

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670

(303) 412-1200
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

Board of Directors Meeting – Agenda

Monday, May 1, 2006, 8:30 AM – 11:40 AM
Jefferson County Airport, Terminal Building
11755 Airport Way, Broomfield, Colorado

- 8:30 AM Convene/Agenda Review
- 8:35 AM Business Items (briefing memo attached)
1. Consent Agenda
 - Approval of Rocky Flats Coalition March 6, 2006, Meeting Minutes
 - Approval of Rocky Flats Stewardship Council March 6, 2006, Meeting Minutes
 - Approval of Checks
 - Meeting Notice Resolution
 2. Executive Director's Report
 - Updates on Rep. McKinley's bill HB1389
 - Follow-up on any actions to be taken from Special Board meeting on proposed HB1389 bill language if necessary
 - Updates on Rocky Flats fire
- 8:55 AM Public Comment
- 9:05 AM Initial Review of 2006 Work Plan (briefing memo attached)
- As discussed at the March 6th meeting, the Board wanted to review the draft annual work plan at this meeting.
 - The attached draft tracks the LSO Plan DOE approved and also includes work on refuge issues and other tasks.
 - In addition the committee formed by the Stewardship Council at the March 6th meeting met on April 3rd and made changes to the first draft.
- 9:30 AM Begin discussion of Stewardship Council staffing needs (briefing memo attached)
- At the March 6th meeting a committee was formed to investigate future staffing needs.
 - The initial results of the committee's work will be presented.
- 9:50 AM FY 06 Budget – Initial Review (briefing memo attached)

- 10:05 AM Discussion with DOE concerning quarterly update meetings (briefing memo attached)
- DOE has decided to terminate the former quarterly data exchange meetings which were of a technical nature.
 - Instead of a quarterly technical data exchange DOE is proposing to provide quarterly updates to the public on maintenance and surveillance activities at the site.
 - Westminster and Broomfield have raised concerns over this new format and have requested the support of the Stewardship Council in ensuring that they have an opportunity to exchange technical data with DOE and the regulators.

- 10:25 AM DOE briefing on final RI/FS and Proposed Plan (briefing memo attached)
- The final RI/FS (Remedial Investigation/Feasibility Study) is one of the final regulatory documents that DOE and the regulators need to sign prior to closure.
 - This multi-volume document identifies the actions DOE and Kaiser-Hill took in remediating the site and details the current environmental conditions (e.g., contaminated groundwater, surface water quality, soil contamination levels, etc.)
 - The RI/FS is the technical basis for the Proposed Plan, which is another key regulatory document that DOE and the regulators must sign.

- 10:55 AM Continue discussion of access restrictions and signage (briefing memo attached)
- Over the past year, the Coalition Board began discussing with DOE and USFWS access restrictions and signage at Rocky Flats. We will continue that conversation at this meeting.
 - DOE and USFWS drafted a joint letter to the Stewardship Council on the path forward regarding future access controls and signage (letter is attached to briefing memo).
 - These agencies are still debating where to codify these requirements, which could include incorporating such restrictions into the Proposed Plan, CAD/ROD, post-closure cleanup agreement, and USFWS refuge management plans.

11:25 AM Public comment

- 11:35 AM Updates/Big Picture Review
1. Executive Director
 2. Member Updates
 3. Review Big Picture

Adjourn

Next Meetings: June 5, 2006
August 7, 2006
November 6, 2006

Business Items

- Briefing memo
- Approval of Rocky Flats Coalition March 6, 2006, Meeting Minutes
- Approval of Rocky Flats Stewardship Council March 6, 2006, Meeting Minutes
- Approval of Checks
- Meeting Notice Resolution
- Executive Director's Report

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670

(303) 412-1200
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

MEMORANDUM

TO: Board
FROM: Rik Getty
SUBJECT: Business Items
DATE: April 17, 2006

There are several items on the agenda under "Business Items" that warrant a brief explanation.

Meeting Notice Resolution

The Stewardship Council attorney, Barbara Vander Wall, has prepared a meeting notice resolution (attached) for Stewardship Council action. The resolution is required by Colorado State statutes since the Stewardship Council is organized as a unit of local government under Colorado state statutes.

Executive Director's Report

David will report on the current status of Rep. McKinley's HB1389. In addition he will brief the Board on any Stewardship Council actions concerning HB1389 that may have been taken at a special Stewardship Council meeting held prior to May 1st.

David will also brief the Board on any test results from the Rocky Flats fire of April 2nd that have been released by the date of the Board meeting. DOE may have air sampling results available by May 1st.

If you have any questions please contact me.

Rocky Flats Coalition of Local Governments Board Meeting Minutes
Monday, March 6, 2006
8:30 a.m. – 9:00 a.m.
Jefferson County Airport, Broomfield

Board members in attendance: Shaun McGrath (Director, City of Boulder), Jennifer Bray (Alternate, City of Boulder), Lori Cox (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Jo Ann Price (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Jim Congrove (Director, Jefferson County), Kate Newman (Alternate, Jefferson County), Karen Imbierowicz (Director, Superior).

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

Members of the Public: Sheri Paiz (City of Northglenn), Shelly Stanley (City of Northglenn), Bob Nelson (City of Golden), John Rampe (DOE), Bob Darr (DOE), Marion Galant (CDPHE), Carl Spreng (CDPHE), Rob Henneke (EPA), Roman Kohler (Rocky Flats Homesteaders), Susan Vaughan (League of Women Voters), Jane Greenfield (City of Westminster), Mark Sattleberg (USFWS), Frazer Lockhart (DOE), Patricia Rice (RFCAB), David Hiller (Senator Salazar), Jennifer Bohn (RFCLOG accountant), Tony Carter (DOE-LM), David Geiser (DOE-LM), Doug Hansen (Stoller), Mark Aguilar (EPA), David Krucek (CDPHE), Kim Grant (Rocky Flats Cold War Museum), Hank Stovall (citizen), Dan Miller (Co. Attorney General's Office), Al Nelson (City of Westminster), Jeanette Alberg (Sen. Allard), Ken Foelske (Rocky Flats Stewardship Council), Marjory Beal (League of Women Voters), Jeannette Hillery (League of Women Voters).

Convene/Agenda Review

Chair Shaun McGrath convened the meeting at 8:35 a.m. He noted a small adjustment to the agenda. Following the Executive Director's report there will be a public comment period.

Business Items

1) Consent Agenda – Last month's minutes will be adjusted to include Sheri Paiz from Northglenn on the attendee list. Karen Imbierowicz moved to approve the consent agenda. Lorraine Anderson seconded the motion. The motion passed 6-0 (Boulder County was not in attendance).

2) Executive Director's Report - David Abelson noted that he will report on more topics at the Stewardship Council meeting which will immediately follow this meeting. He noted that all Coalition governments have approved the Stewardship Council IGA. Also, the Coalition is ready to cease operations, with the exception of a couple minor details to be completed by staff.

Just prior to the public comment period, Shaun asked the members of the audience to introduce themselves.

Public Comment

None

Resolution Assigning Coalition Rights, Obligations and Liabilities to the Rocky Flats Stewardship Council

Barb Vander Wall explained that this document requires affirmative action by both the Coalition and the Stewardship Council. Through this document, the Coalition agrees to delegate its rights and liabilities to the Stewardship Council. This delegation includes outstanding agreements, outstanding funds, and outstanding obligations. Shaun McGrath referenced Exhibit A in the document and wanted to clarify that there was a six-month limit on the contract with Crescent Strategies for staffing services. Barb said this was the case. Lorraine Anderson moved to approve the resolution. The motion was seconded by Karen Imbierowicz. The motion passed 6-0. (Boulder County was not in attendance for this action).

Bill of Sale

Barb next introduced the Bill of Sale. This document identifies the conveyance of personal property. David Abelson noted that when the Coalition office closed, office property was dispersed in various ways. There is a memo in the Board packet which identifies where each of the assets was distributed. David said he would be happy to answer any specific questions about the location of Coalition property. Shaun asked why the Bill of Sale has signatures from Coalition representatives, but not from the Stewardship Council. Barb responded that signatures from the recipient entity are typically not needed. Lori Cox moved to approve the Bill of Sale. The motion was seconded by Jo Ann Price. The motion passed 6-0. (Boulder County was not in attendance for this action).

Resolution Regarding Termination of the Coalition

Barb provided a brief explanation of the Resolution which serves to legally terminate the organization. Lorraine Anderson commended the Coalition on a job well done and noted that she thought the cleanup would have taken longer. Lorraine Anderson moved to approve the resolution. The motion was seconded by Jo Ann Price. Shaun McGrath added his thanks to the group, and that he believes the Coalition has done a good job in fulfilling its role to oversee cleanup. Lorraine also thanked David and the staff. The motion passed 6-0. (Boulder County was not in attendance for this action).

The meeting was adjourned at 8:50 a.m.

Respectfully submitted by Erin Rogers.

Rocky Flats Stewardship Council Board Meeting Minutes
Monday, March 6, 2006
9:15 a.m. – 11:30 a.m.
Jefferson County Airport, Broomfield

Board members in attendance: Shaun McGrath (Director, City of Boulder), Jennifer Bray (Alternate, City of Boulder), Lori Cox (Director, Broomfield), Mike Bartleson (Alternate, Broomfield), Jo Ann Price (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Jim Congrove (Director, Jefferson County), Kate Newman (Alternate, Jefferson County), Karen Imbierowicz (Director, Superior), Bob Nelson (Alternate, City of Golden), Shari Paiz (Director, City of Northglenn), Shelley Stanley (Alternate, City of Northglenn), Ken Foelske, Jeanette Hillery (Director, League of Women Voters), Marjory Beal (Alternate, League of Women Voters), Kim Grant (Director, Rocky Flats Cold War Museum), Roman Kohler (Director, Rocky Flats Homesteaders).

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

Members of the Public: Representative Mark Udall, John Rampe (DOE), Bob Darr (DOE), Marion Galant (CDPHE), Carl Spreng (CDPHE), Rob Henneke (EPA), Susan Vaughan (League of Women Voters), Jane Greenfield (City of Westminster), Mark Sattleberg (USFWS), Frazer Lockhart (DOE), Patricia Rice (RFCAB), David Hiller (Senator Salazar), Jennifer Bohn (Stewardship Council accountant), Tony Carter (DOE-LM), David Geiser (DOE-LM), Doug Hansen (Stoller), Mark Aguilar (EPA), David Krucek (CDPHE), Hank Stovall (citizen), Dan Miller (Co. Attorney General's Office), Doug Young (Rep. Udall), Al Nelson (City of Westminster), Jeanette Alberg (Sen. Allard), Todd Neff (Daily Camera).

Convene/Agenda Review

Rocky Flats Coalition of Local Governments Chair Shaun McGrath convened the meeting at 9:00 a.m. He noted that the first order of business was to elect officers for the Stewardship Council.

Election of Officers

Karen Imbierowicz moved to nominate Lorraine Anderson as Chair. The motion was seconded by Jeannette Hillery. The motion passed 11-0 (Boulder County was not in attendance).

Lorraine Anderson took over as Chair.

Shaun McGrath moved to nominate Karen Imbierowicz as Vice Chair. The motion was seconded by Jeannette Hillery. The motion passed 11-0 (Boulder County was not in attendance).

Karen Imbierowicz moved to nominate Jeannette Hillery as Secretary/Treasurer. The motion was seconded by Jim Congrove. The motion passed 11-0 (Boulder County was not in attendance).

Recognition of Transition from Coalition to Stewardship Council

David Abelson introduced Jennifer Bohn (accountant) and Barb Vander Wall (attorney) and recognized the great job they did during the transition from the Coalition to the Stewardship Council.

Lorraine Anderson invited Jeanette Alberg from Senator Allard's office and David Hiller from Senator Salazar's office to address the Stewardship Council.

David Hiller announced Senator Salazar will be reading a statement on the floor of the Senate this week recognizing the Coalition for its service, mission, and accomplishments. David read the letter which included commendations for the Coalition's devoted advocacy and success working together, and added his sincere thanks and congratulations.

Jeanette Alberg noted that while Senator Allard could not be here in person he wrote a formal letter of commendation which she read to the group. In the letter, Senator Allard celebrates the past and future of Rocky Flats and thanks citizens groups for providing much-needed insight, which was instrumental to cleanup. He also noted that he has worked to ensure funding for the post-closure work of the Stewardship Council.

Lorraine offered her thanks to both Senators on behalf of the organization. She then invited Representative Mark Udall to speak.

Representative Udall began by noting the spirit of excitement regarding the cleanup accomplishments at Rocky Flats. He said when he visited site last fall, his jaw dropped when he saw the changes. Rep. Udall heard that Rep. Beauprez wanted to visit the site the next day, so he decided to go again to see the look on his face. He noted that the Stewardship Council will continue the role of oversight. He said "thank you" to the Coalition and noted that there is tremendous interest in Washington, D.C. about what was done here and how it was done. He noted that it is also important to keep our commitments to other sites in the complex and ensure funding. Additionally, he stated how important it is for him to work on behalf of former Rocky Flats workers because Congress is not getting the job done now. He believes it would be immoral to not process medical claims from the nuclear workers. In summary, he said he was not saying goodbye, but thinks we should really celebrate and work together on other challenges. He reflected that if we can accomplish what we did at Rocky Flats, citizens can certainly work on other important issues facing Colorado.

Lorraine next introduced Dave Geiser from the Department of Energy's Office of Legacy Management (LM). Dave said he was here on behalf of Mike Owen, Director of LM. DOE-LM is currently responsible for 70 sites, and that number will grow to 90 sites in 37 states within the next 18 months. Rocky Flats is the biggest and most important of these sites. LM will take formal control of Rocky Flats in October, 2006. He also offered his congratulations to the Coalition on a job well done. He added that he looks forward to working with the Stewardship Council, and continuing a good working relationship.

Business Items

Before considering motions, David Abelson noted that the way the Stewardship Council will function as an organization may not be exactly like each government conducts its own business. Questions arose within the Coalition when new members were not comfortable operating differently than their own government. David suggested that as the Council moves forward it will be the responsibility of the members to create the systems for this new organization.

Oath of Office - Barb Vander Wall distributed an oath to the directors for signature. She forgot to bring the forms for the non-elected members, and will distribute them after the meeting. She explained that the oath simply identifies that one is serving as a member and agrees to uphold the laws of state. The members need to sign the form, have the person next to them witness it, and return them to her. She also noted that she still needs a formal declaration of members from Golden.

Resolution Accepting the Coalition's Assignment of Rights, Obligations and Liabilities - Lori Cox moved to approve the Resolution. The motion was seconded by Karen Imbierowicz. The motion passed 11-0 (Boulder County was not in attendance).

Resolution Indemnifying Stewardship Council Board - Barb introduced the Resolution, noting that this resolution will renew itself annually, based on Colorado state statute. Roman Kohler moved to approve the Resolution. The motion was seconded by Karen Imbierowicz. The motion passed 11-0 (Boulder County was not in attendance).

Stewardship Council Bylaws - David Abelson explained that the Coalition developed draft bylaws in order to help the Stewardship Council get started. The version included in the Board packets includes changes suggested by Coalition members at the last meeting. In cases where staff was directed to develop proposed language, it is redlined. If the Coalition agreed on language, it was incorporated into the document. David then reviewed several issues that are addressed in the bylaws:

- Member contributions – The Coalition agreed that annual dues were only appropriate for governmental members.
- In the bylaws, the term ‘party’ refers to local government representatives; ‘member’ refers to the non-governmental representatives
- A section was added about the application process, and a provision for re-application. The group did not want to define a basis for selecting members now, so they left it open to re-application.
- Number of votes to pass a motion – Westminster’s attorney noted that since the IGA says 9 votes are required for an affirmative action, the bylaws must also say 9, instead of the $\frac{3}{4}$ that had been in an earlier draft.
- Identification of ex-officio members – The Coalition wanted to distinguish the rotating parties (Northglenn/Golden) from agency ex-officio members. Therefore, language was added that allows the Council to select ex-officios from DOE, CDPHE, EPA and DOI.
- Board vacancies (page 2) – Needed to add death. On page 3, they added criteria for removal.

