

ROCKY FLATS STEWARDSHIP COUNCIL

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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, February 4, 2008, 8:30 – 11:45 AM

**Rocky Mountain Metropolitan Airport (formerly 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. Election of Stewardship Council 2008 Officers
 2. Consent Agenda
 - o Approval of meeting minutes and checks
 3. Approval of Resolution Re: 2008 Meeting Dates and Notice Provisions
 4. Executive Director's Report
- 9:05 AM Public Comment
- 9:15 AM Natural Resource Trustees Briefing (briefing memo attached)
- o The Trustees (DOE, USFWS, CDPHE, CO Atty. General, CO Dept. of Natural Resources) are exploring ideas for how to spend \$4.5 million remaining from acquisition of mineral rights.
 - o Purchasing these mineral rights and spending the \$4.5 million settles natural resource damage claims for Rocky Flats.
 - o The Trustees want to begin discussing candidate projects with the Stewardship Council.
- 10:05 AM Meet with USFWS (briefing memo attached)
- o The meeting will provide an opportunity for the Board to meet with Rocky Flats Refuge manager, Steve Berendzen.
 - o The central topic to discuss is current and future funding for the Refuge and resulting impacts to implementing the site conservation plan.

- 10:35 AM Review Draft Washington, D.C. Talking Points (briefing memo attached)
- In the coming months Board members and staff will meet in Washington, D.C. with Congress and DOE.
 - To ensure that the message these members and staff will carry reflect the position and policies of the Stewardship Council Board, the Board will approve talking points for their meetings.

Action Item: Approve talking points

- 10:50 AM Host DOE Quarterly Meeting (briefing memo attached)
- DOE will brief the Stewardship Council on site activities for July -- September, 2007.
 - DOE has posted the report on their website and will provide a summary of its activities to the Stewardship Council.
 - Activities included surface water monitoring, groundwater monitoring, ecological monitoring, and site operations (inspections, maintenance, etc.).

11:35 AM Public comment

- 11:40 AM Updates/Big Picture Review
1. Executive Director
 2. Member Updates
 3. Review Big Picture

Adjourn

Next Meetings: May 5, 2008
August 4, 2008

Business Items

- Cover memo
- November 5, 2007, draft board meeting minutes
- List of Stewardship Council checks
- Resolution regarding 2008 meeting schedule and notice provisions

Natural Resource Trustees Briefing

- Cover memo

USFWS Briefing

- Cover memo
- USFWS Press Release re: Economic Impacts to Communities

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MEMORANDUM

TO: Board
FROM: David Abelson
SUBJECT: Business Items
DATE: January 23, 2008

In addition to approving the consent agenda (approval of minutes and checks), the Board will need to elect officers for 2008 and approve a resolution regarding 2008 meeting dates and notice provisions.

Election of officers

The first order of business will be to elect the officers for 2008. In accordance with the Stewardship Council bylaws, "the Chair, Vice Chair, and Secretary/Treasurer shall be elected annually by the Board of Directors. The terms shall commence at the first meeting of the Board held on or after February 1 of each year." There are no limitations as to the number of terms one can serve.

Prior to the meeting I will circulate an email to the Board letting you know which members have expressed an interest in serving on the Executive Committee. If you are interested in serving as an officer and have not yet let me know of your interest, please email or call me ASAP.

Action Item: Elect officers

Resolution Re: 2008 Meeting Dates and Notice Provisions

Each year the Board is required to adopt a resolution establishing the meeting dates for the given year. For the past two years the Board has met the second month of each quarter (February, May, August and November). Additional meetings have been held on an as-needed basis.

The attached resolution presumes the Board will continue to meet on the second month of each quarter. The notice provisions track the Stewardship Council's bylaws.

Action item: Adopt resolution

Please let me know what questions you have.

Rocky Flats Stewardship Council Board Meeting Minutes

Monday, November 5, 2007

8:30 AM – 12:00 PM

**Rocky Mountain Metropolitan Airport, Terminal Building
11755 Airport Way Broomfield, Colorado**

Board members in attendance: Matt Jones (Alternate, City of Boulder), Megan Davis (Alternate, Boulder County), Chuck Baroch (Director, Golden), Sheri Paiz (Director, Northglenn), David Allen (Alternate, Northglenn), Karen Imbierowicz (Director, Superior), Tim Purdue (Alternate, Superior), Jo Ann Price (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Jeannette Hillery (Director, League of Women Voters), Sue Vaughan (Alternate, League of Women Voters), Roman Kohler (Director, Rocky Flats Homesteaders), Kim Grant (Director, Rocky Flats Cold War Museum), Ann Lockhart (Alternate, Rocky Flats Cold War Museum), Ken Foelske (Director).

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).

Attendees: Jeanette Alberg (Sen. Allard's office), Carl Spreng (CDPHE), Vera Moritz (EPA), John Dalton (EPA), Scott Surovchak (DOE-LM), Bob Darr (Stoller/DOE-LM), Rick DiSalvo (Stoller), Marjory Beal (League of Women Voters), John Boylan (Stoller), Jeremiah McLaughlin (Stoller), Jody Nelson (Stoller), George Squibb (Stoller), Linda Kaiser (DOE), Jennifer Bohn (RFSC accountant), Don Moore (citizen).

Convene/Agenda Review

Vice Chair Jeannette Hillery convened the meeting at 8:40 a.m. She asked if there were any suggested changes to the agenda. There were none.

Consent Agenda

Roman Kohler moved to approve the October, 2007 minutes and the checks. The motion was seconded by David Allen. The motion passed 11-0.

Executive Director's Report

David Abelson reported on the following items:

- Sue Vaughan has replaced Marjory Beal as the Alternate Director for the League of Women Voters.
- Congress is still working on budget appropriations for FY08. A continuing resolution is in place through November 16. Congress will likely approve another continuing resolution to extend through mid-December. The Energy and Water bill, which provides funding for DOE's Rocky Flats program, will be included in the continuing resolution.

Because of Presidential and Congressional elections in 2008, David expects the FY09 budget to also be a slow process. Senator Allard is on the Senate Energy and Water committee, and also chairs the Interior Appropriations subcommittee. The US Fish and Wildlife Service has a \$2.5 billion shortage and has cut 20% of its workforce. USFWS' costs are outpacing the budget. Some of this funding is being diverted to border security expenses. President Bush has threatened to veto this bill. David is traveling to Washington, D.C. next week. He is hopeful that the Stewardship Council will receive a line item in the House or Senate bills for FY09; however keeping it in the budget as it passes through Congress may be difficult.

- The USFWS is proposing to remove the Preble's Meadow Jumping Mouse from the Endangered Species List in Wyoming, but not in Colorado.
- The Board meeting packet contains several news clips regarding benefits for Rocky Flats workers. The Steelworkers formally appealed the decision by the Secretary of Health and Human Services to limit the population of former Rocky Flats workers that will receive compensation under the Energy Employees Occupational Illness Program Compensation Act. In a hearing on October 22, Senate committee members stated that the program has the right intention but is failing workers. Efforts at dose reconstruction came under fire. Recently, the GAO examined the cost of NIOSH contracts, and whether there was a conflict of interest with the Advisory Board. The GAO did not find a 'smoking gun', but there were some issues related to funding, member appointment process, and independence of staff. David said legitimate questions were raised.
- The State of Colorado's Natural Resource Trustees have requested to brief the Stewardship Council at the February meeting. They will be discussing how to spend money left over from the purchase of mineral rights at Rocky Flats.
- Rik Getty informed the Board that DOE relies on the Regulatory Contact Record to update the public when there is communication about issues between DOE-LM and the regulators. Currently, DOE has been using this system to update the public about the 991 hillside slump and it has been working well. There is detailed information on website about how DOE is working to stabilize the slump.

