do show up on the scan results. He also brought up the question of what the confidence level will be for this scan. Jan Walstrom answered that Kaiser-Hill will calculate a confidence interval based on the actual conditions during the scan, but that Bechtel assumes a 90% confidence level based on the specifications mentioned above.

Kaiser-Hill is also using a Targeted Ground-Based Scanning Methodology from now through September. This is a high purity germanium detector with a 10-meter field of view that can detect any gamma-emitting radionuclide source, using a count time of approximately 20 minutes. As with the aerial scan, plutonium concentration will be calculated based on americium and this is another proven technology and configuration. This scan is being done to verify that the limits of remediation areas are complete. These will not be done until remediation is complete in a given area to ensure the area will not be re-contaminated after the survey.

If this ground-based scanning indicates no radiological contamination that exceeds RFCA soil action levels adjacent to remediated areas, then no further action is required. If concentrations above RFCA levels are found, additional scanning and sampling, and possibly remediation, may be required.

Jan addressed the question of why Kaiser-Hill is not doing a statistical sampling comparison that they earlier said they would do. This decision was based on feedback received from ORISE, as well as the fact that this was not directly applicable to answering DOE's two key questions. Therefore, DOE authorized canceling this project.

Finally, Jan discussed the reasons why Kaiser-Hill is not following a strict MARSSIM protocol. Neither RFCA nor CERCLA require a MARSSIM-based final status survey of surface soils to be conducted. RFCA-based methodology yields significantly more discrete sampling results, sample locations largely based on process knowledge and is biased toward taking an action. The buffer zone has been sampled more under the RFCA process than it would have under MARSSIM. Also, the aerial survey will provide 100% scanning coverage.

Gary Brosz began the questioning by asking for clarification about how this scan will average contamination values over areas that are not seen. Jan responded by clarifying that there is overlap between the passes so that all areas are scanned. He asked what the flight speed would be. Jan answered that it will be about 60 miles per hour, although the slower the better, depending on safety concerns. Gary asked if there would be an opportunity for a 2<sup>nd</sup> scan to be used for comparative purposes. Jan answered that Bechtel is already scheduled out 6 months and in order to have time to remediate anything they find, Kaiser-Hill really needs the data by June. Gary asked if they would verify the equipment using a known source. Jan answered that Bechtel has standard protocols for verifying their equipment. Gary suggested using a known source to calibrate/verify the equipment by placing it somewhere to be found without telling the operators where it is. He asked what changed in philosophy between the earlier plan and the current one. Jan answered that they had removed the statistical sampling comparison. He asked about why Kaiser-Hill will be using the ground-based scanning only in certain areas and not others. Jan

explained that they are targeting areas with greater radiological activity and that the areas not being scanned will be included in the final human health risk assessment for the entire site, which will provide an opportunity for a second look at the data. John Rampe noted that the helicopter survey has been reviewed and approved by the regulators.

Sam Dixon asked if the 903 lip area was filled with dirty fill. Jan answered no. Sam asked if they left contaminated material in the trenches. Jan answered yes.

Hank Stovall asked what the confidence levels were for the aerial scan. Jan answered that they were 90%. He asked who will calibrate the helicopter equipment. Jan answered that Bechtel-Nevada will, that the FAA provides safety oversight, and that DOE has cognizant oversight of safety. Hank asked who certifies the helicopter assessment process. Joe Legare (DOE) answered that the instrumentation data on the helicopter will be available for public review when Bechtel-Nevada is in town next week for planning. He will coordinate time for Bechtel to meet with the public to answer questions.

Ken Korkia (RFCAB) announced that the Citizens Advisory Board was hosting an availability session this afternoon with representatives from ORISE, MACTEC and DOE. He asked about whether data from aerial/truck-mounted surveys done by EG&G in the 1980's or 1990's was still available. Jan answered that yes the data was still available, but many of the areas from those surveys have since been remediated and waste moved, so that the data would be no longer useful.