- Process for the Council to take action – Barb and David received a memo from Westminster asking if a formal resolution will always be needed, or if this could be more flexible. The Coalition thought there should be flexibility.
- Executive session – According to Colorado law, a group needs 2/3 of the quorum present to enter into executive session. But, in order to take action, the Council will still need 9 votes to approve something when they come out.
- The Council will also need to address the issue of notices of meetings. This will be discussed later in the meeting.

Jane Greenfield (Westminster) noted that David did a good job describing what constitutes an action of the Board. She asked if the two-year term referenced in the bylaws reconciles with the language of the IGA. David said the Council will address that in future.

Shari Paiz asked if the City of Northglenn will be required to pay dues when it is not a voting member. David said the rotating parties will only pay dues in years they have voting rights. Shari also asked if absences will count against a Director if there is an alternate at the meeting. David responded that the group has not discussed that particular issue. Clark Johnson noted that, as it is written, if an alternate is in attendance, the director is not absent. Barb Vander Wall noted that the real issue is ‘unexcused’ absences. Lorraine Anderson said this was just needed in order to prevent abuse, because if someone does not attend regularly, they should not be a member. Karen asked by what process an absence could be excused. Barb said that Board deliberation is required to classify an absence as unexcused. Therefore, all absences will be considered excused until the Board takes an action to declare them unexcused. Shaun asked if this policy treats directors and members equally. Barb clarified that all members of the Stewardship Council are directors.

Shaun then asked if this process meshes with the IGA, in the case of the Board potentially removing a signatory. Barb responded that this would result in removing an individual member, not the party. Shaun brought up the question of what would happen if the Board removed a non-elected member. Barb said that she would interpret it to mean that the individual, and not the entity they represent, would be removed and could be replaced. If they do represent an organization, that organization could replace them. Shaun stated that he would rather allow that organization to re-apply along with others and then the Board could decide if they want the designated replacement. David noted that the IGA states that organizations are selected as organizations and can select their representatives. However, he acknowledged that the Board might not be happy with this if there are problems in the future. Jeannette noted that organizations may be replaced when their term is up, and would also hope that groups will take their role seriously and attend. Shaun concluded by agreeing to see how it goes and re-address this issue in the future. Lorraine noted that the Council can always change its bylaws if issues arise

Ken Foelske asked if Board meeting minutes are kept in perpetuity, and noted that under Colorado law Executive Session minutes are only required to be kept for 90 days. Barb Vander Wall responded that Executive Session minutes are not public record and she recommends keeping them only as long as the law requires.

Jeannette Hillery asked if the reference to $\frac{3}{4}$ for voting was going to be replaced by nine. David said it was. He added that the group could leave the quorum at $\frac{3}{4}$, but it would be easier to keep 9 for everything.

Shaun McGrath remarked that the ex-officio list is very specific, and suggested broadening it to read: "...from Federal and State agencies, including..." Shaun moved to make this change. The motion was seconded by Lori Cox. The motion passed 11-0 (Boulder County was not in attendance).

Kim Grant asked if this was the same ex-officio language as found in the Coalition's bylaws. David said that the Board decided in 2003 that ex-officio members could be former Board members, and that this language is more specific than the Coalition bylaws.

Shaun McGrath moved to approve the bylaws. The motion was seconded by Lori Cox. Karen Imbierowicz asked for review of the proposed amendments. Barb said the ex-officio language would be changed. David said that $\frac{3}{4}$ would be changed to 9 votes, and the other redlined changes would be made. The motion passed 11-0 (Boulder County was not in attendance).

Discussion of Meeting Date, Time and Place -- Lorraine asked if anyone wanted to change the schedule that was being used by the Coalition. The new bylaws call for quarterly meetings, but it can be more often if the Board chooses. The staff recommends that the Council meet on May 1 and June 5. Karen Imbierowicz suggested that a subcommittee meet prior to the May 1 Council meeting to discuss staffing needs after July 31. The subcommittee can bring a recommendation to the May meeting for discussion. Lorraine said that they can discuss this later in when the Council reviews Updates/Big Picture. Barb Vander Wall advised the Council that they need to set a regular quarterly meeting schedule.

Lori Cox moved that Stewardship Council meet at 8:30 a.m. on the first Monday of each quarter (January, April, July, October). The motion was seconded by Jeannette Hillery. David said that he was trying to figure out how these meetings will best correspond with the quarterly DOE-LM meetings (March 21 is next one). He suggested that the Council may want to adjust its meetings to be scheduled the month (maybe 2-4 weeks) after LM's quarterly meeting. This would allow for fresher information and better timing, so he recommends leaving some flexibility around scheduling. Lorraine asked if the motion should be changed. David said to leave it as Lori suggested, but be open to changing meetings when needed. The motion failed 7-4.

Karen Imbierowicz moved to hold the meetings on the 1st Monday of the 2nd month of the quarter (February, May, August, November). The motion was seconded by Ken Foelske. Shaun asked those who opposed the original motion to share their concerns. Karen explained that January brings holiday issues, and there are also budget considerations, and July is middle of summer. The motion passed 11-0 (Boulder County was not in attendance).

Public Comment

None

Executive Director Report - David Abelson reported on the following items:

- The jury in the Cook case ruled in favor of the plaintiffs and awarded in excess of \$550 million. This case was filed in 1990 and centered on perceptions of offsite impacts on property values. State Rep. McKinley has been trying to leverage the Cook case to apply to onsite issues. The Coalition has stated that McKinley's bill needs to find a proper balance, and that the one he introduced last year distorted the level of risk. The Coalition favored providing objective information, rather than the warning that McKinley endorses.
- David participated in a panel discussion at the Waste Management conference last week. He reported that there were a great number of people at the conference, but only about 30 people at the session. He and other participants speculated that perhaps people think that the Rocky Flats story has already told. He thinks this is unfortunate given the lessons learned that can help other sites.
- David and Rik are working on developing information-sharing systems for the Stewardship Council. One of their first undertakings will be regular updates on Rocky Flats issues. They hope that the general headings/categories will not change, but that the information will be updated. David and Rik need feedback from members if they like this format or have suggested improvements. These will be sent electronically in PDF format.
- Staff will keep their same rfclog.org email addresses, as they determined it was unnecessary to change.
- Based on a suggestion by Lori Cox, Board packets are now being sent electronically for non-Board members. This system will save money on printing and postage.
- David will be distributing an initial draft of the Coalition history report by March 17. He will be looking for feedback. He noted that this has been a challenging project. He also encouraged everyone to submit their own reflections and experiences that can be added to report, including what was done right, what was done wrong and lessons learned. David has also asked for input from the Congressional representatives. The report is currently about 60 pages long, plus attachments.
- The Stewardship Council website is under development, but has been pushed back a bit due to the transition schedule. David expects the bulk of it to be up by March 17th. They are also looking at ways that the website can be used as a communication forum.

Briefing on Long-Term Stewardship at Rocky Flats

Dan Miller from the Colorado Attorney General's Office joined the Board to deliver a presentation on Long-Term Stewardship (LTS) at Rocky Flats. He apologized for not having copies of his presentation available and said he will email it to the Board after the meeting.

Dan identified five main aspects to LTS:

- Institutional controls – which are restrictions on use of land or water, and usually required in instances of residual contamination, or when structures are necessary to maintain a remedy.
- Information management.
- Monitoring – to ensure remedy is performing as intended.
- Periodic re-evaluation of remedy – to ensure the remedy is meeting the objectives, and review if new technologies are available.
- Research and development.

The legal framework for stewardship at Rocky Flats governed by CERCLA, RCRA (and the corresponding Colorado Hazardous Waste Act) and the Colorado Environmental Covenant Statute.

CERCLA addresses stewardship in a number of ways. There is a statutory provision for a 5-year review in order to evaluate how the remedy is working. One of these reviews has already been done at Rocky Flats, and another is coming up soon. CERCLA expresses a preference that institutional controls are not the primary remedy. It borrows cleanup standards from other state/federal environmental laws, which it calls ARAR's, or applicable and relevant and appropriate regulations. At Rocky Flats, preliminary ARARs have been identified, including the NRC decommissioning rule, post-closure RCRA requirements, and various monitoring and maintenance requirements. CERCLA also contains information management requirements.

RCRA and the corresponding Colorado Hazardous Waste Act include requirements for long-term care at hazardous waste sites. The post-closure plan for the present landfill is currently out for comment and the State is also reviewing the plan. RCRA requirements are independently enforceable by the State.

Colorado Environmental Covenants are various regulations that apply to Rocky Flats. The agencies are in the process of figuring out how to implement them through the development of a Rocky Flats Long Term Stewardship Plan. This will be a CERCLA agreement and also a Corrective Action Order under RCRA. This plan will contain enforceable LTS requirements for monitoring, information management, and related issues. The agencies will be working on this shortly.

The environmental covenant law requires that institutional controls be implemented for all sites that have residual contamination, or that have remedies that need to be maintained. This applies to final cleanup decisions. There is already a covenant for the present landfill. There will also be one for the rest of the site, which will be finalized after the site CAD/ROD.

In order to clarify legal issues, the State wrote the statute covenant and went beyond that to address practical concerns about how information regarding restrictions can be reliably passed on to appropriate parties. Dan brought up the example of the Love Canal contamination. Colorado has tried to address these issues by ensuring multiple stewards, and multiple enforcers (which can even be a third-party). The State must approve covenants. CDPHE maintains a registry of

all covenants created, modified, and terminated. Land records must also be updated and there are notice provisions. Owners must provide copies of the covenant to any lease-holders and must notify CDPHE prior to transfer of ownership, or before applying for building permits. A new owner would be able to perform additional cleanup and apply for a modification of the covenant.

Since land use is locally-controlled, good communication between environmental regulators and land use regulators is essential. The statute requires CDPHE to contact land use entities for changes in the covenant and vice versa. Hopefully this will keep awareness of issues alive.

The Rocky Flats Stewardship Agreement will be enforceable, but will not be finalized for months. Probably not much will change from what is currently in place. DOE is responsible for maintaining remedies, environmental media, erosion, institutional controls, and administrative records. Five-year reviews are done in concert with the regulators. DOE is also responsible for any necessary additional responses. The role of the State and EPA is oversight. This will be much scaled back from what it was when the site was conducting cleanup, but the agencies still have this responsibility. CDPHE will coordinate with local governments. Local governments need to be involved in working with state regulators to make sure zoning decisions are fully informed and in compliance with the environmental covenant.

Karen Imbierowicz asked if the Stewardship Council will be reviewing the post closure plan for present landfill. David said that Rik has been looking at the plan and that there was nothing they thought warranted bringing it to the Board level. The Coalition addressed most of the issues previously. Dan added that the main LTS issues in the landfill plan are maintenance of the cap and monitoring of the groundwater system downgradient, and that it is pretty straightforward at this point. Karen asked if this can be used as a model for how to oversee LTS for the site as a whole. David said yes and no. He said it would better to focus on the bigger picture. Staff has been planning for the May meeting to look at final regulatory documents. There is also a need to bring the new members up to speed.

Clark asked for an update on the CAD/ROD timeline. Dan said that all accelerated actions have been completed. Regulators and the public are reviewing the draft RI/FS which includes 3 main options - no action, institutional controls, or further cleanup. Next will be the Proposed Plan, also with a comment period. The CAD/ROD will come next. In terms of schedule, according to John Rampe, the final RI/FS is expected in May. This will be followed by the Proposed Plan in late May or early June. The agencies hope to issue the final CAD/ROD by this fall.

Lorraine asked if the Stewardship Council will be able to comment on the plan before it becomes final. Rik said there will be a 60-day comment period. Dan stated that public comment is part of criteria for evaluating the plan and emphasized that the plan can change in response to public comment,

Public Comment

Jeannette Alberg (Sen. Allard) distributed brochures for Senator Allard's "Capitol Conference" that will be held in Washington, D.C. in late spring.

Updates/Big Picture

Executive Director - David pointed out the need to develop a work plan for the Stewardship Council. He thinks it should be pretty straightforward, as it will be based on the approved LSO Plan. The Council also needs a budget. David will be submitting draft budget next week; initial review will take place at the May meeting with budget hearings scheduled for June. He is looking for a simplified approach to procurement policies, while still being compliant with grant requirements. The Council can take some time with this, as there is no rush to get these policies in place. The draft work plan and budget will be distributed within about a week.

Big Picture - There will be no April meeting. During this time, Rik will meet with new members and help bring them up to speed on issues.

May 1: Potential Business Items –

- Review Draft FY06 Budget and Work Plan
- Procurement Policies
- Begin Discussing Stewardship Council Staffing needs

Potential Briefing Items –

- DOE-EM Briefing on Final RI/FS and Draft Proposed Plan
- Discuss Access Restrictions with DOE/USFWS

June 5: Potential Business Items –

- Budget Hearings,
- Continue Discussion on Stewardship Council Staffing Needs,

Potential Briefing Items –

- Update on DOE-LM quarterly update,
- Post-Closure RFCA Negotiations including Post-Closure Monitoring and Maintenance Plan

For the draft budget, David anticipates overestimating due to uncertainties regarding staffing needs.

Jeannette Hillery suggested that a small group be formed to discuss staffing needs, which would also help the budget process. David agreed with this suggestion, but will have to work around a vacation he has scheduled. Lorraine suggested that the Executive Committee work on this, as well as anyone else that is interested. The committee will include the Executive Committee plus JoAnn Price, Lori Cox, and Jennifer Bray. David noted that ideally there will be a slight scheduling overlap with the existing staff and the new staff. The Board will need a fairly clear idea of staffing needs by the June 5 meeting in order for this to happen.

Member updates – Shaun is concerned about whether the Council will have to provide notice for the meeting to discuss staffing needs since there will be more than two elected officials in attendance. Barb Vander Wall stated that if there will be substantive policy discussions, there

should be public notice. Karen asked if this includes email discussions. Barb said it does. Shaun suggested posting it just to be safe and to make sure they are within legal guidelines. Lorraine suggested the Council start the process by asking members to provide input on budget/staffing needs to the Executive Committee, which could then develop a plan or outline. Jo Ann said she thinks it is better to meet in person than by email. After the initial information is collected, the committee could hold a meeting with public notice. Members were asked to send email input to David or Lorraine. The process by which the Council will post meeting notices is work in progress. Currently, the Council is able to provide meeting notice through the mailing list, local governments, as well as member organizations.

Shaun suggested an item to add to the big picture. He would like to direct staff to reach out to agencies regarding their ex officio status. The members agreed.

Barb Vander Wall suggested that the minutes reflect there will be no special meeting in April, but that there will be a regular quarterly meeting in May, and a special meeting in June.

Lorraine announced that the Energy Communities Alliance meets this Thursday in Washington, D.C. Lorraine is also on DOE's Environmental Management Advisory Board, and will be visiting DOE's Savannah River Site at the end of March. David noted that Lorraine will be Vice Chair this year of the Energy Communities Alliance (ECA). David will recommend the Stewardship Council will be an affiliate member of ECA.

Shaun said he would like to point out how smoothly the transition went as result of the great work of staff, and he offered his thanks.

David asked each of the governments to email him the contact information for their city/county clerk so that meeting notices may be passed on to them. He also encouraged staff from each government to talk to the clerks so they know what to expect and how to process the postings.

The meeting was adjourned at 11:25 a.m.

Respectfully submitted by Erin Rogers.