Public Comment

Jeanette Alberg from Senator Allard's office said that this was the first time in 20 years that the Senate has failed to approve an Appropriations bill. Since Colorado is home to the nation's two newest and largest National Wildlife Refuges, the Senator will be working hard to try to direct funding to states with new sites. She also noted that the Steelworkers petition was denied. Senator Allard questioned members of the Advisory Board at the hearing in October and was one of the tougher questioners. Finally, the de-listing of the Preble's Meadow Jumping Mouse in Wyoming is a proposed rule. There will be a public comment period, and a public meeting in early December. The final rule will probably not be approved until June or July of 2008.

Approve Draft Bylaws Amendment

The Stewardship Council bylaws do not currently provide for Member appointments to the Board of Directors. The Board must make new appointments for the four community representative seats for 2008-2009. The amendment provides that the appointments are made by the nine governments that are parties to the Stewardship Council IGA. The amendment was reviewed at the October 1, 2007 meeting. No changes were made.

David Allen asked if the Board should add clarification to the bylaws regarding the categories of membership. He suggested distinguishing 'elected' members from 'selected' members. Barb Vander Wall noted that the IGA contains definitions of members, parties, and directors. Barb said that the IGA is much more difficult to change than the bylaws. David asked if the bylaws could simply reiterate the information from the IGA. Jeannette Hillery suggested adding a sentence under Article 2a in the bylaws, noting that the Stewardship Council is comprised of the eight parties to IGA plus four at-large members. Karen Imbierowicz asked if it was possible to do this and still formally adopt the changes at this meeting. Barb replied that any amendment to the bylaws requires consideration at two meetings. The Board agreed to put this on the back burner until future bylaws changes are considered and work it in then. David Abelson said that he and Barb will go over the ideas, review with Executive Committee and go forward from there.

Karen Imbierowicz moved to approve the original amendment to the bylaws. The motion was seconded by Sheri Paiz. The motion passed 11-0.

Fiscal Year 2008 Budget Hearing

The draft FY08 Stewardship Council budget was initially reviewed by the Board at the October meeting. Prior to finalizing the budget, the Stewardship Council must hold budget hearings and allow time for public comment. David revised the draft budget based on Board suggestions. As requested, he added actual expenses through October 15 and also projected expenses through the end of the year. Barb Vander Wall explained the process for holding a budget hearing. First, there must be a published notice inviting attendance. At the meeting, the Board must open the floor for members of the public to comment. Once comments have concluded, the Board closes the public hearing, and has its own discussion.

Jeannette Hillery opened the public hearing. There were no comments. Jeannette then closed the hearing. Chuck Baroch opened the Board discussion by asking how long the Stewardship Council will be in existence, and for an explanation for the increase in salaries. David Abelson explained that there is always an uncertainty within this organization where the costs will be. The Board typically over-budgets, but all of the actual expenditures are approved by the Board. He said there will not be an increase in staff expenses. There is padding included in case it is needed, in order to allow for flexibility. The Board's charter as legal organization is indefinite. The Board will need to decide how long it will be around, but it also will depend on the budget. If no more funding is available, the Board can probably operate about two more years. Barb added that if the Board continues beyond three years, the IGA requires all parties to approve the renewal. This must be addressed by February 2009. Karen also pointed out to Chuck that page eight of last month's minutes includes a summary of the Board's discussion of salary issues.

Kim Grant asked David for his assessment of current and expected staff work load. David said that the staff workload will probably go up a bit with the 2008 work plan. If State Rep. McKinley re-introduces his Rocky Flats bill from last year, the staff workload would increase even more. Although there will be no CERCLA 5-year review in 2008, other issues will pick up, such as the review of the site-specific uranium standard. There will also be some more time-intensive work necessary to get the briefing materials together, and the need for a continuing Stewardship Council/Cold War Museum dialogue. His best guess is that the workload will be similar to 2007, but possibly a little more. Securing Stewardship Council funding for next year is also a huge task.

Ken Foelske moved to approve the FY08 budget. The motion was seconded by Roman Kohler. The motion passed 11-0

Approve Fiscal Year 2008 Work Plan

The draft work plan was reviewed at the October meeting. Changes from that draft are noted in redline strikeouts on pages 2 and 5. Jo Ann Price pointed out that there really will not be much to do regarding the National Wildlife Refuge on page 4. David said that all four items listed in that section are things the USFWS should deal with in the next year, but will be determined by the budget. Weed/pest management will be discussed. David said that the Board has expressed a specific interest in these types of issues.

Roman Kohler moved to approve the FY08 work plan. The motion was seconded by Karen Imbierowicz. The motion passed 11-0

DOE Quarterly Update

DOE presented its second quarter (April through June) 2007 update on site activities. The report is posted on the Rocky Flats website. Activities included surface water monitoring, groundwater monitoring, air monitoring, ecological monitoring, and site operations.

Water Monitoring

George Squibb began with an update on surface water monitoring. During the quarter, there was a little more water onsite than usual because of snowmelt. There are 21 monitoring locations and 100 wells. There were no pond discharges during the 2nd quarter. One transfer took place from Pond A3 to A4. Overall, pond levels were approximately 36% of capacity. Precipitation for the quarter was close to average, at 4.44 inches. Flow rates were what they would expect to see. At the Points of Compliance (POCs), all data showed acceptable levels below applicable standards. The GS10 well had the highest flow rates. At location GS08, uranium levels were right at the standard. During the July discharge, the results were lower.

The only issue at the Points of Evaluation (POE) is uranium. The current standard is 10 pCi/L, the levels in the second quarter were about 11.5 pCi/L. Reportable 12-month rolling averages for uranium were observed at GS10 for April 2006 through June 2007. An updated source evaluation summary is presented in the Quarterly Report.

Surface water quality results at the Original Landfill were below the standards, indicating that the remedy is functioning properly. At the Present Landfill, surface water results triggered monthly sampling for selenium and vinyl chloride. Three consecutive months of vinyl chloride above the standard (PQL) has triggered sampling of the Landfill Pond. The Site is consulting with the regulators on this issue. Jo Ann Price asked why there was a discrepancy between CDPHE and DOE sampling results. George said that it is not clear at this point, but that there could have been problems during the sampling or at the lab. She asked if DOE notifies the cities before any discharge. George said they do. Rik Getty added that this notification is a requirement in the Rocky Flats Legacy Management Agreement.

John Boylan presented the quarterly update on groundwater monitoring. The results will be evaluated in the 2007 Annual Report. There was a reportable condition at Area of Concern (AOC) well B206989. This was a Sentinel well until the RFLMA was signed, when it was re-classified as an AOC well. A reportable condition occurs when two consecutive routine results exceed the applicable standard. This well consistently contains elevated concentrations of nitrate. Seasonal-Kendall trend plots were prepared. The tentative result is that nitrate concentrations are decreasing. However, there is not enough confidence to assure it will continue to decrease. Consultation with the regulators is underway, and results will be posted on the Rocky Flats website and included in the Annual Report.

The site is sampling evaluation wells in areas that may be subject to more rapid changes in water quality due to application of hydrogen reducing compounds (HRC), removal of impervious surfaces, and to track effects from repairs on the Solar Ponds Treatment System. These results will be evaluated in the Annual Report.