Eric Abelquist from ORISE next gave a brief presentation on his company's recent work at Rocky Flats. ORISE has spent several months reviewing Kaiser-Hill's plans. A few weeks ago they received Kaiser-Hill's second final survey plan, and have since identified high level issues associated with it. ORISE is preparing a project specific plan, with the intent of issuing a final in mid-May. ORISE will conduct its first field survey of the 903 lip area in June or July, which will give a first indication of how well one of the remediation sites was closed out. ORISE will conduct sampling to see how its data compares to that of Kaiser-Hill's. Eric also addressed the issue of CERCLA vs. MARSSIM sampling protocols. One of the fundamental differences is that a major attribute of radiologically contaminated sites is the ability to gather real-time measurement data with field instruments, while at most hazardous materials sites, this is not possible. Therefore, since CERCLA was primarily developed with hazardous sites in mind, it does not emphasize scanning as a characterization method. Eric stated that Kaiser-Hill's plan to conduct an aerial survey to characterize the site for unexpected contamination is reasonable, but will need to be verified. ORISE will be taking samples and will compare results with the aerial survey to look for a convergence of data. They will also be looking closely at the 903 lip area confirmation sampling to compare directly with Kaiser-Hill's.

Jane Uitti asked how 'hot' a hotspot can be to average down to the 50 pCi/g over 80 square meters that is allowed under the final survey plan. Eric responded that Bechtel-Nevada has provided a chart which shows that if a hotspot is small, it could 1000-2000 pCi/g to average out to 50 over the 80 square meters which is defined to be in compliance with RFCA. John Rampe added that anything found to be a reading over 50 pCi/g is removed under current procedures. Jeff Lively from MACTEC also noted that RFCA has an allowance for a 3x action levels for hotspots.

Gary Brosz stated that with regard to playing around with averages, the parties could be more open. He wondered about the difference between 50 pCi/g and 50 picocuries per 80 square meters. He would like the parties to be more upfront about what can be detected.

Jeff Lively from MACTEC gave the final presentation on this topic. He noted that one difficulty in the understanding of these issues is that the final survey plan is evolving. He also raised the issue being discussed about MARSSIM vs. CERCLA. He explained that CERCLA is biased toward action on known sources and then chases the contamination, followed by risk assessment. MARSSIM builds in a sampling process. The two methodologies approach the problems from different angles. He asked Kaiser-Hill if the 903 lip area is the only uncovered, remediated IHSS. Kaiser-Hill answered yes. Jeff asked if ORISE would be using the MARSSIM methodology. Eric said that they would not necessarily use it. Jeff then offered a proposal that he felt might satisfy both sides in the CERCLA vs. MARSSIM debate. He suggested that they work together to identify a random sample of IHSS's and have ORISE sample using MARSSIM methodology. Then take the data from this independent survey and see how it compares to the previous CERCLA results for these IHSS's. This project could serve to build confidence that the CERCLA process is valid. He noted that in the buffer zone, they would have to do this after the aerial scan in order to compare results.

Shaun McGrath stated that nothing in the discussion was giving him confidence that the number of 7 pCi/g in the buffer zone was being addressed.

Karen Imbierowicz said that she was glad Jeff was making this proposal and that it was a good way to proceed. She asked if this method would detect small hotspots. Jeff responded that it was possible, that they could never get to a 100% confidence level but could only approach it. He said that any sampling plan can be built to a specific confidence level. Karen also asked if the known waste storage sites would provide a type of verification of the aerial scanning equipment. Jeff responded that while some areas may not be detectable, others should and he would be interested in seeing if this were the case. He offered that a using a known source would provide a better way to test the helicopter's detection limits and that he had some specific ideas for doing this.

Lorraine Anderson stated that if the site meets RFCA levels, they are done. John Rampe mentioned that even the detection limit of 50 picocuries over 80 square meters will give them a lot more information than they have from previous sampling.

Shaun McGrath asked the Board where they should go from here. He noted that they do need to weigh in early in order to have any relevance to the sampling process. He suggested that the Board develop comments or a formal position by the next meeting. David Abelson responded that the Board could get a letter out this week with questions, so that they can get answers prior to developing a formal position at the June meeting.

There were a few more comments and questions about the issues to be included in the list that is being compiled. Nanette Neelan felt that the Board needed to be sure they understand the risks based on future use and then develop educated responses. Shaun McGrath asked if VOCs and

heavy metals were being addressed by the independent review. Clark Johnson asked if John Rampe had any response to Jeff's proposal. John responded that he would like to implement it in areas where it made sense and that he will explore it further. JoAnn Price suggested that key members of the Coalition be able to meet with representatives of Bechtel-Nevada when they are in town May 9-10. Kaiser-Hill will communicate with David Abelson regarding possible scheduling.