4:25 PM
04/15/06

Rocky Flats Stewardship Council
Check Detail
March 6 through April 14, 2006

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check	001	3/14/2006	Crescent Strategies, LLC	CASH-Wells Farg...		-3,798.77
				Personnel - History ...	-3,798.77	3,798.77
TOTAL					-3,798.77	3,798.77
Check	1001	3/21/2006	Erin Rogers	CASH-Wells Farg...		-500.00
				Personnel - Contract	-500.00	500.00
TOTAL					-500.00	500.00
Check	1002	3/21/2006	Office Depot Credit Plan	CASH-Wells Farg...		-347.21
				Supplies	-347.21	347.21
TOTAL					-347.21	347.21
Check	1003	3/21/2006	Blue Sky Bistro	CASH-Wells Farg...		-225.00
				Meeting Expense	-225.00	225.00
TOTAL					-225.00	225.00
Check	1004	3/21/2006	Qwest	CASH-Wells Farg...		-93.86
				Telecommunications	-93.86	93.86
TOTAL					-93.86	93.86
Check	1005	3/21/2006	Qwest	CASH-Wells Farg...		-58.35
				Telecommunications	-58.35	58.35
TOTAL					-58.35	58.35
Check	1006	3/21/2006	ViaWest Internet Services, Inc.	CASH-Wells Farg...		-39.95
				Telecommunications	-39.95	39.95
TOTAL					-39.95	39.95
Check	1007	3/21/2006	UCN	CASH-Wells Farg...		-17.28
				Telecommunications	-17.28	17.28
TOTAL					-17.28	17.28
Check	1008	3/31/2006	Crescent Strategies, LLC	CASH-Wells Farg...		-9,287.29
				Personnel - Contract	-8,900.00	8,900.00
				Misc Expense-Local...	-49.70	49.70
				Subscriptions/Mem...	-109.96	109.96
				Supplies	-53.37	53.37
				Telecommunications	-30.45	30.45
				TRAVEL-Local	-143.81	143.81
TOTAL					-9,287.29	9,287.29

**RESOLUTION
OF THE
BOARD OF DIRECTORS
OF
ROCKY FLATS STEWARDSHIP COUNCIL**

Regarding

MEETING NOTICE REQUIREMENTS

WHEREAS, pursuant to an Intergovernmental Agreement dated as of February 13, 2006 (the "IGA"), the Rocky Flats Stewardship Council ("Stewardship Council") was established; and

WHEREAS, the Stewardship Council was created to allow local governments to work together on the continuing local oversight of the activities occurring on the Rocky Flats site to ensure that government and community interests are met with regards to long term stewardship of residual contamination and refuge management; and

WHEREAS, the Board of Directors of the Stewardship Council has a duty to perform certain obligations in order to assure the efficient operation of the Stewardship Council; and

WHEREAS, § 24-6-402, C.R.S., of the Colorado Sunshine Law, specifies the duty of the Board of Directors at its first regular meeting of the calendar year to designate a public posting place within the boundaries of the Stewardship Council for notices of meetings, as well as certain other requirements regarding public meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE ROCKY FLATS STEWARDSHIP COUNCIL THAT:

1. The Board of Directors shall annually post its regular meeting schedule at the Clerk and Recorder's office of the following counties: Jefferson, Boulder, Broomfield, Adams and Weld. In addition, the Board shall post its regular meeting schedule on the website established for the Stewardship Council. This notice shall remain posted throughout the year.
2. Should the Board of Directors determine a special meeting necessary, a notice of such meeting shall be posted at least seventy-two hours in advance of the special meeting at the office of the clerks and recorders of the counties indicated above.
3. When possible, meeting notices shall include specific agenda information.
4. In addition, the Stewardship Council shall maintain a list of persons who, within the previous two years, have requested notification of all meetings, or of meetings with discussions of certain specified policies, and shall provide reasonable advance notification of such meetings.

APPROVED AND ADOPTED THIS ____ DAY OF _____, 2006.

(SEAL)

ROCKY FLATS STEWARDSHIP COUNCIL

By: _____
Chair

ATTEST:

By: _____

RFSCo/RESO
BTWV0926
0756.0007

DRAFT

Briefing Materials for Board Discussion

Initial Review of 2006 Work Plan

- Cover memo
- Draft 2006 Work Plan

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670

(303) 412-1200
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

MEMORANDUM

TO: Board

FROM: David Abelson
Rik Getty

SUBJECT: Draft Work Plan

DATE: April 17, 2006

We have scheduled 25 minutes for the Board to begin reviewing the draft 2006 Stewardship Council Work Plan. The Plan is divided into five primary categories:

1. DOE Management Responsibilities
2. Rocky Flats National Wildlife Refuge
3. Former Rocky Flats Workforce
4. Outreach
5. Business Operations

The attached draft tracks the LSO Plan DOE approved and also includes work on refuge issues and other tasks such as Business Operations. The draft Work Plan also includes a great deal of background information and a section in which we propose how the Stewardship Council will annually evaluate its effectiveness.

In addition, the draft has been updated to reflect comments made by the Stewardship Council committee (highlighted in *italics*) which met on April 3rd to review the Plan as well as discuss future staffing needs.

If you have any questions please contact Rik since David is on vacation through April 28th.

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670

(303) 412-1200
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

2006 Work Plan

DRAFT #1 – March 17, 2006

Mission:

The mission of the Rocky Flats Stewardship Council is to provide continuing local oversight of activities at the Rocky Flats site and to ensure local government and community interests are met with regards to long-term stewardship of residual contamination and refuge management. The mission also includes providing a forum to track issues related to former site employees and to provide an ongoing mechanism to maintain public knowledge of Rocky Flats, including educating successive generations of ongoing needs and responsibilities regarding contaminant management and refuge management.

Preface: 2006 Challenges and Opportunities

2006 is an important year for the Rocky Flats Stewardship Council. Work will primarily focus on completing the steps necessary to establish the organization – hiring permanent staff, finalizing all of the legal documents, establishing systems, etc. – and on analyzing and addressing, as necessary, the final site closure and post-closure regulatory documents. As appropriate, the Stewardship Council will focus on the nexus between the Department of Energy and the United States Fish and Wildlife Service (USFWS) management responsibilities, as well as issues that are the sole domain of the USFWS.

The Stewardship Council is uniquely situated as the first Local Stakeholder Organization (LSO) in the DOE complex. The organization thus has the opportunity to establish the framework for how a successful LSO is formed and functions. In this vein, the involvement of the four non-governmental entities on the Stewardship Council provides new ideas and new opportunities for engaging potential new audiences on issues and histories related to the site. These members coupled with the experience of the local government members provides for a broad perspective on the Stewardship Council.

As a new organization there are bound to be challenges as well. Some of the challenges to address in 2006 will likely include:

- Expanding and strengthening the organization's relationship with DOE's Office of Legacy Management (LM);

- Developing an effective public outreach program that not only reaches the current Rocky Flats audience but identifies new opportunities to educate others about the ongoing management needs at Rocky Flats;
- Identifying successful mechanisms to help ensure the Stewardship Council's and others' interests are incorporated into the final regulatory documents, including the Proposed Plan, CAD/ROD, post-closure regulatory agreement, and long-term surveillance and maintenance plan;
- Developing organizational systems to ensure the Stewardship Council functions efficiently; and,
- *Strengthening the Stewardship Council relationship with the USFWS as well as being an advocate for USFWS funding.*

Background:

The Stewardship Council occupies two roles: (1) serving as the LSO for Rocky Flats, and (2) engaging USFWS on the management of the future Rocky Flats National Wildlife Refuge.

Local Stakeholder Organization

Legacy Management approved the LSO Plan for Rocky Flats on December 21, 2005. This Plan identifies how the main responsibilities Congress identified in the legislation authorizing the creation of LSO (Section 3118 of the Fiscal Year 2005 Defense Authorization bill) will be carried out at Rocky Flats. These responsibilities are summarized as follows:

- Solicit and encourage public participation in appropriate activities relating to the closure and post-closure operations of the site.
- Disseminate information on the closure and post-closure operations of the site to the State and local and Tribal governments in the vicinity of the site, and persons and entities having a stake in the closure or post-closure operations of the site.
- Transmit to appropriate officers and employees of DOE questions and concerns of governments, persons, and entities referred to in the preceding bullet.

In fulfilling these responsibilities, the Stewardship Council has been tasked with helping DOE meet its public involvement obligations identified in the Post-Closure Public Involvement Plan (PCPIP) for Rocky Flats. An important component of the PCPIP is public communication which is divided into two time periods: site transition (from now until regulatory closure) and post-closure. There is a strong possibility that regulatory closure will occur in 2006, so for practical purposes the Stewardship Council will consider the two time periods 2006.

Rocky Flats National Wildlife Refuge

“The Rocky Flats National Wildlife Refuge Act of 2001” established that Rocky Flats shall become a national wildlife refuge following EPA certification that the site has been cleaned to the agreed-upon regulatory standards. With this certification, which is expected in late 2006 or early 2007, DOE shall convey to the Department of the Interior all Rocky Flats lands, with the exception of those lands DOE shall retain as part of its ongoing management responsibilities.

In April 2005, USFWS published the Rocky Flats Comprehensive Conservation Plan (CCP), the site-specific conservation plan for the Rocky Flats National Wildlife Refuge. The CCP describes the desired future conditions of the Refuge and provides long-range guidance and management direction. Per the CCP, in the coming years USFWS anticipates developing the following “step-down” management plans, which provide specific guidance for achieving the objectives established in the CCP:

1. Vegetation and Wildlife Management Plan
2. Integrated Pest Management Plan
3. Fire Management Plan
4. Visitors Services Plan
5. Health and Safety Plan
6. Historic Preservation Plan

Work Plan Elements

The Work Plan is divided into the following five sections:

1. DOE Management Responsibilities
2. Rocky Flats National Wildlife Refuge
3. Former Rocky Flats Workforce
4. Outreach
5. Business Operations

DOE Management Responsibilities

Overview:

One of the key roles of the Stewardship Council is to understand and engage the various issues regarding the closure and post-closure management of Rocky Flats, and to provide a forum to foster discussions among DOE, the regulatory agencies, and community members.

2006 Activities:

1. Review and comment on as necessary the final regulatory documents including:
 - a. Remedial Investigation/Feasibility Study (RI/FS)
 - b. Proposed Plan
 - c. CAD/ROD
 - d. Post-Closure Regulatory Agreement
 - e. Long-term Surveillance and Maintenance Plan
 - f. Environmental Protection Agency Certification
2. Transmit to DOE community comments on final regulatory documents, as appropriate.
3. Review information regarding the long-term stewardship and management of the Rocky Flats site, including but not limited to the results of the operational and performance monitoring data of site operations.

4. Work with DOE on designing and implementing its Post-Closure Public Involvement Plan (PCPIP), including the meetings DOE identified in the PCPIP.
5. Review DOE budgets for implementation of DOE responsibilities.
6. Participate in DOE, CDPHE, and/or EPA assessment(s) of remedy operations and effectiveness.
7. Evaluate legal and regulatory issues regarding implementation of site-wide long-term stewardship plans and provide information to the Stewardship Council and to the community.
8. Work with DOE and the regulators to understand technical data regarding implementation and effectiveness of cleanup remedies and long-term controls, and provide information to the Stewardship Council and to the community.
9. Transmit to appropriate officers and employees of the DOE questions and concerns of governments, persons, and entities regarding Rocky Flats.

Rocky Flats National Wildlife Refuge

Overview:

A core function of the Stewardship Council is to engage on issues related to the development and management of the future Rocky Flats National Wildlife Refuge, and to track and address as necessary issues related to the interface of the Refuge to lands that DOE will retain as part of its management responsibilities. Further, in 2006 Congress and the Natural Resource Trustees (which includes DOE and USFWS) will be negotiating acquisition of certain privately-held mineral rights at Rocky Flats.

2006 Activities:

1. Work with USFWS and DOE on access restrictions to both DOE and refuge lands.
2. Work with USFWS and DOE on signage for both DOE and refuge lands.
3. Track issues related to acquisition of mineral rights.
4. Provide a forum for the community to raise issues related to aforementioned issues; forward comments to appropriate agency.
5. *Seek innovative funding for the refuge*

Former Rocky Flats Workforce

Overview:

One of DOE's primary post-closure responsibilities is to manage the health and pension benefits of former site workers. Many of these workers are the constituents of the Stewardship Council governments. Further, the Rocky Flats Homesteaders, which represents more than 1800 former site workers, sits on the Board of the Stewardship Council. For these and other reasons, as noted in the Stewardship Council's IGA, worker issues will continue to play a role for the new Stewardship Council.

2006 Activities:

1. Track issues related to the implementation of the Energy Employee Compensation Act (EEOIPCA). Act as needed.
2. Track issues related to LM's development and implementation of health and pension benefit programs for former Rocky Flats workers *especially if LM changes the health and pension benefits administrator from Kaiser-Hill to a new administrator.*

Outreach

Overview:

As the LSO for Rocky Flats, a core responsibility for the Stewardship Council is reaching out to the community and providing a mechanism to educate people about Rocky Flats and the ongoing management needs. As part of this mission it remains essential that the Stewardship Council maintain close communications with DOE, EPA, CDPHE, USFWS, and Congress. As a new organization with a new mission, 2006 activities will also focus on developing communication mechanisms to expand deeper into the public arena.

The local communities have developed over the period of many years a very good working relationship with the two primary regulatory agencies that oversee the site, EPA and CDPHE. It is imperative that the Stewardship Council continue this tradition of partnership with these agencies. As the site transitions, CDPHE will take on more of a lead regulatory role, while the EPA will assume more of an advisory role. Nevertheless, both agencies will still provide a layered protection of site regulatory oversight so communication with both remains essential.

The Colorado congressional delegation likewise played a critical role in closing Rocky Flats. The Stewardship Council shall remain an important vehicle for addressing issues of concern to the delegation and for providing community interface with the delegation on the numerous site-specific issues and concerns.

2006 Activities:

1. Hold quarterly Board meetings and provide opportunity for public comment and public dialogue.
2. Communicate with other local officials, DOE, state and federal regulators, the Colorado congressional delegation, and other stakeholders about the Stewardship Council's mission and activities, as appropriate.
3. Seek public input and involvement on issues related to DOE and USFWS responsibilities at Rocky Flats.
4. Evaluate congressional action for funding LM and other legislative and administrative action that could affect Rocky Flats.
5. Maintain communication with state legislators, as appropriate, and track state legislation as needed.
6. Provide opportunities at meetings and in between meetings for education and feedback.
7. Work with DOE to disseminate information on the closure and post-closure operations of the site.

8. Provide a mechanism for educating succeeding generations about the residual hazards at Rocky Flats and the continued need for a comprehensive site-wide stewardship program. *(Note: the committee recommended enhancing bullet 8 with broader outreach info— suggestions from Board members?)*
9. Develop and implement mechanisms for the Stewardship Council and the general public to be informed of the results of the monitoring data and other relevant information, recognizing that not all communication between LM and Rocky Flats constituencies will flow through the Stewardship Council. Potential options include:
 - o Periodic newsletters and/or annual reports
 - o Email updates

Business Operations

Overview:

Business Operations refers to organizational management responsibilities – conducting the annual audit, hiring staff, submitting financial reports to DOE, adopting annual Work Plan and annual budget, etc.

2006 Activities:

1. Operate Stewardship Council in compliance with state and federal regulations.
 2. Conduct final Rocky Flats Coalition audit.
 3. Prepare and adopt the annual Work Plan and the annual budget.
 4. Submit financial reports to DOE, as appropriate.
 5. Identify Stewardship Council staffing needs and hire as appropriate.
-

Success Measurement Criteria

How the Stewardship Council will measure its success is important. Many organizations use sophisticated techniques to measure success, but these are not necessary for the Stewardship Council. Rather at the end of the year the Stewardship Council will pause and reflect on its Work Plan elements to help determine its ability to accomplish the stated mission and objectives. The review shall include an assessment of how the organization can improve in the coming year, focusing on areas of weakness and opportunities for improvement.

Briefing Materials for Board Discussion

Future Stewardship Council staffing needs

- Cover memo

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670

(303) 412-1200
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

MEMORANDUM

TO: Board

FROM: Rik Getty

SUBJECT: Stewardship Council future staffing needs

DATE: April 17, 2006

We have scheduled 20 minutes for the Stewardship Council Board to discuss future staffing needs. As you will recall, a committee of interested Board members was formed at the March 6th Stewardship Council meeting to begin looking into future staffing needs. The committee will report to the Board on their questions raised and ideas on future staffing needs.