Maintenance and performance checks were conducted at the ground water treatment systems. VOCs were found in the effluent at the Mound and East Trenches treatment systems (MSPTS and ETPTS). The site reduced flow at MSPTS to increase residence time. However, this is not sustainable (rising water levels in trench, cells). They also reconfigured the MSPTS and ETPTS to up-flow and data are being collected. Evaluations will be included in the 2007 annual report.

David Allen asked if there was a monitoring well included in the slump area. John said there was one but it was damaged and thus will be replaced after re-grading, which should be completed this month. David asked when the well will be put in. John said they may do it in tandem with some planned drilling at the OLF, but want to get it done this calendar year. Rik Getty said there was a technical meeting last week at the DOE office. They discussed modeling, the upcoming Colorado Water Quality Control Commission (CWQCC) hearing, and related topics. Jo Ann asked about the reason for drilling at the Original Landfill. John explained that it will be to characterize why there has been slumping, but he is not sure when this will happen.

A SPPTS Treatability Study is focusing on nitrate treatment. It concluded in September, and the report will be finalized and included in the Annual Report. There is also a SPPTS Discharge Gallery investigation in which a flume was installed to measure the flow. This will also be evaluated in the Annual Report. The site is in the process of updating several post-closure groundwater models. A discussion will be provided to interested parties in an upcoming technical meeting.

Rick DiSalvo provided an update on the status of the CWQCC hearings on the uranium standard at Rocky Flats. A hearing is scheduled for January 2009. The site has petitioned to adopt the statewide basic uranium standard (MCL 30ug/L ~ 20 pCi/L). This would eliminate the existing site specific standards (10 pCi/L Walnut Creek; 11 pCi/L Woman Creek). There is also a review, with hearings in December 2007 and December 2008, regarding the expiring Temporary Modifications (TM) at Rocky Flats. No changes to current Rocky Flats TMs were proposed by CDPHE. The current TMs expire on 12/31/09.

These reviews are part of the Triennial Review of the South Platte River Basin. An Issue Scoping hearing was held in October. Scoping issues identified included temporary modifications and the uranium standard. An Issues Formulation hearing is scheduled for November 2008, and a Rulemaking hearing for June 2009. The site is gathering additional data, in conjunction with Los Alamos National Lab (LANL), to show that the uranium being found onsite is predominantly naturally-occurring. Results are expected back from LANL before the end of the year. The CWQCC is charged with reviewing any temporary modifications that are expiring within two years. The uranium issue may be handled as a separate issue or be rolled into the triennial review. They will look at the data and see what makes sense.

EPA has developed a new methodology for measuring metals. However, it will take time to set up to do this. The State may adopt this methodology in upcoming years. Also, the new statewide standard for arsenic is below the Rocky Flats site specific standard. Jo Ann Price asked how hard it is to determine naturally-occurring uranium. Rik Getty said this is what LANL has been brought in to work on, as they have a one of a kind laboratory to do this type of analysis. The site is waiting for first round of samples to see if they need to send more.

Ecological Monitoring

Jody Nelson presented an update on ecological monitoring during the second quarter. Regulatory requirements for the quarter included support on the Water Measurement Flume Replacement Project, and monthly vegetation surveys on the OLF and PLF. Also, a contact record was submitted to CDPHE after three deer were killed on the new COU fence. After the placement of fence flags on the fence no further incidences have been recorded. Project support was provided during planning of the upcoming Roads III project, Functional Channel 1/B371 excavation/fill project, Solar Ponds Potholing project, and the annual dam mowing and riprap spraying project.

Second quarter projects also included continued erosion control surveys for evaluation in Preble's mouse mitigation areas and other revegetation locations. Several areas were reseeded by hand/ATV broadcasting to improve the stand of vegetation at these locations. Several small fixes to the erosion controls were made at various locations as needed. Approximately 405 acres of native grassland and revegetation areas were sprayed in during the 2nd quarter of 2007 to control noxious weeds. Weeds treated include: diffuse knapweed, Scotch thistle, Canada thistle, common mullein, musk thistle, Russian knapweed, kochia, Russian thistle, yellow sweet clover, and tall mustard. Additional locations may be treated this fall. Treatment location maps and additional information will be included in the Annual Report.

Weed mapping was conducted for Dalmatian toadflax. Populations of other weeds such as Scotch thistle, whitetop, and tamarisk have been mapped where observed or in selected revegetation areas. Spot control was conducted on several small populations of some of the above listed species as needed.

Modifications were being made to an ATV mower to increase the mowing height so that rocky areas at the Site could be mowed for vegetation management activities. During the 2nd Quarter, over 600 coyote willows were planted, as well as dozens of cottonwood, chokecherry, plum, currants and other willows at various wetland mitigation locations. Additional reseeded of wetland species was also conducted as needed at several small wetland areas.

GIS sample locations were generated for revegetation, Preble's mouse, and wetland monitoring to be conducted during the 3rd quarter. Photo monitoring was conducted at the new revegetation locations that were done in early 2007 to document the establishment of the vegetation using the soil amendments. Several Core Function Analyses (CFA)/Job Safety Analyses (JSA) were updated for the various ecology field activities.

Finally, the annual boreal chorus frog vocalization survey was conducted in April. Frogs were found at 16 of the 20 monitoring locations. In addition to the boreal chorus frogs, a large population of Woodhouse's toads was found near one of the locations. Further analysis of the data will be conducted and the results will be presented in the Annual Report.

Karen Imbierowicz asked where the funding comes from for these activities. Jody replied it is from DOE. She also asked if surrounding communities were notified when the pesticides were applied. Jody said he did not think this happened. She asked if they could arrange for this type of notification. Scott Surovchak said that all of the information can be found in the Annual Report. David Allen said that the communities are simply looking for a courtesy notification. Scott asked what the need would be for this. David said it would be precautionary, so that they could ensure that the Woman Creek drinking water source was protected. Scott said there was really no driver to make this change and that spraying operations are often carried out on a day-to-day basis, based on conditions and availability of equipment. David said that the larger area spraying is more of a concern than spot spraying. Scott said he will look into what can be done to address these concerns. Karen asked him to let the Board know what he finds out. Chuck Baroch asked why DOE is doing all of this weed management for a site that is not being used. Jody said that the main reason is to help in the revegetation efforts to get grasses re-established. Scott said DOE has sprayed some of the USFWS land in order to have a positive impact on DOE lands. Megan Davis asked if any of the weeds are required to be controlled. DOE said there are State requirements which Rocky Flats follows, but they may not be legally required to do so.

Site Operations and Maintenance

Jeremiah McLaughlin presented an update on the second quarter Site Operations activities. At the Present Landfill (PLF), personnel surveyed the 15 settlement monuments that were installed across the top and east face of the landfill last year. Landfill inspections as well as inspections of the vegetative cover were performed monthly throughout the quarter. An additional inspection was performed following a 1.5" rainfall event. There were no significant concerns.

The same inspections were performed at the Original Landfill (OLF). Seeps #4 and #7 were active in the 2nd quarter, and the site directed flow along Berm #3. They were only active after rain events, and then dried up within a day or two. The West Perimeter Ditch slump extended south to Berm #3. There is continuous monitoring for additional movement. The Berm #1 slump was filled and compacted in March and April. It cracked for a second time in May and was repaired. Five settlement monuments were installed in March, one more in April and the first survey was conducted in June. Wattles across the OLF cover were replaced during the quarter. Also, crests and troughs of the berms were surveyed in April.