The Board decided to go through a few iterations of a list of questions via email, along with Jeff Lively from MACTEC during the next 3-5 days and forward them to DOE.

Westminster distributed a handout and would like to get a technical person at next month's meeting to discuss their review. Gary Brosz closed this agenda item by encouraging the Board as a whole to get their hands around all the reviews because they all deserve attention. All issues raised will be put on a single tracking list.

### **Local Stakeholder Organization (LSO) Discussion**

Shawn McGrath noted that, in their letter, the Colorado delegation saw flexibility in the statute to allow non-elected officials to be members of the LSO. He asked what the Board would like to suggest in a letter to be written to DOE and opened the topic for discussion.

Ken Korkia (RFCAB) noted that Gerry DePoorter had to leave, but that Hank Stovall would provide input from RFCAB for this discussion. Since the last meeting, RFCAB has sent two letters. One was to the congressional delegation which outlined the historical role of public involvement at Rocky Flats and another to the Office of Legacy Management. RFCAB endorses the local government majority and a minority of non-elected voting members. David Abelson noted that the statute called for a 'significant' majority and for 'some' of the non-elected members to have voting rights.

Shaun McGrath stated that the Coalition's position should be consistent with the delegation's letter. For example, if there are 7 local government members, perhaps there should be 3 non-elected members.

Lorraine Anderson agreed that it was important to build in the 'significant' majority suggested by the delegation. She also suggested that non-elected member need a process by which they are chosen if they are going to be self-selected and have voting rights. One option would be to have them interview with the Coalition which would then recommend members to the Secretary of Energy. She suggested that one criterion be that prospective members be able to work cooperatively within defined parameters.

Karen Imbierowicz stated that they needed a limit on total number of members, and perhaps it should be 15. Shaun McGrath noted that non-elected members will not have the same level of accountability as elected officials, who are accountable to their constituencies. He liked Lorraine's suggestion. Sam Dixon asked if ex-officios would have voting rights. Others answered no. Ben Pearlman also noted that there would be government/regulatory ex-officios, so the number on the LSO would be fairly large in any scenario. Hank Stovall stated the need

for a reasonable agreement to be made in a collaborative fashion and asked that the Coalition not recommend a makeup that is too lop-sided. He suggested if there were 9 local government seats, that there be 7 public and ex-officio seats. Ben said the key was to look at the ratio between voting members and suggested perhaps 3-4 non-elected voting members. There was significant agreement among the Board.

Ken Korkia suggested that community members decide who best should fill their allotment of seats. David Abelson stated that DOE has made it clear that one of the non-elected seats be filled by a Rocky Flats retiree. Another idea was suggested that categories be identified, people could apply, the Coalition would recommend members, and the membership could evolve over time.

Shaun brought up the issue of whether other local governments would be interested in participating on the LSO. Bob Nelson stated that Golden may be interested in joining. Shaun requested a formal letter from them or any other governments interested in having a seat. Gary Brosz suggested the need for criteria to be used in determining whether other local governments would be allowed a seat. David reported that he had already sent letters to seven local governments asking if they would be interested in the LSO. Sam Dixon thought that maybe one criterion could be cities that have been involved in Rocky Flats issues in the past, as some cities had participated on a rotating basis in RFLII. Lorraine Anderson stated that they decided a long time ago that the RFLII model did not work. Shaun asked Bob to explain Golden's interest in joining the LSO. Bob responded that Golden has been associated with Rocky Flats from the very early days, including the fact that it has been the mailing address for the site, it has been home to many workers, Coors waste connections, and other ties. Karen Imbierowicz thought that having criteria for potential new governments was a good idea and asked if staff could draft something. David Abelson asked the Board for suggestions.

Shaun McGrath suggested governments could be included if they are directly adjacent or have been or could be directly impacted. Nanette Neelan suggested looking forward rather than into the past for those interested in future management. David noted that it was not certain if any other governments would even be interested. Gary suggested holding off on deciding about Golden's request to be included until it is known whether others were interested. At that point, the Board could consider a process and criteria. Sam Dixon said she would let her contacts at Northglenn and Thornton know to respond before the next meeting. Gary noted that they need motivated and interested members.