Summary of committee meeting April 3rd

The following were in attendance at the committee meeting: Lorraine Anderson, Jeannette Hillery, Lori Cox, JoAnn Price, Roman Kohler, Mike Bartleson, Jennifer Bray, Martin Toth, and Rik Getty. Although not present, Karen Imbierowicz provided the committee with an email outlining her questions and thoughts on staffing needs. The committee used Karen's email to begin the discussion. Karen offered the following:

- How does our council want to cover the regulatory closure period, which we anticipate to last through December of 2006?
- Do we want a manager of our organization only or do we want an advocate for the LSO in working with DOE, CDPHE, EPA, and Congress?
- Are we ready to transition the director position of our organization to more of a community relation position or would this be better done after regulatory closure scheduled for the end of 2006?
- Is it in the Stewardship Council's best interest to do a RFP for any or all of the positions (Director, Technical Adviser, Attorney, Financial, and Web/Communications) for work done after the end of July 2006? Or, is it in our best interest to extend any or all contracts from the end of July through December of 2006?

Karen then listed qualities she thought were necessary for an effective executive director advocate and technical advisor. Finally she closed by stating:

“I am hesitant to transition any of the positions we have contracted for until we have achieved regulatory closure. If all of the entities providing the services of Director, Technical Advisor, Financial consultant, legal advisor, and Web service provider are willing to contract with us until the end of 2006 I think that, at that point, we will have a much better idea of our needs for 2007 and this will give us time to draft RFP’s for any or all positions that will better outline needed services post-regulatory closure.”

Although members of the committee were in general agreement with Karen’s thoughts on maintaining current staff through regulatory closure, the following additional recommendations were made:

- request a new contract proposal from David covering the August to December period, not simply an extension of the current contract;
- ensure no conflict of interest in any new contract;
- provide time accounting summaries as part of new contract;
- provide periodic updates on work accomplished during contract period; and,
- continue to work over the next few months on staffing needs.

The remainder of the committee meeting was devoted to reviewing the Stewardship Council draft Work Plan (see briefing memo in this Board packet).

Additional staffing discussion

We have added a continuation of this staffing discussion to the June 5th Stewardship Council meeting, as is reflected in the 3-Month Big Picture, which will allow the Board an additional opportunity to discuss future staffing needs.

If you have any questions, please contact me.

Briefing Materials for Board Discussion

Draft fiscal year 2006 budget

- Cover memo
- Draft budget

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670

(303) 412-1200
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

MEMORANDUM

TO: Board

FROM: David Abelson

SUBJECT: Draft Fiscal Year 2006 Budget

DATE: April 17, 2006

In accordance with Colorado law, attached for your review is the first draft of the Stewardship Council's fiscal year 2006 budget. I have scheduled time at the May Board meeting for you to discuss and modify as necessary this draft. As a unit of local government under the Colorado Constitution, the Stewardship Council must hold budget hearings prior to adopting a final budget. The budget hearings will be held at the June 2006 meeting.

In developing this draft budget I made a few specific assumptions:

1. Rik and I currently charge \$8900 per month, plus expenses. Permanent staff may charge more so I increased the monthly fee to \$10,000.
2. For 2006 all staff will be contract employees. Therefore no fringe benefits have been budgeted.
3. The audit report is for the Coalition's 2005 and 2006 budget years. The first Stewardship Council audit will take place in 2007.
4. While the Stewardship Council is not planning on leasing office space this year, I budgeted \$1000/month in case a decision is later made to lease space. Any decision about leasing space would be a Board decision, so in budgeting these monies the Board is not making a decision about whether to spend such funds.
5. Currently we are not using our copier. If we start to use it we will need a maintenance agreement. I therefore budgeted \$1500 to cover any such costs.

As you review this budget, please remember I have intentionally added cushion. Most of the decisions about whether to spend such funds will be made by the Board, so in approving the budget you will retain control over Stewardship Council expenditures.

Finally, as of March 6, 2006, the Stewardship Council has close to \$485,000 -- \$400,000 from Congress and another \$85,000 from the Coalition. In addition, local governments will contribute \$8000 in the coming months. Any unused funds can be carried over to subsequent fiscal years.

I will be on vacation in the weeks leading up to the meeting. Should you have any questions please contact Rik. Many thanks.

ROCKY FLATS STEWARDSHIP COUNCIL
Draft Budget #1

A. Personnel **\$100,000.00**

Executive Director and Technical Advisor
 (both part-time positions)

B. Fringe Benefits **\$0.00**

Benefits **\$0.00**
 Presumes employees are contract employees

C. Travel **\$4,350.00**

Out of State **\$3,600.00**
 National DOE-related Trips \$1200/trip X 3 trips \$3,600.00

Local Travel **\$750.00**

D. Computer Equipment **\$1,000.00**

Purchase computers, misc. hardware, software **\$1,000.00**

E. Supplies **\$1,350.00**

Supplies (\$150/month for 9 months) **\$1,350.00**

F. Contractual **\$31,800.00**

Attorney & Accounting Services **\$23,300.00**

Legal Services (\$1800/ month for 10 months) \$18,000.00

Accounting \$9,500.00

Audit Report \$5,300.00

Admin. Services **\$3,500.00**

Misc. Services: computer tech, want ads, etc \$3,500.00

Meeting Expenses **\$1,000.00**

Local Government Expenses **\$4,000.00**

Miscellaneous expenses not covered by DOE funds

G. Construction **\$0.00**

None

H. Other **\$23,625.00**

Printing		\$200.00
Postage		\$2,500.00
Space Lease		\$5,000.00
Office Lease (\$1000/month)	\$5,000.00	
Liability Insurance		\$9,400.00
Property Contents	\$400.00	
Board Members	\$9,000.00	
Telephone, email, etc		\$3,000.00
Website		\$4,500.00
Hosting	\$1,500.00	
Web master	\$3,000.00	
Subscriptions/Memberships		\$2,025.00
Weapons Complex Monitor	\$325.00	
ECA membership	\$950.00	
Conference registration fees	\$200.00	
Newspapers	\$550.00	
Copier		\$1,500.00

L. Indirect Costs	\$0.00
--------------------------	---------------

N/A

TOTAL BUDGET	\$162,125.00
---------------------	---------------------

Briefing Materials for Board Discussion

Discussion with DOE concerning quarterly update meetings

- Cover memo

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670

(303) 412-1200
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

MEMORANDUM

TO: Board

FROM: Rik Getty

SUBJECT: Discussion on DOE quarterly update meetings

DATE: April 17, 2006

We have scheduled 20 minutes for the Stewardship Council Board to discuss an issue that Broomfield and Westminster have requested the Stewardship Council consider. I will try to capture the issue and their concerns in this briefing memo.

Background

In the past DOE has presented a quarterly data exchange meeting (normally hosted by Broomfield). The data exchange meetings were technical in nature and allowed for the exchange of water, air, and environmental monitoring data between the site, CDPHE, EPA, Broomfield, Westminster, and other interested attendees. The meetings were informal and allowed for technical dialogue between the attendees. The site's data was by far the largest of any of the data sets, and most quarters consisted of several hundred pages.

With DOE Legacy Management (LM) assuming surveillance and maintenance duties at the site, there is now a different approach to data exchange. LM has decided to not have a quarterly data exchange meeting as has occurred in the past. Instead LM plans on presenting quarterly LM updates through the Stewardship Council and not have a separate technical data exchange. LM's position is based largely on how they view the federal legislative requirement of public quarterly updates going through the LSO (Stewardship Council).

Issue

Broomfield and Westminster want to have technical data exchanges between their city water quality staff and LM when necessary, perhaps quarterly, perhaps less frequently. LM has stated their position against this request. Therefore Broomfield and Westminster are seeking Stewardship Council support in ensuring that their city water quality staff has the ability to exchange technical data with LM in a meeting that is separate from a Stewardship Council meeting.

Suggestion

I have been attending the data exchange meetings and they can be quite technical at times (the site's latest volume of data exchange information was over 270 pages, over half of which were data tables). I also believe that not all members of the Stewardship Council would necessarily want to sit through a meeting that might become too technical in nature. I have offered a suggestion as a compromise for both sides of the issue. Therefore, I have suggested that LM present an executive summary type quarterly briefing for the Stewardship Council. After the meeting a follow-on discussion could be held that was more technical in nature. Those interested Board members and technical staff could attend the meeting and have more detailed technical discussions with LM. If this suggestion is not receptive then perhaps Board members might have other ideas.

If you have any questions please contact me.

Briefing Materials for Board Discussion

DOE briefing on final RI/FS and draft Proposed Plan

- Cover memo

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670

(303) 412-1200
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

MEMORANDUM

TO: Board

FROM: Rik Getty

SUBJECT: Remedial Investigation/Feasibility Study and draft Proposed Plan

DATE: April 17, 2006

We have scheduled 30 minutes for a DOE briefing on the Remedial Investigation/Feasibility Study (RI/FS) and the draft Proposed Plan (PP). The RI/FS and PP are important CERCLA (federal Superfund law) documents required in the regulatory closure process for the site. The final RI/FS (no formal public comment) should be signed by the regulators either before the May Stewardship Council meeting or shortly thereafter. The draft PP (formal 60 day public comment period) will not be issued before the meeting but we want DOE to give the Stewardship Council an idea of what information it could contain. We also would like feedback from the Board on how we should respond to the PP public comment.

Background

In a typical CERCLA process the RI/FS and PP are completed before any cleanup begins. In such cases, the party charged with cleaning up the site would investigate the extent of contamination and develop options for remediating the site (that's the RI/FS process) and would then propose a cleanup alternative (that's the PP). A decision would then be issued and the party would then start cleaning up the site.

CERCLA, however, allows for accelerated cleanups, which is the process followed at Rocky Flats. In such cases the cleanup actions are called "interim actions." While they are based on extensive analyses, the parties must still develop a RI/FS, issue a PP, and sign a decision document (the CAD/ROD). The purpose of this phase is to evaluate whether the cleanup objectives have been met and to provide a formal mechanism for the public to comment on the cleanup objectives, including whether such objectives have been met.

RI/FS

The RI component of the RI/FS serves as the mechanism for characterizing the nature and extent of contamination at a given site identifying cleanup goals for each medium (soil, groundwater,

and surface water). In addition a comprehensive risk analysis is performed to assess risks to both human and ecological receptors. The FS component is then used to develop, screen, and evaluate potential remedial alternative actions for the site. The FS has identified the following 3 possible alternatives for the site.

- Alternative 1: No further action (required by CERCLA to be included in analysis) with continued monitoring of groundwater and surface water
- Alternative 2: Alternative 1 plus institutional and physical controls
- Alternative 3: Alternative 2 plus targeted surface soil removal

PP

The main objective of the PP is to select the preferred alternative from those presented in the RI/FS. The PP also summarizes key sections of the RI/FS. DOE can not identify their preferred alternative until after the draft PP is released due to pre-decisional legal issues. Post-closure water quality monitoring is a legal requirement which is why all three alternatives include water quality monitoring. The RFCA parties, RFCLOG, and others have advocated for post-closure institutional and physical controls so Alternative 1 is out. Alternative 3 would require soil cleanup to lower risk levels for the Wildlife Refuge Worker and would involve additional cleanup on about 368 acres requiring three years and \$265 million. Alternative 1 would cost about \$41 million and Alternative 2 would cost about \$43 million. So as you can see it is a safe bet that Alternative 2 will be selected.

Anticipated Result

At Rocky Flats, DOE, EPA, and CDPHE believe they took a conservative approach when performing the interim remedial actions. As such they believe the RI/FS, PP, and CAD/ROD will result in the interim actions becoming a final action, without additional cleanup.

If you have any questions please contact me.

Briefing Materials for Board Discussion

Continued discussion with DOE and USFWS on access restrictions and signage

- Cover memo with attachments
- Attachment 1, excerpt of minutes from 1-9-06 RFCLOG meeting on access restrictions and signage
- Attachment 2, joint DOE and USFWS letter to Stewardship Council seeking public input on access restrictions and signage

ROCKY FLATS STEWARDSHIP COUNCIL

P.O. Box 17670
Boulder, CO 80308-0670

(303) 412-1200
(303) 412-1211 (f)

Jefferson County -- Boulder County -- City and County of Broomfield -- City of Arvada -- City of Boulder
City of Golden -- City of Northglenn -- City of Westminster -- Town of Superior
League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

MEMORANDUM

TO: Board

FROM: Rik Getty

SUBJECT: Continued discussion with DOE and USFWS on access restrictions and signage

DATE: April 17, 2006

We have scheduled 30 minutes for the Stewardship Council to continue discussions with DOE and the U.S. Fish & Wildlife Service (FWS) on access restrictions and signage.

Background

DOE and FWS have had several discussions with the RFCLOG Board in the past concerning access restrictions and signage at the site. The most recent discussion was at the January 9, 2006 RFCLOG Board meeting. The meeting minutes capturing the discussion with DOE and FWS are attached to this memo and include issues and concerns that were raised during the discussion.

During the discussion David asked if it would be possible for the two agencies to draft a joint letter to the Coalition on the path forward regarding future access controls. David noted that this would be of value for a number of different reasons, including addressing any concerns that may arise at the state legislature. DOE and FWS issued a joint letter on March 2, 2006 to the Coalition responding to David's request (attached). The letter will serve as a kick-off point for discussions with DOE and FWS at the May 1, 2006 Stewardship Council meeting.

DOE plans for signage and access controls

As noted in their joint letter with FWS, the DOE plan for signage and access controls will be enumerated in the draft Proposed Plan for the site which will be released for formal public comment in the May-June time period (I have heard from DOE that the anticipated release will be mid to late May). DOE anticipates that the draft proposed Plan will:

“contain a suite of recommended access controls and signage, which will generally be intended to protect engineered structures, ensure that residual contamination remains isolated, delineate the property boundary, and notify site users of land use restrictions.”

FWS plans for signage and access controls

According to the joint letter, once land is transferred to FWS, outer perimeter boundary signs for the new refuge will be posted within 60 days. In addition, FWS plans on preparing a step-down refuge management plan to address language for signs on site history and safety. FWS wants to gather public input on the process and is seeking input from the Stewardship Council and other stakeholders.

DOE & FWS request

Both agencies believe the Stewardship Council will provide a good forum for public input on their plans for access restrictions and signage at the site. The agencies have requested that they receive community input prior to the issuance of both the DOE's draft Proposed Plan and FWS's step-down management plan for refuge signage. By receiving informal public input before both plans are released for formal public comment, the agencies hope that the draft documents can reflect public sentiment to the greatest degree.

If you have any questions please contact me.

Excerpt from 1-9-06 RFCLOG Board meeting

Post-Closure Signage and Access Restrictions

David introduced this topic by noting that discussions regarding post-closure signage and access restrictions are going to be seen in three different areas: 1) final regulatory documents; 2) USFWS refuge planning process; and 3) State Representative Wes McKinley has said he is planning on reintroducing legislation to mandate warnings about Rocky Flats history. This conversation is the beginning of a process that David hopes does not get pre-empted by state legislation.

Dean Rundle (USFWS) and John Rampe (DOE) joined the Board for this discussion. Dean handed out a 3-page summary of the current status and outlook for public access and signage at the Rocky Flats National Wildlife Refuge. The information in the handout includes: 1) general information on refuge establishment/public use; 2) general status information on signs; and 3) USFWS position on public access to DOE-retained lands within the Rocky Flats National Wildlife Refuge.

Given the RFCA Parties' timeline for regulatory closure of Rocky Flats, the earliest USFWS anticipates accepting transfer of jurisdiction and formal refuge establishment would be early 2007. Upon establishment of the Refuge, USFWS lands are automatically closed to public access, unless opened by a separate process. If hunting or fishing is to be allowed, there will be an announcement in the federal register. If the use is to be non-consumptive, it may be announced through news releases, brochures, or other means.