Routine site inspections included fences and postings, site markers and monuments, monitoring locations, landfills, ponds and surface water features, groundwater treatment systems, and revegetation areas. Repairs were made at the fence along Indiana where a car had hit the fence. The Central Operable Unit fence was inspected to identify areas where deer routinely cross, and fence flags were hung in high traffic areas.

Various road upgrades were conducted throughout the quarter. The 'Road Band-Aid' project was designed to allow uninterrupted travel through the spring months. There were also road repairs in the A-Series pond area in response to damages sustained during heavy rains in April.

Surveillance patrols were restricted to outer perimeter roads. There were no significant concerns in terms of access and security.

There was one last discussion by DOE regarding a geotechnical investigation of seeps at the OLF. They broke ground on October 15, and hope to begin the investigation in December. Ron Hellbusch asked for more information about the seeps. Jeremiah said that most of them were in existence even prior to construction of the landfill. He said there is no reason to close the seeps, and also no way to do it. Jeremiah was asked when the slumps showed up. He said they were identified in February after a big snow. The geotechnical investigation in December will investigate the causes. There are sampling sites near the slump. Kim Grant asked if the road upgrades were all on existing roads. Jeremiah said that the majority of the work was on existing roads, but that some are new. Kim asked if the planned trails in the refuge follow existing roads. David Allen asked if there was any sampling of the 7,000 cubic yards of materials that were moved at the 991 slump. There was not. He asked if there were any impacts in terms of exposing anything upon removal. Jeremiah said that they actually removed less material than planned, and the area will be revegetated. DOE was asked if any people have been trying to come onsite with bikes or motorcycles. Scott said one person did attempt to hike in who thought it was open. There are security forces onsite during nights and weekends.

Public Comment

There were no comments.

Member Updates/Big Picture Review

The next Stewardship Council Meetings and planned topics are:

- February 5, 2008: Elect 2008 Board officers; Adopt 2008 meeting dates; Host DOE-LM quarterly meeting; D.C. briefing materials; Meet with USFWS; Meet with Colorado Natural Resource trustees; DOE FY09 budget briefing.
- May 5, 2008: Host DOE-LM quarterly meeting; Stewardship Council briefing materials for newly-elected officials; DOE petition to change uranium standard.

David added that the Board may need one more meeting. The Stewardship Council needs to start thinking about how to keep its constituencies informed and engaged.

Kim Grant announced that six members of the Rocky Flats oral history project attended a national oral history conference recently. They gave a panel presentation, which included an eight minute video about the project. They also sat in on a presentation by representatives from the Nevada Test Site. They found out about another Cold War museum, located in California, which is focused on eastern-bloc countries. The Rocky Flats Cold War Museum's next project is a public program at Boulder Public Library in January. They will keep the Stewardship Council informed and will put information in their newsletter. David Abelson asked if the Museum will post the video on its website. Kim said they will look into doing this.

Roman Kohler reported that the Homesteaders had a conversation with Representative Udall. He said that the Friends of the Refuge group at the Rocky Mountain Arsenal will be branching out to take on Rocky Flats issues as well. Ron Hellbusch confirmed that talks are underway, and he thinks this will happen in the next month.

At 10:45 a.m. Jo Ann Price made a motion to move into Executive Session for the purpose of discussing personnel issues, and to receive legal advice on such issues, as authorized under Sections 24-6-402(4)(b) and (f), C.R.S. Ken Foelske seconded the motion. The motion passed 11-0.

The Board reconvened from Executive Session at 11:15 a.m. and affirmed that no actions had been taken during Executive Session. Karen Imbierowicz moved to approve the personnel contract with Crescent Strategies, LLC, with the addition of Item 13. The motion was seconded by Sheri Paiz. The motion passed 11-0.

Coming out of Executive Session, the Board felt it necessary to clarify an item on Page 6 of the 2008 Work Plan.

Matt Jones moved to add an item number 6 under 'Business Operations' on the 2008 Work Plan to read 'Review Consulting Agreements'. The motion was seconded by Sheri Paiz. The motion passed 11-0

Stewardship Council Membership Interviews

Vice Chair Jeannette Hillery announced that she would hand over direction of the meeting during this part of the agenda since her organization is one of the applicants.

Five applications were received and the Board has four seats to fill. David Allen noted that it would be a good idea to approve the new members at this meeting so they will be ready to participate in the February 2008 meeting. The Board briefly discussed the process to be used for member selection. There will be rounds of voting. During the first round, each member will have two votes, and in subsequent rounds, they will have one vote.

Karen Imbierowicz: Karen said the reason she applied was that she saw a need to have the fourth seat filled when there were no other applications. She said if the Board felt that there was a better option, she would be fine with that decision. She was asked about ways by which she would gather concerns from the public, timing issues about the end of her term with the City of Superior and about any anticipated changes in her positions if she was to serve representing herself. Karen said she would use the same methods to gather public concerns, such as talking with people and being available for questions. She would work out the timing issues with Superior. She did not think her opinions would change much based on representing a different constituency, but she would try to consider more differing opinions.

League of Women Voters/Jeannette Hillery: Jeannette presented an opening statement covering the League's continued interest in Rocky Flats and their demonstrated background in involvement. She was asked about the League's methods for dissemination of Rocky Flats information and if they encounter any conflicts within the communities they work with to share information. Jeannette explained various public involvement methods including programs and newsletters the League employs, and highlighted that their goals are collaboration and cooperation.

Don Moore: Don began by apologizing for sending his application in at the deadline. He described his broad background in a variety of related issues, such as open space, air and water quality, urban design, land use and natural resource planning, and recreation planning. He lives in Jefferson County and has served on numerous boards and commissions over the span of many years. He was asked about his affiliation with a nonprofit organization called Plan Jeffco. Don said he is a Board member on Plan Jeffco, and would be representing them. He was asked if Plan Jeffco has an official positions related to Rocky Flats. Don said the group has supported preservation of lands/corridors and preserving options for future. In response to questions, Don also stated that Plan Jeffco did not have any problems with previous Rocky Flats boards; that the group has successfully used their ability to create partnerships; and that he has generally kept up with Rocky Flats issues, but not on a detailed level.

Rocky Flats Cold War Museum / Kim Grant: Kim noted that the Museum's written application covers the details of interest. They remain very interested and engaged and intend to continue to be involved in Rocky Flats issues.

Rocky Flats Homesteaders / Roman Kohler: Roman briefly covered his long-time position as the communications liaison for the Homesteaders and the distribution of their newsletter to 1,800 members five times per year. The Homesteaders are primarily concerned about worker benefits.

For this process, as per the recently-adopted bylaws amendment, only government representatives will vote. Karen Imbierowicz will abstain.

First Round Votes:

Boulder – Homesteaders, RFCWM
Northglenn – Homesteaders, RFCWM
Boulder County – LWV, Homesteaders
Westminster – Homesteaders, RFCWM
Arvada – Homesteaders, RFCWM
Superior – RFCWM, Homesteaders

Entities receiving the most votes and elected to the Board in the first round:
Rocky Flats Cold War Museum and the Rocky Flats Homesteaders.

Second Round Votes:

Boulder – LWV, Plan Jeffco
Northglenn – LWV, Karen Imbierowicz
Boulder County – LWV, Karen Imbierowicz
Westminster – LWV, Karen Imbierowicz
Arvada – LWV, Karen Imbierowicz
Superior – LWV, Karen Imbierowicz

Entities receiving the most votes and elected to the Board in the second round: The League of Women Voters and Karen Imbierowicz.