The Board tasked David Abelson with drafting a letter reflecting the Board's LSO recommendations for the next meeting.

### **Coalition Communications Strategy**

Consultant Karen Deike joined the Board for a continued discussion regarding the development of a strategy for communicating the Board's positions and messages. At the last meeting, the Board discussed issues and began developing a strategy. Karen met with David Abelson after the meeting to work on ideas. Karen and David opened the topic for discussion by asking for the Board's key messages and accomplishments and how to address Rocky Flats after cleanup is

complete. This would include a more specific message than the existing fact sheet and consist of perhaps a new fact sheet, op-ed pieces, and speaking opportunities.

David pointed out that subtlety of language will be very important in this task. He also asked for information about what resources may be available from the local governments.

Lorraine Anderson said it is important to let people know how RFCLOG influenced the process and got a better cleanup done, also to let people know that Rocky Flats is a model for the rest of the complex. She hopes that the message can conclude by saying that the Coalition approves of the cleanup that was done. Karen Deike asked what makes Rocky Flats a model. Lorraine said that RFCA and how it was administered is unique, and that the Kaiser-Hill contract and the accelerated cleanup are also models for other sites.

Gary Brosz informed the Board that, as part of an effort to produce a video on Rocky Flats, Broomfield has been thinking about its message. Their central message boiled down to two points, 1) cleanup was done right, and 2) the site is safe. This simple message was developed in order to avoid waffling over the specific assumptions.

Karen Imbierowicz offered that it will be important to clearly represent the Coalition and not Rocky Flats, and what this group is doing in terms of independent verification and trying to assure safety. Nanette Neelan said that laypersons still have many misconceptions about Rocky Flats, based on prior mismanagement. She thinks the Coalition can help clarify DOE/Kaiser-Hill's working relationship and the openness at the site. Jane Uitti brought up the issue of how confident the Coalition will be with the level of safety after closure and that perhaps they can compile a list of things they do have confidence in and those for which there are still unanswered questions. Sam Dixon expressed concerns over ever saying that the site is safe, perhaps they could call it 'protective'. She would like to emphasize the continuous monitoring, and that cleanup obligations were met.

Shaun McGrath asked the Board to keep their audience in mind and that their message will be determined by the outcomes of the independent reviews. Ideally, they will be able to say that the site is 'safe', 'protective' (or some other word) and then be able to point to backup for this judgment. Carl Castillo stated that a lot of people do not understand the watchdog role of the Coalition, and that this should be emphasized. It would also set up the Board as being more credible. Lorraine Anderson said the Board needs to be upfront about everything it knows that was and was not done during cleanup and also let them know about any post-closure controls and monitoring in a very straightforward way.

David noted the distinction between being able to say that the cleanup levels are safe and the fact that they were met. Lorraine noted that it was a similar distinction to that with safety warnings related to the mercury content in fish (i.e. it can be safe under certain restrictions/limitations).

Shaun McGrath suggested that David work with the local government staffs to develop a plan, messages, and a process. Gary noted that they could use different length messages for different situations. Shaun asked whether the Board should consider developing a video. Nanette

suggested different subtleties in message for different audiences. Karen Deike asked the Board to send her any materials they might have, such as the script for Broomfield's video.

### **Public Comment**

Andrew Tirman (RMPJC) said he would like to see methods for regular citizens to have full voting rights in the LSO. He also wondered whether there were economic reasons that the site moved away from the MARSSIM methodology. David Abelson asked Andrew to email him his suggestions for the LSO.

### **Updates/Big Picture Review**

**Big Picture** - The Board reviewed the Big Picture. A tentative independent review subcommittee meeting was scheduled for May 16, 8 a.m.-12 p.m., following a request from Nanette Neelan for more advance notice for the meetings. Topics for the June 6<sup>th</sup> Board meeting include: 1) Independent review (possibly hear from cities' consultants, weigh in with comments), 2) Receive audit, 3) LSO, 4) Communications strategy.

The meeting was adjourned by Shawn McGrath at 12:40 p.m.

*Respectfully submitted by Erin Rogers.*