There is currently no operating budget identified by Department of Interior budget for the Rocky Flats Refuge for FY06 or FY07. Therefore, the USFWS would go into a 'caretaker' status while waiting for an operating budget. During this 'caretaker' phase, there may be a minimal level of management from resources assigned to the Rocky Mountain Arsenal National Wildlife Refuge. Work during this phase may include high priority weed management, occasional law enforcement patrols, and compliance monitoring of endangered species.

If non-federal funds become available during this time, USFWS would consider implementing some of the comprehensive conservation plan (CCP) for Rocky Flats. The CCP calls for a half-mile trail to be developed from the west gate area to the Lindsay Ranch area within first year, which would be only trail built within the first five years. The USFWS will follow the CCP according to how much money is appropriated. Special tours may be granted during this time. These would be pre-arranged, guided tours, and not on a drop-in, or unescorted basis.

Within 60 days of land transfer, the USFWS will post the exterior boundary of the new refuge with standard refuge boundary signs. These signs are posted at approximately one-quarter mile intervals. The CCP also calls for a variety of signs to interpret the wildlife, habitat and cultural (including historical) resources of the refuge. There is some specific language in the CCP about informing visitors about site history and potential risks. Because of concerns raised by Rep. McKinley, the Service is going to prepare a single purpose Step-down Management Plan this spring, which will cover the planned language on signs. Dean does not anticipate having public meetings on this, but will send copies to local governments and stakeholders. The USFWS will take comments and go from there.

Access to DOE-retained lands is the responsibility of DOE's Office of Legacy Management (LM). The USFWS provided a recommendation on this issue to the RFCA parties on June 6, 2004. This recommendation called for a 4-strand barbed wire, as well as signage. However, the USFWS is not the decision-maker for these areas, and the RFCA Parties have not yet announced their final plans.

John Rampe confirmed that the RFCA Parties did receive this recommendation from USFWS regarding fencing and signage. He went on to clarify that the reasons there will be access controls are not because of residual contamination. The surface is safe for refuge workers, and there is nothing to preclude future interpretive trails in these areas. Any signage or fencing in the DOE-retained areas will be intended solely to delineate boundaries and protect remedies (such as wells, treatment systems, and landfill covers). The easiest way for the public to do damage to these areas would be to disrupt the vegetation. Another reason for access controls is to inform the public of covenant restrictions. It will also serve to inform people what was there and what is there now. Restrictions will include use of surface and groundwater, drilling, excavation, inhabited buildings, and erosion controls. This notification will be accomplished through light fencing, interpretive signs, and other signs. There are three documentary ways to record restrictions. First is the Record of Decision (will be released in October/November 2006). The ROD will be preceded by a Proposed Plan which will also document proposed restrictions (May/June 2006). In addition, the post-closure regulatory agreement, also known as RFCA II, will be an enforceable document to implement restrictions. Finally, DOE has agreed to a state environmental covenant, which will, among other things, document access controls.

The RFCA parties have not yet agreed on specific controls or language, although they agree on the reason for controls and signage. Prior to the development of the Proposed Plan, both Dan and John noted it would be helpful for the agencies to hear from the Coalition and other parties about any particular concerns they would like to see addressed given the final site closure conditions. RFCAB has expressed some concern about what will happen in the time before the Refuge becomes established, which could be a few years. During this time, DOE-LM will be supervising the site.

Shaun McGrath opened a discussion for the Board to identify any initial concerns or issues on this topic, and added that this issue will again be on the agenda for the first Stewardship Council meeting in March. Karen Imbierowicz asked if the Board will have any more information regarding proposed access controls by March. John Rampe responded that DOE can provide additional information and asked what kind of information she would like to see. Karen said she was interested in information about what is planned to protect the remedies. Lorraine Anderson said she would like to know if these plans will be officially recorded somewhere so it can be shared with the State legislature. She would like to be able to show them that this issue is being addressed thereby obviating the need for the legislature to intervene.

John Rampe said the Proposed Plan will be available in May or June. Dean Rundle said that USFWS hopes to have a decision by the middle of the spring. USFWS has the legal authority to make this decision, and he is not sure how a state law would impact this authority. Lorraine thinks it is detrimental to cities/counties when the state legislature steps into issues in this way. She does not know whether the Stewardship Council will want to take a stand on this issue, but she thinks the Coalition members should speak to the legislators. Since USFWS and DOE are thinking along the same lines, David asked if it would be possible for the agencies to draft a joint letter to the Coalition on the path forward regarding future access controls. David noted that this would be of value for a number of different reasons, including addressing any concerns that may arise at the state legislature.

Jim Congrove mentioned that Jefferson County would like to help get this first trail built if possible. Shaun asked what the timeframe the agencies are looking at for communicating these access control messages into the future. John Rampe said they are looking at this as an indefinite period. Shaun said he would like to see more specifics about this issue in terms of the materials and language that will be used. John responded that there are different levels of messages to communicate. In terms of long-term timeframes such as Shaun is discussing, he does not know that there is a level of contamination remaining that would bring these kinds of discussions in to play. In the foreseeable future, DOE has responsibility to ensure these messages are conveyed. Shaun added that he thinks that probably 99% of public will obey the access restrictions, but he is worried about those that do not, which is why he believes fencing and more robust structures are important. He does not think barbed wire is going to do the job.

Ben Pearlman said he is also interested in the content of signage. He said it will be important to try to let people know what the monitoring is showing and how often the areas are monitored, so visitors know what they are getting into when they approach a fence. He added that there is a curiosity in people about what is inside certain areas. He is also concerned about movement of wildlife with regard to fencing. Ben pointed out the need to recognize the importance of long-term messages and he looks forward to seeing more details. Dean noted that the planned access points to the Refuge are listed in the CCP. He added that signs, plus law enforcement, will keep most people out, but they will never be able to stop everything. John Rampe noted that the things DOE is most worried about are simple vandalism and poaching, and they are looking into hiring private security.

David Abelson stated that the concept of linking onsite information to more comprehensive sources offsite information is important in conveying information. Shaun McGrath added his concern about the lack of an operating budget for USFWS at the Rocky Flats Refuge. He said the LSO should understand what USFWS is planning to do and what they will not be able to do due to the lack of an operating budget. He suggested this could be an issue the Stewardship Council could bring to D.C. when the first meetings are scheduled, in order to ensure the refuge is managed in an appropriate manner.



MAR 02 2006

06-DOE-00023

MAR 7 2006

Mr. David Abelson, Executive Director
Rocky Flats Coalition of Local Governments
P.O. Box 17670
Boulder, Colorado 80308

Dear Mr. Abelson:

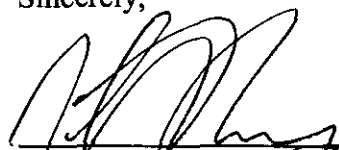
Thank you for the opportunity to discuss post-closure signage and access restrictions at Rocky Flats with your Board at their meeting of January 9, 2006. As we noted during that discussion, the U.S. Department of Energy (DOE) and the U.S. Fish and Wildlife Service (Service) will both be preparing plans for signage and access restrictions during the coming year.

The DOE plan for signage and access controls will be enumerated in the Proposed Plan for Rocky Flats, which we anticipate releasing for formal public comment in the May-June time period. The Proposed Plan will contain a comprehensive proposal for post-closure activities on the portion of Rocky Flats that will be retained by DOE, to ensure that the remedy there is protective of human health and the environment. The DOE anticipates that the Proposed Plan will contain a suite of recommended access controls and signage, which will generally be intended to protect engineered structures, ensure that residual contamination remains isolated, delineate the property boundary, and notify site users of land use restrictions.


Once land is transferred from DOE to the Service, the Service will post the outer perimeter boundary of the new refuge with standard refuge boundary signs that say "National Wildlife Refuge - Unauthorized Entry Prohibited" within 60 days. The Service has also committed to preparing a step-down refuge management plan to address language for signs on site history and safety that will eventually be placed at future public access points. This will be a public planning process that will seek input from local governments and other Rocky Flats stakeholders. The Service hopes to initiate this process in March 2006, and reach a decision on these signs by June.

As we stated at your January 9 meeting, both the DOE and the Service are looking forward to receiving public input on this topic, and we believe that the newly-formed Local Stakeholder Organization will provide a good forum for this discussion. If possible, we would like to receive community input prior to the issuance of the aforementioned plans, so that they can reflect public sentiment to the greatest degree. Please let us know how we may be of assistance in this regard.

Sincerely,



John J. Rampe, Director Date 3-2-06
Rocky Flats Closure Project Management
Rocky Flats Project Office



Dean Rundle, Refuge Manager Date 3/2/06
Rocky Mountain Arsenal NWR

Newsclips and Other Items of Interest

- Newsclip on formation of Stewardship Council
- Press release and text of letter from Senator Allard on contributions by RFCLOG and importance of newly created Stewardship Council
- Joint news release and letter from Senator Salazar and Congressman Udall over their concern with plans to reduce occupational illness payments to Cold War veterans
- Newsclips re: Cook case
- Newsclips re: CH2M Hill (parent of Kaiser-Hill) establishes \$1.7 million endowment to the Metro Denver Economic Development Corp.
- Newsclip on 1.4 acre land donation made by Charles McKay to Rocky Flats Cold War Museum
- Newsclips re: Rocky Flats fire of 4/2/06
- Newsclip on questions concerning nuclear compensation program for workers

The Daily Camera

To print this page, select **File** then **Print** from your browser

URL: http://www.dailycamera.com/bdc/county_news/article/0,1713,BDC_2423_4520749,00.html

Flats oversight group changes

Stewardship council takes over where government coalition left off

By **Todd Neff, Camera Staff Writer**
March 7, 2006

The Rocky Flats Stewardship Council came into existence Monday, moments after its predecessor, the Rocky Flats Coalition of Local Governments, dissolved.

Nobody left the room, though a few folks changed seats. The new board is the old board, with the addition of two new governments, three citizen groups and Boulder resident Ken Foelske.

The new board is charged with long-term oversight of the Rocky Flats property. Its members hope it has little to oversee.

"We still have the regulatory closure process to go through," said David Abelson, the former executive director of the coalition. "But aside from those issues, we're hopeful that in due time there really won't be a lot of issues that warrant decision-making by the stewardship council."

The board also will help shape education and outreach efforts to preserve the memory of Rocky Flats.

A \$7 billion Superfund cleanup, completed last October, erased the former nuclear-weapons plant from view. But buried waste process lines, plutonium-building foundations and on-site landfills remain.

The U.S. Department of Energy must in perpetuity ensure that plutonium and industrial contamination doesn't taint creeks or otherwise cause environmental harm. DOE retains control of a 1,100-acre area including all of the former 385-acre industrial zone; the rest of the 6,240-acre property will become the Rocky Flats National Wildlife Refuge.

State and federal regulators will review periodic reports on water quality and other environmental issues, said Dan Miller, of the state attorney general's office.

State officials say the cleanup's official closure plan should be ready for public comment in June, with the final cleanup approved this fall.

The coalition had existed since 1999 and includes seven board members representing Boulder, Boulder County, Broomfield County, Superior, Westminster, Arvada and Jefferson County. The stewardship council adds a single seat that two additional governments, Golden and Northglenn, share on a rotating basis.

In addition, it adds four seats for community members, including former Rocky Flats workers, the League of Women Voters, the Rocky Flats Cold War Museum and Foelske.

The Rocky Flats Citizens Advisory Board, the vehicle for local citizen oversight of Rocky Flats since 1993, will disband in June.

Copyright 2006, The Daily Camera. All Rights Reserved.



U . S . S E N A T O R ☆ C O L O R A D O

WAYNE ALLARD

<http://allard.senate.gov>

CONTACT: Angela de Rocha 202-224-5944
Stephen Myers 202-224-6207
Carolyn Williams 303-304-6863

March 6, 2006

SENATOR ALLARD URGES CONTINUED COMMUNITY INVOLVEMENT IN ROCKY FLATS

*'The input of these organizations and their members
has been instrumental to the cleanup process'*

WASHINGTON, D.C. – U.S. Senator Wayne Allard (R-Colorado) said Monday that it is extremely important that local governments and community activists continue to play a significant role in assisting the Department of Energy with future monitoring of Rocky Flats now that cleanup of the site has been completed.

In a letter commemorating the official formation of the Rocky Flats Stewardship Council, Senator Allard congratulated community-based organizations such as the Rocky Flats Council of Local Governments (RFCLOG), the Rocky Flats Citizen Advisory Board (RFCAB), and other precursor organizations for having provided the state and federal government much needed insight on community concerns and issues related to the cleanup and future use of Rocky Flats.

"The input of these organizations and their members has been instrumental throughout the cleanup process," Senator Allard said in his letter. "Continued community involvement is vital. With this in mind, I secured a \$500,000 Congressional authorization and appropriation to ensure that there would be the framework and funding for a post-closure local stakeholder organization at Rocky Flats."

"I applaud the efforts of the local governments, the community activists, and the Department of Energy in working together to establish this important organization. The leadership and vision of the people at Rocky Flats will continue to guide and ensure success. Today's formation of the Rocky Flats Stewardship Council is a step toward a bright future," Senator Allard said.

"Congratulations to the many men and women of Rocky Flats -- the people who have helped make today's transition possible. Thank you for your continued vision and leadership," Senator Allard's letter concluded.

#

WAYNE ALLARD
COLORADO

DIRKSEN SENATE OFFICE BUILDING, SUITE 521
PHONE: (202) 224-5941
FAX: (202) 224-6471

APPROPRIATIONS
BANKING, HOUSING, AND
URBAN AFFAIRS
BUDGET
RENEWABLE ENERGY CAUCUS
SPACE POWER CAUCUS

United States Senate

WASHINGTON, DC 20510-0606

March 6, 2006

Dear Elected Officials, Community Leaders, and Guests:

It gives me great pleasure to help commemorate the official formation of the Rocky Flats Stewardship Council.

Today we are celebrating both the past and the future of Rocky Flats.

We celebrate the past by remembering and honoring our Cold War Veterans, by reminiscing about the countless hours of work it has taken to remediate the site. By relishing that the physical site clean-up has been completed millions of dollars under budget and almost a year ahead of schedule.

We celebrate the future by envisioning what is to come--a National Wildlife Refuge where future generations of Coloradans will be able to use and enjoy the site. We celebrate the future by knowing that with vision, leadership, and hard-work other DOE facilities may be remediated and put to alternate uses.

Perhaps most of all we are here today to celebrate the leadership and vision of the people at Rocky Flats--the people that made the "impossible possible."

We would not be here today if it were not for the local leadership, foresight, vision, and innovation of the thousands of men and women involved with the clean-up and transfer of Rocky Flats. Local governments and community-minded activists helped position the site for early closure. Community based organizations including the Rocky Flats Council of Local Governments (RFCLOG), the Rocky Flats Citizen Advisory Board (RFCAB), and other precursor organizations, provided the state and federal government much needed insight on community concerns and issues related to the clean-up and future use of Rocky Flats. The input of these organizations and their members has been instrumental throughout the clean-up process.

It is extremely important that local governments and community activists continue to play a critical role in assisting the Department of Energy and the federal government with future transition and monitoring issues. With this goal in mind, I secured a Congressional Authorization and a \$500,000 Appropriation to ensure that there would be the framework and funding for a post-closure local stakeholder organization at Rocky Flats.

This is why it gives me such pleasure to help commemorate the first official meeting of the Rocky Flats Stewardship Council (RFSC)--a long-term, local government and community stakeholder organization. I applaud the efforts of the local governments, the community activists, and the Department of Energy in working together to establish this important organization. The leadership and vision of the people at Rocky Flats will continue to guide and ensure success. Today's formation of the Rocky Flats Stewardship Council is indeed a step towards a bright future.