David Abelson thanked Don Moore for his interest in serving on the Stewardship Council and stated that the Board would like to keep him involved in Rocky Flats issues.

The meeting was adjourned at 12:00 p.m.

Respectfully submitted by Erin Rogers.

3:19 PM
01/18/08

Rocky Flats Stewardship Council Check Detail October 16, 2007 through January 18, 2008

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Check		10/26/2007		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Check		11/29/2007		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Check		12/29/2007		CASH-Wells Fargo-Operating		-2.00
				Admin Services-Misc Services	-2.00	2.00
TOTAL					-2.00	2.00
Check	1218	11/3/2007	Qwest	CASH-Wells Fargo-Operating		-26.84
				Telecommunications	-26.84	26.84
TOTAL					-26.84	26.84
Check	1219	11/3/2007	Qwest	CASH-Wells Fargo-Operating		-73.32
				Telecommunications	-73.32	73.32
TOTAL					-73.32	73.32
Check	1220	11/3/2007	Excel Micro	CASH-Wells Fargo-Operating		-10.75
				Telecommunications	-10.75	10.75
TOTAL					-10.75	10.75
Bill Pmt...	1221	11/3/2007	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-8,593.86
Bill	10/31...	10/31/2007		Personnel - Contract	-7,250.00	7,250.00
				Telecommunications	-136.41	136.41
				TRAVEL-Local	-82.94	82.94
				TRAVEL-Out of State	-661.16	661.16
				Supplies	-32.57	32.57
				TRAVEL-Out of State	-242.90	242.90
				Printing	-187.88	187.88
TOTAL					-8,593.86	8,593.86
Bill Pmt...	1222	11/3/2007	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-592.50
Bill	0765	10/31/2007		Accounting Fees	-592.50	592.50
TOTAL					-592.50	592.50
Bill Pmt...	1223	12/5/2007	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-8,321.44
Bill	11/30...	11/30/2007		Personnel - Contract	-6,850.00	6,850.00
				Telecommunications	-136.41	136.41
				TRAVEL-Local	-108.16	108.16
				TRAVEL-Out of State	-499.27	499.27
				Supplies	-15.00	15.00
				TRAVEL-Out of State	-499.27	499.27
				TRAVEL-Local	-24.25	24.25
				Subscriptions/Memberships	-189.08	189.08
TOTAL					-8,321.44	8,321.44

3:19 PM
01/18/08

Rocky Flats Stewardship Council Check Detail October 16, 2007 through January 18, 2008

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill Pmt...	1224	12/5/2007	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-360.00
Bill	0766	11/30/2007		Accounting Fees	-360.00	360.00
TOTAL					-360.00	360.00
Bill Pmt...	1225	12/5/2007	Purchase Power	CASH-Wells Fargo-Operating		-420.00
Bill	8000-...	11/18/2007		Postage	-420.00	420.00
TOTAL					-420.00	420.00
Bill Pmt...	1226	12/5/2007	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-1,758.96
Bill	52536	10/31/2007		Attorney Fees	-1,758.96	1,758.96
TOTAL					-1,758.96	1,758.96
Check	1227	12/10/2007	Qwest	CASH-Wells Fargo-Operating		-71.68
				Telecommunications	-71.68	71.68
TOTAL					-71.68	71.68
Check	1228	12/10/2007	Qwest	CASH-Wells Fargo-Operating		-26.62
				Telecommunications	-26.62	26.62
TOTAL					-26.62	26.62
Bill Pmt...	1229	12/10/2007	Blue Sky Bistro	CASH-Wells Fargo-Operating		-225.00
Bill		11/30/2007		Misc Expense-Local Government	-225.00	225.00
TOTAL					-225.00	225.00
Bill Pmt...	1230	12/18/2007	Erin Rogers	CASH-Wells Fargo-Operating		-1,075.00
Bill	12/17...	11/30/2007		Personnel - Contract	-1,075.00	1,075.00
TOTAL					-1,075.00	1,075.00
Check	1231	1/4/2008	Qwest	CASH-Wells Fargo-Operating		-26.96
				Telecommunications	-26.96	26.96
TOTAL					-26.96	26.96
Check	1232	1/4/2008	Qwest	CASH-Wells Fargo-Operating		-71.58
				Telecommunications	-71.58	71.58
TOTAL					-71.58	71.58
Check	1233	1/4/2008	Energy Communities Alliance	CASH-Wells Fargo-Operating		-515.00
				Subscriptions/Memberships	-515.00	515.00
TOTAL					-515.00	515.00
Bill Pmt...	1234	1/4/2008	Blue Sky Bistro	CASH-Wells Fargo-Operating		-30.00
Bill	1239	12/1/2007		Misc Expense-Local Government	-30.00	30.00
TOTAL					-30.00	30.00

3:19 PM

01/18/08

Rocky Flats Stewardship Council
Check Detail
 October 16, 2007 through January 18, 2008

Type	Num	Date	Name	Account	Paid Amount	Original Amount
Bill Pmt...	1235	1/4/2008	Crescent Strategies, LLC	CASH-Wells Fargo-Operating		-6,796.41
Bill	12/31...	12/31/2007		Personnel - Contract	-6,400.00	6,400.00
				Telecommunications	-133.41	133.41
				TRAVEL-Local	-37.35	37.35
				Supplies	-21.65	21.65
				Postage	-204.00	204.00
TOTAL					-6,796.41	6,796.41
Bill Pmt...	1236	1/4/2008	Excel Micro	CASH-Wells Fargo-Operating		-21.50
Bill	0022...	12/31/2007		Telecommunications	-10.75	10.75
Bill	0024...	1/31/2008		Telecommunications	-10.75	10.75
TOTAL					-21.50	21.50
Bill Pmt...	1237	1/4/2008	Jennifer A. Bohn	CASH-Wells Fargo-Operating		-382.50
Bill	0776	12/31/2007		Accounting Fees	-382.50	382.50
TOTAL					-382.50	382.50
Bill Pmt...	1238	1/4/2008	Seter & Vander Wall, P.C.	CASH-Wells Fargo-Operating		-1,566.40
Bill	52660	12/1/2007		Attorney Fees	-1,566.40	1,566.40
TOTAL					-1,566.40	1,566.40

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

regarding

2008 MEETING SCHEDULE AND NOTICE PROVISIONS

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, on March 6, 2006, the Board of Directors of the Stewardship Council adopted Bylaws regarding the operations of the Stewardship Council, governing, *inter alia*, meeting and notice requirements; 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, in addition to any other means of notice; and

WHEREAS, pursuant to its Bylaws and Colorado laws, the Stewardship Council desires to establish its regular meeting schedule and location, and to designate its public posting place(s) for 2007.

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

1. Meeting Schedule/Location. The Board of Directors determines to hold regular meetings the **first Monday of February, May, August and November at 8:30 AM** at the Jefferson County Airport Terminal Building, 11755 Airport Way, Broomfield, Colorado; and to hold special meetings as may be necessary, in accordance with the Bylaws of the Stewardship Council.

2. Regular Meeting Notice. The Board of Directors determines to annually post its regular meeting schedule at the Clerk and Recorder's office of the following counties: Jefferson, Boulder, Broomfield, Adams and Weld; and at the City or Town Clerk's Office of the following cities and/or towns: Arvada, Boulder, Broomfield, Westminster, Golden, Superior and Northglenn, for posting in a public place. In addition, the Board shall post its regular meeting schedule on the website established for the Stewardship Council. These notices shall remain posted throughout the year. At least seven (7) days advance notice of the regular meeting time, place and date shall be provided to the directors and alternate directors, and to those members of the public who so request. The general nature of the business proposed to be transacted or the purpose of any meeting of the Board of Directors shall be

specified in the notices of such meeting where possible.

3. Special Meeting Notice. In the event of a special meeting, a notice of such special meeting shall be posted at least seventy-two hours in advance at the clerks' offices of the counties, cities and towns indicated above, for posting in a public place. At least 72 hours advance notice of the special meeting time, place and date shall be provided to the directors and alternate directors, and to those members of the public who so request. The general nature of the business proposed to be transacted at or the purpose of any meeting of the Board of Directors shall be specified in the notices of such meeting where possible. The Board of Directors' ability to act on matters brought before it at a special meeting is restricted to those items specified in the notice.

4. Emergency Meeting Notice. Should the Board of Directors determine an emergency special meeting necessary, a notice of such emergency meeting shall be posted at least twenty-four hours in advance at the clerks' offices of the counties, cities and towns indicated above in accordance with the Colorado Open Meetings Act. The general nature of the business proposed to be transacted at, or the purpose of, any meeting of the Board of Directors shall be specified in the notices of such meeting where possible. The Board of Directors' ability to act on matters brought before it at a special meeting is restricted to those items specified in the notice.

5. Written Notice Requirements. Written notice of each meeting of the Board of Directors shall be given by telefax or electronic mail; provided, however, that in the instance of any Director who in writing requests that such notice not be given by telefax or electronic mail, the notice shall be by hand delivery to an address within the boundaries of the Parties designated in writing.

6. Additional Notification. 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 to the individuals.

APPROVED AND ADOPTED THIS _____TH DAY OF _____, 2008.

(SEAL)

ROCKY FLATS STEWARDSHIP COUNCIL

By: _____
Chair

ATTEST:

By: _____

ROCKY FLATS STEWARDSHIP COUNCIL

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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: Natural Resource Trustees Briefing
DATE: January 24, 2008

I have scheduled 45 minutes for the Board to be briefed on and begin discussing natural resource damages (NRD) at Rocky Flats. The conversation will focus on how to spend \$4.5 million remaining under the Rocky Flats NRD settlement.

Under CERCLA, NRD claims serve to make the public whole for injuries to natural resources by restoring or replacing injured natural resources. Natural resources include land, fish, biota, air, water, ground water, drinking water supplies, and other such resources owned, managed or controlled by the state or federal government; injuries are adverse impacts to a natural resource caused by a release of a hazardous substance. Damages come in the form of monetary compensation. The injured resources at Rocky Flats are groundwater, surface water and biota (prairie, riparian and wetland habitats)

State and federal trustees administer the NRD program. For Rocky Flats the trustees are DOE, USFWS, CDPHE, CO Attorney General, and CO Department of Natural Resources.

The 2006 Defense Authorization Act extinguished NRD claims at Rocky Flats for \$10 million. DOE was required to purchase "essential mineral rights" for \$10 million or less, pay \$10 million to the Trustees, or some combination of the two. Three of four parcels identified by the Trustees as essential minerals have been purchased for \$5.5 million; the owner of the 4th parcel is not interested in selling his rights. The Trustees are now trying to determine how to spend the remaining \$4.5 million.

Under the CERCLA NRD provisions, the remaining funds must be used to "restore, replace or acquire the equivalent of" injured resources. Funds may be used on- or off-site. At Rocky Flats, however, most on-site restoration projects have been already completed or are planned as part of ongoing land management.

Some of the ideas the Trustees have identified include:

1. Purchase additional mineral rights
2. Build Highway 93 wildlife migration corridor
3. Restore Preble's Mouse habitat in lower Rock Creek
4. Restore State Land Board land (section 16)
5. Provide monies to local jurisdictions for open space acquisition/restoration near Rocky Flats
6. Fund Plains Sharp-tailed Grouse introduction

Restoration does not include activities such as building or maintaining recreation projects (e.g., bike paths, trails, interpretive centers) or funding a refuge ranger or similar position (e.g., providing funding to the USFWS to hire the personnel necessary to implement the site conservation plan). The Trustees are likewise reticent to fund projects that otherwise should be funded by federal dollars. The Trustees are instead most interested in identifying opportunities to leverage these funds by combining them with other funds to increase restoration opportunities. Throughout Colorado NRD funds have been combined with other state (e.g., GOCO grant) and federal funds to support large restoration efforts.

The Trustees will jointly determine the use of the remaining funds, but in making this decision they want to hear from the Stewardship Council its ideas, including any priority projects that fit within the NRD funding parameters. Ideally, the Trustees would like Stewardship Council members to identify projects its members can jointly support. This model of local jurisdictions developing a shared plan has been successfully implemented in Colorado. There are cases, though, where municipalities and non-profits submitted competing proposals.

The Trustees hope to make a decision on the use of these funds within 12 months. I assume the Stewardship Council will want to continue to discuss this topic at future board meetings.

Please let me know what questions you have.

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MEMORANDUM

TO: Board
FROM: David Abelson
SUBJECT: Meeting with Steve Berendzen, Rocky Flats National Wildlife Refuge
Manager
DATE: January 23, 2008

I have scheduled 30 minutes for the Board to meet with Steve Berendzen, Manager, Rocky Flats National Wildlife Refuge.

Like his predecessor, Dean Rundle, Steve manages the Rocky Flats Refuge, the Rocky Mountain Arsenal, and the Two Ponds Refuge in Arvada. As part of his responsibilities, Steve is charged with implementing the Rocky Flats Refuge conservation plan. The primary challenge USFWS faces at the Rocky Flats Refuge is lack of funding to implement the conservation plan. As a result, the Rocky Flats Refuge is in a caretaker status.

I've asked Steve to provide an overview of the regional office's budget and what it means for the Rocky Flats Refuge. For the current fiscal year, Congress appropriated \$434,000,000 for the Refuge system, a \$39M increase over fiscal year 2007 funding. The National Wildlife Refuge Association had requested Congress appropriate \$451.5 million, the amount appropriated in 2003 when adjusted for inflation.

Funding challenges at the Rocky Flats Refuge mirror larger challenges the USFWS faces. Over the past four years, refuges have had flat or declining budgets, forcing the USFWS to reduce its staff by 20%. According to the Refuge Association, refuges have been forced to close, while visitor programs such as environmental education have been sharply reduced. The Refuge Association believes the USFWS needs \$765M annually to "meet fundamental wildlife conservation and public use mandates."

In preparation for the conversation I've attached a USFWS press release which highlights the positive economic impact to local economies resulting from refuges.

Please let me know what questions you have.

News Release



Office of Public Affairs
1849 C Street, NW
Washington, DC 20240
202/208 5634 Fax: 202/219 2428

For release: November 27, 2007

Contact:
David Eisenhauer 202-208-5634
Martha Nudel 703-358-1858

Report Shows National Wildlife Refuges Provide Economic Boost

Recreational use on national wildlife refuges generated almost \$1.7 billion in total economic activity during fiscal year 2006, according to a new report released today by the U.S. Fish and Wildlife Service. The report, titled *Banking on Nature 2006: The Economic Benefits to Local Communities of National Wildlife Refuge Visitation* was compiled by Service economists.

According to the study, nearly 35 million people visited national wildlife refuges in 2006, supporting almost 27,000 private sector jobs and producing about \$543 million in employment income. In addition, recreational spending on refuges generated nearly \$185.3 million in tax revenue at the local, county, state and federal level. The economic benefit is almost four times the amount appropriated to the Refuge System in Fiscal Year 2006. About 87 percent of refuge visitors travel from outside the local area.