7340 EAST CALEY
SUITE 215
ENGLEWOOD, CO 80111
PHONE: 303-220-7414
FAX: 303-220-8126

5401 STONE CREEK CIRCLE
SUITE 203
LOVELAND, CO 80538
PHONE: 970-461-3530
FAX: 970-461-3658

111 SOUTH TEJON
SUITE 300
COLORADO SPRINGS, CO 80903
PHONE: 719-634-6071
FAX: 719-636-2590

411 THATCHER BUILDING
5TH AND MAIN STREET
PUEBLO, CO 81003
PHONE: 719-545-9751
FAX: 719-545-3832

215 FEDERAL BUILDING
400 ROOD AVENUE
GRAND JUNCTION, CO 81501
PHONE: 970-245-9553
FAX: 970-245-9523

954 EAST SECOND AVENUE
SUITE 107
DURANGO, CO 81301
PHONE: 970-375-6311
FAX: 970-375-1321

Congratulations to the many men and women of Rocky Flats--the people-- that have helped make today's transition possible. Thank you for your continued vision and leadership.

As we continue to work together to ensure the future success of Rocky Flats, we know it may not always be easy; however, with team work and vision we can make the "impossible possible."

Sincerely,

A handwritten signature in black ink that reads "Wayne Allard". The signature is written in a cursive, flowing style.

Wayne Allard
United States Senator

of 20 containers in the State that are operated by local fire and law enforcement officials and maintained by the Missouri Department of Natural Resources. Since the first container was opened in October 1998, the 20 containers have processed meth lab waste from 9,525 labs across the State. This accounts for 378,491 pounds of hazardous waste and has saved the State approximately \$22 million over conventional waste handling.

Mr. President, the efforts of Chief Harris has been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share his accomplishments with my colleagues, and I wish him all the best for the future.●

SERGEANT JASON J. GRELLNER

● Mr. President, I wish to salute SGT Jason J. Grellner, a Missourian who has valiantly fought against the meth epidemic and who strives every day to make his community safer from this drug menace. I commend him for his exemplary service and join the Office of National Drug Control Policy in honoring him for his efforts.

Sergeant Grellner, in his work for the Franklin County Sheriff's Office and the Franklin County Narcotics Enforcement Unit, has been influential in efforts to curb meth production. His unit within the sheriff's department has implemented many local and statewide programs aimed at stopping meth labs as well as ending and preventing addiction to substance abuse. These programs include CHEM, Companies Helping Eliminate Meth; PARTY, Peers Acting Responsibly in Teenage Years; the Franklin County Families in Transition Program; and the Anhydrous Ammonia Tank Lock Program.

Sergeant Grellner has contributed to the vigilant enforcement of meth laws in Franklin County, leading to the investigation and seizure of over 650 labs. As part of several State task forces and State and national coalitions, he has helped to bring together prevention, rehabilitation, and law enforcement experts to fight to keep Missouri safe from meth labs.

Mr. President, the efforts of Sergeant Grellner has been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share his accomplishments with my colleagues, and I wish him all the best for the future.●

SERGEANT SONYA ZIMMERLE

● Mr. President, I salute SGT Sonya Zimmerle, a Missourian who has valiantly fought against the meth epidemic and who strives every day to make her community safer from this drug menace. I commend her for her exemplary service and join the Office of National Drug Control Policy in honoring her for his efforts.

In her current assignment with the Franklin County Sheriff's Department, Sergeant Zimmerle has assisted in the creation and maintenance of the Multi-

Jurisdictional Narcotics Task Force and Drug Endangered Children Task Force, which have served as vital resources for numerous law enforcement and government officials in Missouri. Additionally, Sergeant Zimmerle has been an integral component of a multistate working group that has sought to address the proliferation of methamphetamine throughout the country and is responsible for disseminating significant information shared by the group's members and maintaining cohesiveness as the membership continues to grow.

Mr. President, the efforts of Sergeant Zimmerle has been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share her accomplishments with my colleagues, and I wish her all the best for the future.●

**MAJOR JAMES F. KEATHLEY
CAPTAIN RONALD K. REPLOGLE**

● Mr. President, I also wish to salute MAJ James F. Keathley and CPT Ronald K. Replogle, Missourians who have valiantly fought against the meth epidemic and who strive every day to make their communities safer from this drug menace. I commend each of them for their exemplary service and join the Office of National Drug Control Policy in honoring them for their efforts.

As the current and past directors of the Missouri State Highway Patrol's Division of Drug and Crime Control, Major Keathley and Captain Replogle have been instrumental in bringing much needed training to State and local officers regarding the safe investigation and handling of hazardous materials involved with methamphetamine labs. Through a partnership with the Missouri Department of Natural Resources, the Missouri State Highway Patrol has been able to provide clandestine methamphetamine lab training to over 800 law enforcement officers throughout the country. They have been instrumental in securing funding to help fund local multijurisdictional task forces throughout the State.

As members of State and Federal narcotics agents' coalitions, they represent officers throughout the country who have been on the front lines of the meth battle for over a decade. Through this involvement, they have influenced the national debate on comprehensive methamphetamine legislation and assisted in passing the Combat Meth Act.

Mr. President, the efforts of Major Keathley and Captain Replogle have been essential in fighting the proliferation of methamphetamine in Missouri and throughout the United States. I am honored to share their accomplishments with my colleagues, and I wish them all the best for the future.●

HONORING ROCKY FLATS COALITION OF LOCAL GOVERNMENTS

● Mr. SALAZAR. Mr. President, I wish to honor and celebrate the accomplish-

ments and service of an outstanding civic organization, the Rocky Flats Coalition of Local Governments. Having accomplished its task of working with Federal and State officials to transform Rocky Flats from a nuclear weapons facility to a wildlife refuge, the coalition will cease to exist on March 6, 2006. It is fitting that we pause to reflect on and to learn from the record of service and success of the governments and people of this coalition.

The Rocky Flats Coalition of Local Governments was established in February 1999 by agreement of the seven local governments that neighbored the Rocky Flats nuclear production site in central Colorado—Boulder County, Jefferson County, the city and county of Broomfield, the city of Arvada, the city of Boulder, the city of Westminster, and the town of Superior. The coalition was formed to serve as the representative of these local communities and to advise the State and Federal governments in the cleanup and closure of Rocky Flats and the future use of the site.

Since its inception, the coalition has provided an effective vehicle for communities to work together on issues such as workforce safety, outreach, and advocacy, as well as future use and long-term stewardship of the site. The Rocky Flats Coalition of Local Governments created a forum for governments and elected officials to come together to proactively discuss and address extremely complex issues and contributed to a rapid, successful, and cost effective resolution. The Rocky Flats Coalition of Local Governments has shown us by example what can be accomplished through effective advocacy expressed in a spirit of cooperation.

As Colorado's attorney general, I worked closely with the coalition to refine cleanup standards to better match community interests. Together, we developed strategies to address long-term management needs of Rocky Flats, issues concerning mineral rights, and other concerns central to the protection of Rocky Flats as an asset for future generations. The coalition also worked with Senator ALLARD and Congressman UDALL in developing and securing the passage of The Rocky Flats National Wildlife Refuge Act of 2001, one of their most significant achievements, and a milestone in the history of the Rocky Flats cleanup.

I rise today not only to recognize the Rocky Flats Coalition of Local Governments but also to celebrate the successful completion of its work and to acknowledge the significance of the coalition's accomplishments to the State of Colorado and to the Nation. The site has come a long way since the closure of the weapons plant that once stood there. After years of cleanup, hazardous material disposal, and rehabilitation, the Rocky Flats nuclear weapons facility is well on its way to becoming the Rocky Flats National Wildlife Refuge.

The dissolution of this coalition coincides with the completion of the physical cleanup and the beginning of the process to transfer oversight over much of the site from the Department of Energy to the U.S. Fish and Wildlife Service. As the focus of efforts shifts from cleanup to future management, the members of the coalition now join with other local governments, organizations, and individual representatives to form the Rocky Flats Stewardship Council, which will continue local oversight of postclosure plans for the site. The Stewardship Council will facilitate ongoing discussion between Federal and local officials and will ensure that the best interests of Colorado citizens will be served as Rocky Flats makes its transition to wildlife refuge.

For their devoted advocacy of the interests of fellow citizens, for the work they have done to ensure the safe and thorough cleanup of the Rocky Flats weapons facility, for the example that they have given us of what can be accomplished when governments work together, and for the tremendous success they have helped to achieve at Rocky Flats, I offer my sincere thanks and congratulations to the members of the Rocky Flats Coalition of Local Governments. •

RECOGNITION OF MICHIGAN'S ALEX "IZY" IZYKOWSKI

• Ms. STABENOW. Mr. President, I rise today in recognition of Michigan's own Alex "Izy" Izykowski and to pay tribute to his recent accomplishment in winning a bronze medal in the 5,000-meter short track relay at the 2006 Winter Olympics in Turin, Italy.

I join my colleagues and everyone across the great State of Michigan in honoring Izy's outstanding representation of his team, his State, and his country. Izy's medal winning performance on behalf of Team USA was the culminating achievement of an athlete's career that has embodied the finest in both the American spirit and the Olympic ideal.

From his earliest days as a member of the Bay County Speedskating Club, Izy's career has stood as an example of excellence. His hard work, dedication, and focus have resulted in success at every level of his sport, leading to Izy's stellar performance last week in the pinnacle of athletic contests, the Olympic Games.

It is not just Izy's success on the speedskating track, though, that I stand to pay tribute to today. Izy's journey to the Olympic medal podium has been one that makes us all proud. The manner in which this fine young man has conducted himself should stand as an example to all of us and as a tribute to the support and love of his family. The Izykowski family, and the extended family of Bay City, should take special pride in knowing that they played an essential role in molding a young man who truly embodies the Olympic creed: "The most important

thing in the Olympic Games is not to win but to take part, just as the most important thing in life is not the triumph, but the struggle."

I rise today in honor of Alex Izykowski's bronze medal winning performance at the 2006 Winter Olympics. Success in a sport as physically and mentally demanding as short track speedskating requires years of dedicated and regimented training focused into intense bursts of incredible effort. The personal sacrifice, self discipline, and competitive spirit required to earn an Olympic Medal are attributes to which we should all aspire and Izy clearly embodies all of these qualities. It is because of young men and women like Izy that I remain confident in the continued success of our great State and Nation. I honor Izy for representing the values that are so essential to our Michigan way of life on the world stage. •

DRAFT OF PROPOSED LEGISLATION ENTITLED "LEGISLATIVE LINE ITEM VETO ACT OF 2006"— PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Budget:

To the Congress of the United States:

In my State of the Union Address, I asked the Congress to give the President a line item veto. Today, I am sending the Congress a legislative proposal to give the President line item authority to reduce wasteful spending. This legislation will help to limit spending and ensure accountability and transparency in the expenditure of taxpayer funds.

Although the Congress achieved significant spending restraint this past year, appropriations and other bills that are sent to my desk still contain spending that is not fully justified, is a low priority, or is earmarked to avoid the discipline of competitive or merit-based reviews. When this legislation is presented to me, I now have no ability to line out unnecessary spending. In 1996, the Congress gave the President a line item veto—an important tool to limit wasteful spending—but the Supreme Court struck down that version of the law in 1998.

My proposed legislation, the "Legislative Line Item Veto Act of 2006," would provide a fast-track procedure to require the Congress to vote up-or-down on rescissions proposed by the President. There has been broad bipartisan support for similar proposals in the past. Under this proposal, the President could propose legislation to rescind wasteful spending, and the Congress would be obligated to vote quickly on that package of rescissions, without amendment. The same procedure would apply to new mandatory spending and to special interest tax breaks given to small numbers of individuals.

Forty-three Governors have a line item veto to reduce spending. The President needs similar authority to help control unjustified and wasteful spending in the Federal budget. I urge you to promptly consider and send me this legislation for enactment to reduce unnecessary spending and help achieve my goal of cutting the deficit in half by 2009.

GEORGE W. BUSH.
THE WHITE HOUSE, March 6, 2006.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on March 3, 2006, during the adjournment of the Senate, received a message from the House of Representatives announcing the Speaker had signed the following enrolled bill:

S. 1777. An act to provide relief for the victims of Hurricane Katrina.

The enrolled bill was subsequently signed during the session of the Senate by the President pro tempore (Mr. STEVENS).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 6, 2006, she had presented to the President of the United States the following enrolled bill:

S. 1777. An act to provide relief for the victims of Hurricane Katrina.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5884. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. T5309, T5311, T5313B, T5317A, T5317A-1, and T5317B Series, and T53-L-9, T53-L-11, T53-L-13B, T53-L-13BA, T53-L-13B S/SA, T53-L-13B S/SB, T53-L-13B/D, and T53-L-703 Series Turbohaft Engines" ((RIN2120-AA64)(200-NE-01)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-5885. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes" ((RIN2120-AA64)(2005-NM-016)) received on February 27, 2006; to the Committee on Commerce, Science, and Transportation.

EC-5886. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 146-100A and -200A Series Airplanes" ((RIN2120-AA64)(2005-



U.S. Sen. Ken Salazar Congressman Mark Udall



**For Immediate
Release
March 16, 2006**

CONTACTS: Drew Nannis – Sen. Salazar Press Secretary
202-228-3630
Lawrence Pacheco – Cong. Udall Press Secretary
(202) 226-7661

Sen. Salazar and Cong. Udall Fight for Rocky Flats Workers, Cold War Veterans

WASHINGTON – United States Senator Ken Salazar and U.S. Representative Mark Udall (D-CO, 2nd) expressed their disappointment with the Administration's proposals to reduce payments under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). This program compensates nuclear weapons workers who became sick due to working with hazardous materials during the Cold War – like those at Rocky Flats, CO.

The letter was sent to the Secretaries of Labor and Health and Human Services as well as the Director of the Office of Management and Budget (OMB). The payment reductions are based on an Administration proposal to create unnecessary and artificial barriers to the claims of affected workers. The benefits programs under EEOICPA are mandated by law to base approvals on a scientific basis – the Members of Congress believe the Administration is making decisions based on budgetary concerns.

“For workers at Rocky Flats, or anywhere in the country, these changes are unfair and unlawful,” Salazar said. “These government workers sacrificed their health – and in many cases their lives – to work for their country in a time of war. To suggest that those workers’ lawful claims should be denied solely because of budgetary concerns is wrong. We must base our decisions here on scientific facts and the law.”

"This appears to be nothing short of an outrageous attempt to subvert Congressional intent, at the expense of Cold War veterans who had the least knowledge of how hazardous their work conditions really were because of the lack of exposure information in their cases," said Udall. "This is not just about money. This is about the government's honor and the honor of our country. The nuclear-weapons workers served America well, and honor demands that they be well served in return."

In their letter, the members agreed, “To be clear, we believe it would be contrary to law, contrary to the promises made to the Cold War veterans who served their nation, and contrary to any sense of decency and morality to secretly attempt to balance the budget on the backs of these cancer-stricken workers. The Administration should abandon any thought of implementing such a shameful plan.”

The full text of the letter [can be access by clicking here.](#)

###

Congress of the United States
Washington, DC 20515

March 16th, 2006

The Honorable Elaine Chao
Secretary of Labor
Frances Perkins Building
Third Street and Constitution Ave. NW
Washington, D.C. 20210

The Honorable Michael Leavitt
Secretary of Health and Human Services
Department of Health and Human Services
200 Independence Ave. SW
Washington, D.C. 20201

The Honorable Joshua Bolten
Director, Office of Management and Budget
Eisenhower Executive Office Building
725 Seventeenth Street NW
Washington, D.C. 20503

Dear Secretary Chao, Secretary Leavitt, and Director Bolten:

On February 13, we wrote to express our concern about the reduction in benefit payments under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) projected in the President's budget request for fiscal year 2007. We now write to express our extreme disappointment with the Administration's proposals to interfere with the congressionally authorized payment of benefits to America's Cold War veterans.