“We’ve always known that national wildlife refuges enrich Americans’ lives,” said U.S. Fish and Wildlife Service Director H. Dale Hall. “This report reveals that the Refuge System, while admirably fulfilling its conservation mission, also repays us in dollars and cents. Those economic benefits go far beyond the system’s mandated mission to ensure wild creatures will always have a place on the American landscape.”

Using findings from 80 national wildlife refuges considered typical in terms of the nation's recreational interests and spending habits, the report analyzed recreational participation in and expenditures for freshwater fishing, saltwater fishing, migratory bird hunting, small game hunting, big game hunting and non-consumptive activities, including wildlife observation. Calculation of the total economic activity included money spent for food and refreshments, lodging at motels, cabins, lodges or campgrounds, and transportation.

In making its calculations, *Banking on Nature 2006* used the Service's "2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation" and the visitation numbers from the individual refuges. Units with fewer than 1,500 visitors per year and those in Hawaii and Alaska (because travel there is so expensive) were excluded from the final calculations. Therefore, the *Banking on Nature* study estimates that 34.8 million people visited wildlife refuges—a tally smaller than the actual visitation figure of more than 37 million reported by all refuges.

The National Wildlife Refuge System encompasses 97 million acres and 548 national wildlife refuges. While the primary purpose of the Refuge System is to conserve native fish and wildlife and their habitat, priority is given to hunting, fishing, wildlife photography, wildlife observation, environmental education, and interpretation.

Among significant other findings:

- About 82 percent of total expenditures came from non-consumptive recreation (recreation other than hunting and fishing) on national wildlife refuges. Fishing accounted for 12 percent of total expenditures, while hunting accounted for 6 percent.

The National Survey of Fishing, Hunting and Wildlife-Associated Recreation, published every five years by the Service, found that more than 87 million Americans, or 38 percent of the United States' population age 16 and older, pursued outdoor recreation in 2006. They spent \$120 billion that year pursuing those activities. About 71 million people observed wildlife, while 30 million fished and 12.5 million hunted.

- The Southeast Region—with such popular attractions as Okefenokee, J.N. “Ding” Darling and Pea Island National Wildlife Refuges—had the most visitors in fiscal year 2006 with 9.4 million. Spending in the region also supported the highest number of jobs, at 7,381.
- Of the report’s 80 national wildlife refuges, Chincoteague National Wildlife Refuge in Virginia reported the most recreational visits (about 7.5 million) as well as the most jobs, at 3,766, and generated the most economic return, at \$315.4 million. It also showed the greatest economic benefit, with \$155.42 returned for every \$1 in budgeted expenditures.
- Many other national wildlife refuges also had marked returns for their budgets. Don Edwards San Francisco National Wildlife Refuge, for example, had more than 1.5 million visits in 2006 and returned \$43.55 for every \$1 in federal budget expenditures. Bombay Hook National Wildlife Refuge in northeastern Delaware—with 271,000 visitors in 2006—returned \$23.38 for every \$1 in budgeted expenditures and was responsible for 198 private sector jobs. Muscatatuck in south central Indiana—spanning just 7,800 acres—returned \$21.56 for every \$1 in budgeted expenditures and supported 48 private sector jobs.

For a copy of the report or to find more information on the National Wildlife Refuge System, visit <http://www.fws.gov/refuges/>.

The U.S. Fish and Wildlife Service is the principal federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 97-million-acre National Wildlife Refuge System, which encompasses 548 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resources offices and 81 ecological services field stations. The agency enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign and Native American tribal governments with their conservation efforts. It also oversees the Federal Assistance

program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

-FWS-

Washington, D.C. Talk Points

- Cover memo
- Draft Talking Points

DOE Quarterly Update

- Cover memo
- Quarterly Report
 - Cover
 - Table of Contents
 - Executive Summary

Letters and News Clips

- Sen. Allard press release re: Rocky Flats Cold War Museum
- *Rocky Mountain News* clip re: Congressional letter to Department of Labor
- Congressional letter to Department of Labor
- *Rocky Mountain News* clip re: Sen. Allard Meeting with Department of Labor
- *Rocky Mountain News* clip re: Rocky Flats workers
- *Rocky Mountain News* clip re: Rocky Flats workers
- AP news clip re: plutonium triggers
- *Weapons Complex Monitor* announcement re: Clay Sell resignation

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League of Women Voters -- Rocky Flats Cold War Museum -- Rocky Flats Homesteaders -- Ken Foelske

MEMORANDUM

TO: Board

FROM: David Abelson

SUBJECT: Washington, D.C. talking points

DATE: January 23, 2008

I have scheduled 15 minutes for the Board to discuss and approve (as modified) the attached talking points for meetings with Congress and DOE. In the coming months Board members and staff will participate in various meetings in Washington, D.C. To ensure that the message these members and staff carry reflects the Stewardship Council's positions and policies, it is important for the Board to approve talking points.

Please let me know what questions and/or concerns you have and any issues that you believe should be added or deleted. I have focused on broad-reaching issues, recognizing that as was the case last year, Stewardship Council members will supplement these messages when they meet with their representatives.

Thanks.

Rocky Flats Stewardship Council

Washington, D.C. – Talking Points

February 2008

Background:

1. The Rocky Flats Stewardship Council is completing its second year of operations.
2. Since its inception the organization has focused primarily on the regulatory closure of Rocky Flats.
3. We are now focusing on reviewing and discussing ongoing maintenance activities, NRD settlement funds, developing information materials for elected officials and community members, and tracking worker issues.
 - a. We meet 5-6 times per year.
 - b. We recently appointed members for 2008-2009.

Funding:

1. The Stewardship Council relies on federal funds, although member governments contribute annually.
2. Funding came from Congress in 2005, with the initial \$100,000 for the Rocky Flats Coalition and later \$395,000 to the Stewardship Council.
3. DOE recently announced it would provide the Stewardship Council with an additional \$240,000. These funds, with remaining funding from Congress, should carry us through calendar year 2010.
4. We believe this additional support from DOE highlights the ongoing value local government and community focus bring to the post-closure management of the site.

Site Conditions:

1. In large measure the cleanup remedies are performing as designed.
2. There are a few areas that bear watching, including the groundwater treatment systems and slumping on the cover of the Original Landfill.
3. It will be important for DOE to retain the funds necessary to carry out its responsibilities at Rocky Flats.
4. LM's budget need to be scrutinized to make sure the Administration continues to ask for the necessary funds.

Workers:

1. The Stewardship Council remains concerned about the Administration's decision to limit compensation to workers who worked at the site from 1952-1966.
2. The Board is grateful for the delegation's efforts on behalf of the workers. For the local governments and the Rocky Flats Homesteaders, many of these workers are our constituents and our members.

3. We continue to support expanding coverage all former workers who have become ill from workplace exposures. The Stewardship Council remains available to support Congressional efforts, as necessary.
4. Congressional oversight of the program remains vital.
5. We understand the Administration is now looking to expand the list of buildings that qualify. We support such a decision.