Our February 13 letter noted that those concerns were heightened by reports the Administration might be considering steps to reduce future EEOICPA payments, possibly by changing the procedures for handling special exposure cohort (SEC) petitions. These reported changes included steps that could result in decisions about petitions being based primarily on budgetary considerations, not the scientific criteria and processes for evaluation rooted in the purposes of the Act.

Since we sent that letter – which remains unanswered – we have learned that our concerns were well founded. We refer specifically to an OMB document commending the Labor Department for “identifying the potential for a large expansion” of benefits and stating that, “The Administration will convene a White House-led interagency work group...to develop options for administrative procedures to contain growth in the costs of benefits provided by the program.”

As you know, the OMB document was the subject of a March 1st oversight hearing by a subcommittee of the Judiciary Committee of the House of Representatives. We think the

subcommittee's chairman, Representative John Hostettler, put it well when he said the document "sets out a plan to ... base SEC status approvals on budget concerns rather than the scientific basis mandated by law" – in other words, a "plan to override science to meet OMB's budget priorities."

Like Representative Hostettler, we think the Administration's plan is "at odds with Congressional intent," and not only "does a disservice to these Cold War veterans" but threatens to "undermine Government credibility with claimants and the public."

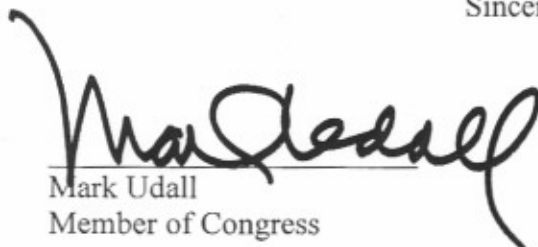
It is particularly outrageous that this attempt to subvert congressional intent would be done at the expense of those whom Chairman Hostettler accurately described as the Cold War veterans who "had the least knowledge of how hazardous their work conditions really were because of the lack of exposure information in their cases."

We therefore request prompt, written answers to these questions:

- 1) Has the "interagency working group" mentioned in the OMB document been established, and if so, with what membership?
- 2) If the working group exists, has it met or is it scheduled to meet in the future?
- 3) Have some or all of the "options" identified in the OMB document been adopted?
- 4) If not, what is the likelihood that any of those options (or other options not mentioned in the OMB document) will be adopted in the future?
- 5) What steps will the Administration take to assure Congress and the public that all its actions related to implementation of EEOICPA – particularly with regard to consideration of SEC petitions – will fully comply with the letter, spirit, and intent of the Act and that the Act's purpose of providing a measure of justice to injured Cold War veterans will not be subordinated to a desire to stint on paying the compensation required by law?

To be clear, we believe it would be contrary to law, contrary to the promises made to the Cold War veterans who served their nation, and contrary to any sense of decency and morality to secretly attempt to balance the budget on the backs of these cancer-stricken workers. The Administration should abandon any thought of implementing such a shameful plan.

Sincerely,


Mark Udall
Member of Congress


Ken Salazar
United States Senator

Article Launched: 3/16/2006 01:00 AM



denver & the west

Flats legal fees: \$100 million

**Battle over former nuclear facility's contamination a "treasure trove" for lawyers
More than \$61.7 million was spent defending contractors. Landowners have bills of
at least \$36 million. And taxpayers will pay for it all.**

By Alicia Caldwell
Denver Post Staff Writer
DenverPost.com

Legal fees and costs in a class-action lawsuit that pitted property owners against government contractors who ran the Rocky Flats nuclear trigger plant could top \$100 million, according to those associated with the case.

The federal government has spent more than \$61.7 million defending Dow Chemical and Rockwell International, its contractors at the now-defunct facility 16 miles northwest of Denver, according to the U.S. Department of Energy.

And attorneys for property owners have racked up bills estimated at more than \$36 million, money they hope to recover from a \$554 million verdict awarded by a jury last month.

"What a treasure trove for lawyers," said Len Ackland, a University of Colorado journalism professor who has written a book about Rocky Flats.

After a four-month trial, a federal jury found that plutonium released from the Cold War-era munitions plant contaminated nearby property and awarded damages to owners of approximately 12,000 properties.

Merrill Davidoff, lead attorney for the property owners, said that instead of fighting neighbors, the money spent to defend Dow and Rockwell should have been used to clean up the area.

"I feel badly that the money did not go to the victims," Davidoff said.

Ultimately, legal fees and the jury award will come from the same place: taxpayers' pockets.

Davidoff defended his firm's plans to seek compensation. Berger & Montague, a Philadelphia firm, has invested significantly in the case, which was filed in 1990, Davidoff said.

"We have put more money and more time in this case than we have in any other case," he said. "We took a huge risk."

He said his estimate of \$36 million was a preliminary number and didn't account for the escalation in hourly fees

since 1990.

David Bernick, a Chicago lawyer who represented the defendants, said the big difference in legal fees for each side was to be expected.

Typically, defendants, who have to prepare for many scenarios and produce a significant number of documents for plaintiffs, spend far more. His law firm, Kirkland & Ellis, has gotten \$28 million of the \$61.7 million in defense expenses, he said.

Also, the \$61.7 million figure is likely to go up because bills are still coming in, said Lisa Bressler, who works at the DOE's Rocky Flats office.

Bressler compiled the number in response to a Freedom of Information Act request from The Denver Post. The number includes clerical costs, expert fees and consulting and lawyers' fees.

Another number that is in flux in the landmark lawsuit is the jury award.

The verdict has yet to be finalized, and it is unclear how Senior U.S. District Judge John Kane will rule. Bernick said he expects the judge to reduce the award because jurors awarded higher punitive damages than allowed.

But Davidoff said he has strong arguments to have interest added to the judgment, which would significantly increase it. And he said he thinks there are arguments to be made about the construction of the verdict that would allow the jury's \$554 million award to stand.

"Right now, the jury verdict is \$554 million," he said. "It might go up, and it might go down."

Staff writer *Alicia Caldwell* can be reached at 303-820-1930 or acaldwell@denverpost.com.

Neighbors can share in award

People who have owned property near the Rocky Flats site and think they could be eligible for part of the jury award can call the plaintiffs' attorneys' hotline: 877-451-2126.

The Daily Camera

Letters to the Editor - March 16

March 16, 2006

ROCKY FLATS

Taxpayers foot bill for Dow, Rockwell

On Feb. 14, Dow Chemical and Rockwell International were found liable for contaminating residential property when they operated the Rocky Flats nuclear bomb factory for the Department of Energy (Dow 1952-1976, Rockwell 1976-1989). The jury that handed down the verdict in federal court in Denver imposed penalties totaling \$554 million (these fees have since been reduced to about \$350 million to comply with state laws).

Because the government indemnified the contractors, the hefty penalties levied against them will be paid not by them but by DOE, which of course means by the taxpayers. The taxpayers are already covering the companies' defense costs in this case, to the tune of more than \$50 million.

The lawsuit, which finally went to trial last October, had been brought back in 1990 on behalf of about 12,000 people who then owned property in an area shown by a government scientist to be contaminated with plutonium released from Rocky Flats.

The jury found that both Dow and Rockwell had engaged in "intentional or negligent" conduct that endangered the health and well-being of people who lived in the contaminated area. Moreover, because of plutonium's 24,400-year half-life and because taking a tiny particle into the body can cause cancer or other ailments, what they did poses "a demonstrable risk of future harm."

The lead attorney for the contractors says the verdict will be appealed. This will only ensure further picking of the taxpayers' pockets. Congress, which has continually renewed the law — the Price-Anderson Act — that lets nuclear contractors off the hook, needs to learn from this case. So does DOE. It needs to tell Dow and Rockwell to settle this case, not to create more expense by appealing a verdict that has exposed gross negligence and created an essentially permanent danger.

LeROY MOORE

Boulder

The Daily Camera

To print this page, select **File** then **Print** from your browser

URL: http://www.dailycamera.com/bdc/county_news/article/0,1713,BDC_2423_4545814,00.html

Judge: No to interview with juror in Flats suit

By Associated Press

March 16, 2006

DENVER — A judge has refused to allow attorneys for the former operators of the Rocky Flats nuclear weapons plant to question a juror who left "in distress" during deliberations that led to a \$554 million judgment against the companies.

U.S. District Judge John L. Kane ruled Monday that court rules prohibit such "fishing expeditions." He said even if the juror had been present through all 18 days of deliberations, it likely would not have changed the verdict against Dow Chemical Co. and Rockwell International Corp., now known as Rockwell Automation.

The jury ruled last month that Dow and Rockwell, which ran Rocky Flats from the 1950s until it was shut down in 1989, managed waste products poorly and allowed plutonium to drift onto private property adjacent to the site 8 miles south of Boulder.

Copyright 2006, The Daily Camera. All Rights Reserved.

Colorado Daily.com
The Online Edition of the Colorado Daily

Juror won't be questioned

BY THE ASSOCIATED PRESS

Wednesday, March 15, 2006 10:52 PM MST

DENVER (AP) - A judge has refused to allow attorneys for the former operators of the Rocky Flats nuclear weapons plant to question a juror who left "in distress" during deliberations that

led to a \$554 million judgment against the companies.

U.S. District Judge John L. Kane ruled Monday that court rules prohibit such "fishing expeditions." He said even if the juror had been present through all 18 days of deliberations, it likely would not have changed the verdict against Dow Chemical Co. and Rockwell International Corp., now known as Rockwell Automation.

The jury ruled last month that Dow and Rockwell, which ran Rocky Flats from the 1950s until it was shut down in 1989, managed waste products poorly and allowed plutonium to drift onto private property adjacent to the site west of Denver.

Attorneys for the plaintiffs, who represented a class of about 13,000 property owners, have said limits in state and federal law are likely to reduce the award to \$352 million.

Kane said the juror, a woman, left after two days of deliberations following a four-month trial. The remaining jurors issued their verdict Feb. 15, 15 days after the woman left. Jurors' names are sealed.

Attorney David Bernick, who represented Dow and Rockwell, had asked for permission to talk with the juror, saying she might have been in the minority and under significant pressure from other jurors.

Kane said there was no information suggesting she favored one side or the other and no way to tell how her views might have changed if she had stayed.

Kane also said her vote would not have changed the outcome on many of the jury's findings, which were decided by votes of 9-1 or 10-0.

"Allowing defendants to question Juror X in an attempt to ascertain the unascertainable would be futile and foolish, and in any event would not yield any evidence admissible to impeach the verdict or support a new trial," Kane wrote.

Bernick told the Rocky Mountain News in a story for Wednesday's editions that he plans to appeal Kane's refusal to let him speak to the juror.

Kane did agree to Bernick's request to preserve the notes jurors took during the trial and deliberations.



From the week of March 16, 2006

Article Published Mar 16, 2006

A Rocky Road

We, the people: As a newcomer to Colorado, I really enjoyed Patricia Calhoun's "[Flats, Busted](#)," in the March 9 issue -- although reading it was a little like watching a really scary horror movie. How could the government let this happen? Why were the neighbors living around the plant lied to? How could the lawsuit take sixteen years? Will that area ever be safe? Will I have two heads after walking in Colorado's newest nature preserve?

And finally, why does the government -- which means we, the people -- have to pay for the company's dirty work? Is there any way that they can be made to pay the final amount?

*Sue Carpenter
Denver*

The rest is history: Well, you did it again! "Flats, Busted" outdid all of your competitors. Of course, Patricia Calhoun has a greater understanding of the background and history of Rocky Flats than do other reporters. She also has the knack of writing about a very complex issue in terms that others can understand.

Thank you so much for this important and fine article.

*Hildegard Hix
Arvada*

Rocky Mountain News

To print this page, select **File** then **Print** from your browser

URL: http://www.rockymountainnews.com/drmn/local/article/0,1299,DRMN_15_4584424,00.html

Allard urges end to Flats fight

By Karen Abbott, Rocky Mountain News

March 31, 2006

Colorado's senior U.S. senator urged the Department of Energy Thursday to end the long legal battle between neighbors of the former Rocky Flats nuclear weapons plant and the bomb factory's former operators.

"We need to get this situation resolved as soon as possible," Republican Sen. Wayne Allard said during a meeting of the U.S. Senate Water and Energy Appropriations subcommittee, according to a news release from his office.

A federal jury awarded almost \$354 million last month to owners and former owners of about 12,000 parcels of land just east of Rocky Flats. The neighbors contended that former Rocky Flats operators Dow Chemical Co. and Rockwell International Corp. trespassed on their property by allowing radioactive plutonium to contaminate it, reducing the value and interfering with their use and enjoyment of what they owned.

Dow and Rockwell contend they safely handled all hazardous materials at the plant during its four decades of operation, and that only tiny amounts of plutonium - too small to harm anyone - ever escaped.

They are expected to appeal the jury's verdict in the landmark class-action lawsuit, which was filed in 1990 and came to trial last fall.

The jury award and the lawyers' fees for both sides - totaling tens of millions of dollars so far - are supposed to be paid by the federal government.

The Department of Energy owns Rocky Flats and contracted for Dow and Rockwell to operate it, indemnifying the two companies against such claims and costs.

Rocky Flats, 16 miles northwest of downtown Denver in Jefferson County, has been closed and is slated to become a wildlife refuge.

The jury awarded the neighbors about \$176.9 million on each of two legal claims - nuisance and trespass - plus \$200 million in punitive damages. Some media have reported the verdict was more than \$550 million. However, amounts awarded by juries for various types of damages cannot simply be added together. The Rocky Flats neighbors can only collect one \$176.9 million award, instead of two separate awards for their nuisance and trespass claims. In addition, Colorado law limits punitive damages to the amount of compensatory damages - in this case, \$176.9 million.

The Department of Energy so far has paid the lawyers for Dow and Rockwell about \$48 million in fees and costs, but their bills still are being submitted, and the government may not pay all of them. The plaintiffs' legal fees and costs will be calculated later in federal court.

Copyright 2006, Rocky Mountain News. All Rights Reserved.

DailyCamera

To print this page, select **File** then **Print** from your browser

URL: http://www.dailycamera.com/bdc/state_news/article/0,1713,BDC_2419_4585027,00.html

Allard seeks Flats solution

By Rocky Mountain News
March 31, 2006

Colorado's senior U.S. senator urged the federal energy department Thursday to end the long legal battle between neighbors of the former Rocky Flats nuclear weapons plant and the bomb factory's former operators.

"We need to get this situation resolved as soon as possible," Sen. Wayne Allard, R-Loveland, said during a meeting of the U.S. Senate Water and Energy Appropriations subcommittee, according to a press release from his office.

A federal jury awarded almost \$354 million last month to owners and former owners of about 12,000 parcels of land just east of Rocky Flats. The neighbors contended that former Rocky Flats operators Dow Chemical Co. and Rockwell International Corp. trespassed on their property by allowing radioactive plutonium to contaminate it and interfered with their use and enjoyment of what they owned, reducing its value.

Dow and Rockwell contend they safely handled all hazardous materials at the plant during its four decades of operation and that only tiny amounts of plutonium — too small to harm anyone — ever escaped from the plant. They are expected to appeal the jury's verdict in the landmark class-action lawsuit, which was filed in 1990 and came to trial last fall.

Both the jury award and the lawyers' fees for both sides — totaling tens of millions of dollars so far — are supposed to be paid by the federal government. The U.S. Department of Energy owns Rocky Flats and contracted for Dow and Rockwell to operate it, indemnifying the two companies against such claims and costs.

Rocky Flats, 8 miles south of Boulder in Jefferson County, has been closed and is slated to become a wildlife refuge.

The jury awarded the neighbors about \$176.9 million on each of two legal claims — nuisance and trespass — plus \$200 million in punitive damages.

Copyright 2006, DailyCamera. All Rights Reserved.

THE DENVER BUSINESS JOURNAL

Metro Denver EDC receives CH2M Hill endowment

The Denver Business Journal - 1:09 PM MST Wednesday

Engineering giant [CH2M Hill Companies Ltd.](#) has given a \$1.7 million endowment to the [Metro Denver Economic Development Corp.](#) to support its efforts boosting job numbers in Denver.

The endowment was announced Wednesday at the EDC's annual awards luncheon at the Marriott City Center in downtown Denver.

CH2M Hill, based in Englewood, a suburb of Denver, is the parent company of [Kaiser Hill](#), which cleaned up [Rocky Flats](#), the former nuclear weapons plant northwest of the city.

"The achievement of the Rocky Flats cleanup was made possible through the strong support and engagement of the entire metropolitan Denver community," said Ralph Peterson, CH2M Hill's chairman, president and CEO, in a statement.

"On behalf of the Kaiser Hill team, this contribution to the Metropolitan Denver Economic Development Corporation reflects our appreciation for the partnership in this success and our mutual commitment to the strong economic future for the region."

The EDC is the economic development arm of the Metro Denver Chamber of Commerce. The EDC focuses on six areas: national marketing, existing

business, mobility, [Denver International Airport](#) and international air travel, tax reform and other opportunities.

It's leaders also reviewed its efforts during 2005, boasting that it helped secure 25,000 new jobs during the year.

The EDC also was a big backer of the Referendum C & D campaigns last year, contributing more than \$750,000. Voters approved Referendum C, which allows the state government to keep excess tax revenues, above the TABOR limits, for five years.

Originally estimated to amount to about \$3.7 billion in additional dollars for the state budget, recent state revenue forecasts peg the total at about \$4.25 billion over five years.

Referendum D, which would have allowed the state to issue bonds primarily for road projects, was rejected.



Article Launched: 3/23/2006 01:00 AM

business

Flats cleanup firm gives city bonus

CH2M Hill gives the metro development corporation a \$1.7 million endowment to bring jobs to the area.

By Tom McGhee
Denver Post Staff Writer
DenverPost.com

Engineering giant CH2M Hill earned millions cleaning up the Rocky Flats nuclear weapons plant, including a hefty bonus for finishing ahead of schedule.

On Tuesday, the Douglas County-based firm put a little of that money back into the community when it gave the Metro Denver Economic Development Corp. a \$1.7 million endowment to bring jobs to the area.

It is the organization's first endowment, said executive vice president Tom Clark. "People don't die and give their money to the Chamber of Commerce."

The Rocky Flats cleanup began in 1995 and was overseen by Kaiser-Hill, a company jointly owned by CH2M Hill and Kaiser Group International.

At its height, the project involved numerous subcontractors and about 5,000 employees. Kaiser-Hill earned a \$355 million bonus for finishing work on the \$7 billion Department of Energy project under budget and one year ahead of schedule.

All the employees who worked on the project were laid off in phases, beginning in 2003, said Kaiser-Hill CFO Gregg Crockett.

Some went to work at Department of Energy projects elsewhere. Some went to CH2M Hill. Some retired or got jobs locally. Some may still be looking for work, said CH2M Hill spokesman John Corsi.

Several years ago, the company invested \$3 million to set up a work center and provide outplacement services to those whose jobs were cut. The outplacement effort helped to minimize the amount of time that most of the workers were unemployed.

Only a small number of workers used all 13 weeks of unemployment insurance they were entitled to, Crockett said.

Kaiser-Hill's board realized that the Denver metro area suffered a loss when jobs were cut and the Department of Energy's \$500-million a year project dried up, Corsi said.

"Rocky Flats going away represents a huge economic loss to metropolitan Denver," he said.

Clark's organization will use the endowment to help provide incentives to companies that wish to expand or move here.

Staff writer Tom McGhee can be reached at 303-820-1671 or tmcghee@denverpost.com.

Rocky Mountain News

To print this page, select **File** then **Print** from your browser

URL: http://www.rockymountainnews.com/drmn/real_estate/article/0,1299,DRMN_414_4563534,00.html

Engineering firm donates \$1.7M

By John Rebchook, Rocky Mountain News
March 23, 2006

Ralph Peterson, head of the privately held construction and engineering giant CH2M Hill, gave the Metro Denver Economic Development Corp. a check for \$1.7 million Wednesday.

Tom Clark, executive vice president of the group, said the money will be used to create an endowment.

"When the economy gets better, donations tend to go down," Clark said. He said the group will "live off the interest" until the money is needed to support future job growth.

"For the first time ever, we kind have an endowment for economic development," Clark said.

CH2M Hill, based in Douglas County, is part of the Kaiser-Hill team that recently completed the cleanup of radioactive waste at Rocky Flats.

Copyright 2006, Rocky Mountain News. All Rights Reserved.

[HOMES](#)[JOBS](#)[AUTOS](#)[CLASSIFIEDS](#)[ADSEARCH](#)[TRAVEL DEALS](#)

DENVERPOST.com

Article Launched: 03/28/2006 1:00 AM MST

denver & the west **Briefs, 3/28**

ROCKY FLATS

Land near ex-plant donated for museum

The Rocky Flats Cold War Museum has received a donation of 1.4 acres of land near the former nuclear-weapons production facility.

Museum board officials hope to build a museum on the property, which was donated by Charles Church McKay.

"This site is perfect because the site and its historic context are critical in helping to tell the story of the plant and its role in the Cold War," said Kim Grant, president of the museum board.

McKay offered the property to the board on the condition that the museum be planned, financed and ready for groundbreaking by Jan. 1, 2008.

Since the museum was incorporated in 2001, the group has raised more than \$300,000. It also has conducted a feasibility study, collected artifacts and began an oral-history project.

By David Montero, Gary Gerhardt and Chris Barge, Rocky Mountain News
April 3, 2006

Gusty winds sent a fire sweeping over 1,600 acres near Broomfield on Sunday, forcing the evacuation of 135 homes and keeping more than 3,000 nearby residents in their houses until late afternoon.

The blaze was fully contained by 6 p.m. after it burned and chewed through crisp, bone-dry grass for a little more than four hours. Rust-colored smoke plumes could be seen by residents in east Denver, and ash was reported to have fallen as far away as the Park Hill neighborhood.

No injuries were reported.

Sterling Folden, deputy fire chief with the Rocky Mountain Fire Authority, said the preliminary cause of the blaze was a loose ground wire at a power pole near the 3.5 mile marker along Colorado 128.

About 100 firefighters and law enforcement officers from eight departments in three counties responded to the fire, which began near Colorado 128 and Colorado 93, not far from the former nuclear weapons plant at Rocky Flats. It moved quickly, according to Boulder County Emergency Manager Justin Dombrowski, but the flames never seriously threatened any structures.

"That's the nice part about big, open vast spaces of land," Dombrowski said.

But officials didn't want to risk anything, given that wind gusts were topping 50 mph when the fire started about 1:45 p.m. When the fire jumped Indiana Street - one of the natural fire breaks that firefighters had hoped would keep the blaze more confined - evacuation plans were activated for a nearby subdivision.

Law enforcement officials sought to have residents evacuate 135 homes in the Walnut Creek subdivision, and residents were told to take shelter at West View

Recreation Center until it was deemed safe. At that time - about 3 p.m. - the fire was only 50 percent contained.

The evacuated subdivision of several cul-de-sacs just north of 108th Avenue and Simms Street was within a half-mile of the fire.

Meanwhile, about 3,000 residents of the Countryside subdivision, on the east side of Simms Street, were advised by Westminster Police to stay tuned to media and alerts regarding possible evacuations and were asked to stay inside.

Residents choosing to leave their homes were told to gather at the West View Recreation Center on 108th Avenue.

Gee Gladkovitser and Judy Grossman evacuated with other residents to the recreation center after police came to their Walnut Creek home "strongly advising them to leave," Grossman said.

She said she saw gusts of wind knock flower pots off her porch.

Then she saw the smoke.

"I ran up to my bedroom and looked out and I could see the fire in the distance, but it seemed to be approaching very rapidly," Grossman said.

Grossman said she grabbed her laptop computer and some papers. Gladkovitser took his phone and his wallet.

Mark Washam also evacuated with his wife and three children. They recently moved to Colorado from Texas. They returned home from a ballgame early in the afternoon only to see smoke rolling toward their home.

"I didn't want to be silly about it all and grab a lot out of the house, but I did pick up all of my important documents and my briefcase computer," Washam said.

Firefighters made good progress on the blaze as the afternoon rolled on and just before 5 p.m. had 90 percent containment. Dombrowski said there was a stubborn spot near the back end of the fire that was proving to be a challenge.

Along Colorado 128, flames could occasionally be seen leaping toward the sky. But on the front-end of the extinguished fire, evacuated residents were told they could return to their homes.

The smoke blew out quickly as well. During midafternoon, the city skyline could barely be seen through a thick, brown haze, and long streams of smoke blew almost horizontally to the ground from the high winds.

The ground was blackened along Colorado 128, and Indiana Street appeared to dip through a charcoal-black valley where the fire jumped. Part of the shore was blackened at Great Western Reservoir.

Elsewhere north of Denver on Sunday, crews fought wildfires in three areas, including a haystack blaze in rural northeast Weld County near New Raymer, about 30 miles north of Fort Morgan.

By Eric Schmidt, Camera Staff Writer

April 3, 2006

BOULDER COUNTY — Strong winds fanned a grass fire near the former Rocky Flats nuclear weapons plant that spread to 1,600 acres in three counties before being contained Sunday.

No one was injured in the fire, and no structures burned. But flames came within a half-mile of a subdivision downwind of the blaze.

The fire started around 1:45 p.m. and spread to 500 acres within an hour because of wind gusts as high as 50 miles per hour, said Justin Dombrowski,

emergency manager for the city and county of Boulder. More than 100 firefighters from eight agencies used controlled burns to surround the fire and allow it to burn itself out as crews continued to monitor it overnight.

"This has been a monthly event all winter: a hot, dry day with westerly winds," Dombrowski said. "As the mountains have been receiving the moisture, we've been receiving the wind."

The fire straddled the boundaries of Boulder, Jefferson and Broomfield counties. Dombrowski said it appears to have started in Boulder County around the 3-mile marker of Colo. 128.

Investigators traced the fire to a faulty ground wire on an electric power pole, possibly because of high winds.

Most of the land that burned is U.S. government property previously used as a buffer for Rocky Flats, Dombrowski said. He said health officials determined there is no danger of the fire spreading contamination from the former plant.

Asked how much wind accelerated the fire, Jim Shires of the Jefferson County Sheriff's Office gestured to a plume of brown-and-white smoke tilted sharply to the southeast and said, "Take a look."

911 callbacks ordered the evacuation of 135 homes in the Walnut Creek subdivision in unincorporated Jefferson County for about two hours Sunday afternoon, Shires said. About 3,000 Westminster residents in the Standley Lake area were put on alert.

Cindy Callahan, 41, and her husband, Pat, waited out the fire at a recreation center where evacuees were sent. She had gone shopping Sunday morning and heard from friends that the neighborhood might be evacuated.

"Our friends just grabbed our dog, and the police didn't even let us in," she said.

Joseph Montgomery, 19, said his mother saw smoke near their house earlier in the day and called the fire department. They got the call to evacuate around 2:15 p.m.

"All I got was my wallet and shoes. I'm worried. Hopefully the firefighters can do what they can to prevent my house from catching on fire," he said before his family was allowed back home.

Grass fires aren't unusual this time of year, but it is rare for them to grow to thousands of acres, Boulder emergency manager Dombrowski said, noting there were a half-dozen minor fires in the county this weekend alone. He said March and April tend to be wet months, but fire season could start early this year if the area doesn't get more precipitation.

"With these types of fires and how fast and aggressively they burn, this needs to be a wake-up call for people to be careful," Dombrowski said.

The Associated Press contributed to this report

Copyright 2006, DailyCamera. All Rights Reserved.



Nuclear compensation program questioned

Posted 4/9/2006 11:29 PM

WASHINGTON (AP) — For years, radiation experts at the nation's nuclear weapons sites failed to adequately protect workers from on-the-job hazards. Now, some of those experts are helping run a compensation program for the workers.

The situation has attracted the attention of Congress, with one lawmaker pressing for an investigation into whether the workers are being treated fairly.

Rep. John Hostettler recently wrote to the investigative arm of Congress to ask whether the contractor running the compensation program has policies that are "sufficient to ensure that conflicts or biases do not taint the credibility and quality of the science produced to date."

Hostettler, R-Ind., is chairman of a House subcommittee that deals with people bringing claims against the government.

Critics contend that the contractor, Oak Ridge Associated Universities, has put into key jobs people who have managed radiation monitoring programs at the weapons sites. In some cases, those people were witnesses for the government when it fought compensation claims.

Jim Melius, who is on a presidential advisory board that oversees the program, said, "It's so critical for this program to be credible and for the claimants to have an understanding and confidence that the people who were monitoring them — and maybe in some cases failing to monitor them properly — will not be the people passing judgment on their exposures and on their compensation."

Nearly 73,000 workers or their survivors have filed claims under the program, according to the Labor Department.

Government officials say they are preparing a policy that will spell out how the contractor should handle conflicts of interest.

"It's a very difficult, complex dilemma that we face," said Larry Elliott, who heads the office of compensation in the National Institute for Occupational Safety and Health. The agency oversees the contract.

Elliott said the guidelines would try to balance the need to rely on the radiation experts at the nuclear facilities for their knowledge of the sites with concerns about potential biases.

He said it was difficult to find experts on the effects of radiation who were not tied to the government's nuclear weapons program.

"There is a limited pool of experts here," he said.

Kate Kimpan, who directs the contractor's program, said her group will adhere to the guidelines and "ensure that our conclusions are beyond refute."

Five years ago, Congress decided to compensate the Cold War-era workers — tens of thousands of whom worked at sites nationwide — after the government admitted putting them at risk of cancer caused by radiation exposure. Sick workers get \$150,000 plus medical benefits.

The Oak Ridge, Tenn.-based contractor is writing reports that detail hazards at weapons facilities. The reports are blueprints the contractor is using to estimate how much radiation workers were exposed to.

Critics say some of the authors appear biased.

Kelly Schmidt, a worker and union leader at the Hanford site in Washington state, has complained that authors of the Hanford report managed important aspects of the radiation program there.

Schmidt noted that a version of the report stated it was unlikely workers received large intakes of radiation that went unnoticed because there was "rigorous workplace monitoring" at Hanford.

"It gives the impression that they're saying, 'Gosh, we did a great job,'" Schmidt said.

An auditor working for the advisory board raised concerns, too, saying the Hanford report relied too heavily on the ability of shields placed around nuclear reactors to protect workers from radiation.

The auditor also found that the Hanford report did not account for all the possible radiation that workers who handled recycled uranium might have been exposed to.

An audit of Oak Ridge Associated Universities' report describing the Y-12 weapons plant in Tennessee found that exposure to radiation from thorium and plutonium was not adequately accounted for.

An audit of the report the contractor did involving the Rocky Flats facility in Colorado found that the authors did not cast a critical enough eye on "possible data integrity issues." That is a reference, in part, to documents indicating workers had no radiation exposure when evidence would suggest otherwise.

Some workers there are upset that a manager of the radiation monitoring program, Roger Falk, was an author.

"By admitting that he didn't keep accurate records, he would be admitting that he didn't do a good job," said Tony DeMaiori, the former president of the local chapter of the United Steelworkers Union. "He is not objective."

The contractor declined to make Falk available to The Associated Press.

Kimpan, the program manager, said that under the new guidelines, site reports would include more details regarding who contributed to them and how.

She also said there would be more oversight and more rigorous editing of the reports, though she reiterated that the experts who ran the monitoring programs would still be relied on.

One instance where there is some agreement of a problem involves the report for the Paducah uranium plant in Kentucky.

Carol Berger wrote the report for the compensation contractor and previously wrote an analysis assessing radiation exposure at Paducah for an Energy Department contractor. Berger copied parts of her old report into the new one, even though her earlier work had been challenged for underestimating radiation hazards in a subsequent Energy Department study.

"Do I think a conflict of interest occurred at Paducah? Yes, I do," said Elliott, of NIOSH.

The report is being revised.

Copyright 2006 The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.