NRD Settlement:

1. The Natural Resource Trustees are starting to examine how to spend \$4.5 million remaining from the \$10 million NRD settlement fund that Congress provided in 2006.
2. Three of four willing sellers sold their minerals for a total cost of \$5.5 million.
3. The Trustees – DOE, USFWS, CDPHE, CO Attorney General and CO Dept. of Natural Resources – are seeking to identify projects that have broad support and recently began discussing ideas with the Stewardship Council.
4. Funds must be used for restoration efforts, which can include:
 - a. Purchase additional mineral rights
 - b. Build Highway 93 wildlife migration corridor
 - c. Restore Preble's Mouse habitat in lower Rock Creek
 - d. Restore State Land Board land (section 16)
 - e. Provide monies to local jurisdictions for open space acquisition/restoration near Rocky Flats
 - f. Fund Plains Sharp-tailed Grouse introduction
5. The Trustees are interested in identifying opportunities to leverage these funds by combining them with other funds to increase restoration opportunities.
6. Throughout Colorado NRD funds have been combined with other state (e.g., GOCO grant) and federal funds to support large restoration efforts.
7. We encourage you to track these issues and work with the Trustees and the Stewardship Council to identify opportunities to bring additional federal resources to the table.

Rocky Flats National Wildlife Refuge:

1. In July 2007 DOE transferred to the USFWS approximately 4000 acres. With this move, the Rocky Flats National Wildlife Refuge now exists.
2. We are concerned about funding for the USFWS.
3. In FY 2008 Congress provided \$434M for the refuge system.
4. It is not unusual for new refuges to not have an operating budget for first 3-5 years. Without a budget, however, the USFWS will not be able to implement most of the Comprehensive Conservation Plan (CCP).
5. USFWS is in the process of finalizing funding allocations to the regions. USFWS tells us that they do not have the funds necessary to implement the CCP – and until such time that funds become available the Refuge will remain in caretaker status.
6. Congress needs to start providing funding for USFWS to implement the CCP to help ensure the site is an asset.

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MEMORANDUM

TO: Stewardship Council Board
FROM: Rik Getty
SUBJECT: DOE Quarterly Update Briefing
DATE: January 23, 2008

We have scheduled 45 minutes for DOE to present its quarterly update for the site. The update is for the third quarter of 2007 (July through September). DOE has posted the quarterly report on their website:

http://www.lm.doe.gov/documents/sites/co/rocky_flats/quarterly_reports/3rdqtr07.pdf

The report is 194 pages so attached to this briefing memo is the table of contents and executive summary.

DOE will brief on the following topics in a similar format to past quarterly report updates:

- surface water monitoring
- groundwater monitoring
- air monitoring
- ecological monitoring
- site operations (inspections, pond operations, security, general maintenance, etc.)

Highlights for this quarter included:

- As discussed at prior Stewardship Council meetings, the site continues to observe uranium in certain surface water and groundwater locations. The vast majority of the uranium is naturally-occurring. In August DOE submitted a petition for rule-making to the Colorado Water Quality Control Commission seeking changes to the site's uranium surface water standard. DOE was seeking to have a hearing before the Commission in January 2008 but the Commission requested that DOE provide more data and scheduled a hearing on the petition for January 2009.
- As part of the additional data request by the Commission, DOE collected water samples for uranium isotopic analysis by Los Alamos National Laboratory to determine if the uranium present in the water samples was due to naturally-occurring sources, man-made sources, or a combination of the two. Results from this testing are posted in the quarterly report. The results, which are similar to past uranium isotopic results from similar locations, shows the majority of uranium present in the site's water is naturally-occurring; the area with small

amounts of man-made is the Solar Ponds Plume. This finding regarding the Solar Ponds Plume is not unexpected as the purpose of the Solar Ponds Plume groundwater treatment system is to remove uranium from groundwater.

- DOE worked with Xcel Energy to make sure that power will continue to be available at the two surface water monitoring locations along Indiana, as well as the two site air monitors along Indiana. In addition to DOE's radionuclide air monitors, CDPHE has two air monitors – one at the north site boundary along Highway 128 and the other at the east site boundary along Indiana. CDPHE's monitors are part of the Metro Denver air quality monitoring network for air pollutants like ozone.
- Discharge of terminal ponds A-4 and B-5 occurred in early July. The discharges were scheduled for the second quarter but were delayed due to differences in water quality results between DOE and CDPHE samples. Re-sampling resulted in closer agreement allowing for pond discharges.
- A final design plan for stabilizing and re-grading the 991 slump was approved by CDPHE during this quarter. The actual re-grading work was completed in November (fourth quarter).
- Comprehensive dam safety inspections were performed in September 2007 by Wright Water Engineers. Although several minor maintenance items were noted during the inspections, the inspection determined that all dams were in good condition and can be operated safely at full storage level. These inspection reports are also sent to the State Engineer to satisfy the periodic 6-year inspection regulation.
- During the quarter the site continued erosion control measure replacement and re-vegetation efforts.
- Water sampling efforts continued per RFLMA requirements.
- Routine maintenance was performed on the three passive groundwater treatment systems (Mound, East Trenches, and Solar Ponds). There were no additional problems detected during these maintenance operations.
- The field work portion of the treatability study being conducted by the site and researchers from CSU on the Solar Ponds Treatment System was completed this quarter. Results of the study are still being evaluated but initial data looks promising. Based on the final analysis DOE may implement the new treatment methodology at a future date.

Please contact me if you have any questions.



Rocky Flats Site Quarterly Report of Site Surveillance and Maintenance Activities Third Quarter Calendar Year 2007

January 2008



U.S. Department
of Energy

Office of Legacy Management

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Executive Summary

The U.S. Department of Energy (DOE) Office of Legacy Management (LM) is responsible for implementing the final response action selected in the Final Corrective Action Decision/Record of Decision (CAD/ROD) (DOE 2006f) issued September 29, 2006, for the Rocky Flats Site. DOE, the U.S. Environmental Protection Agency, and the Colorado Department of Public Health and Environment have chosen to implement the monitoring and maintenance requirements of the CAD/ROD under and as described in the Rocky Flats Legacy Management Agreement (RFLMA; DOE 2007c). Attachment 2 to RFLMA defines what monitoring and maintenance are required, the frequency for each required activity, and the monitoring and maintenance locations. The requirements include environmental monitoring; maintenance of the erosion controls, landfill covers, dams, and groundwater treatment systems; and operation of the groundwater treatment systems.

The *Rocky Flats Site Operations Guide* (RFSOG; DOE 2007b), prepared by DOE-LM, serves as the primary document to guide work at the Site. The RFSOG provides details on the surveillance and maintenance needed to satisfy the requirements of RFLMA as well as best management practices at the Site.

This report addresses all surveillance and maintenance activities conducted at the Site during the third quarter of calendar year 2007 (July 1 through September 30).

Highlights of the surveillance and maintenance activities include:

- Routine pond operations and management;
- Maintenance and inspection of the Original and Present Landfills;
- Maintenance and inspection of the four groundwater treatment systems;
- Erosion control and revegetation activities;
- General Site maintenance and operations including road upgrades, fence maintenance/construction, and Site security;
- Nonroutine (project-specific) and routine (per RFLMA and the RFSOG) water monitoring;
- Ecology activities; and
- RFLMA ecological sampling.



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

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December 19th, 2007

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ALLARD SECURES \$492,000 FOR A ROCKY FLATS COLD WAR MUSEUM IN ENERGY & WATER APPROPRIATIONS BILL

U.S. Sen. Wayne Allard (R-Colo.), a member of the Senate Appropriations Subcommittee on Energy & Water Development, announced today that he has secured \$69.21 million in funding for Colorado as a part of the 2008 Energy & Water Appropriations bill. Included in the bill is \$492,000 for a Rocky Flats Cold War Museum.

"Funding for this project is particularly important to me, as it will help preserve the legacy and history of Rocky Flats," said Allard. "The museum will serve as a daily reminder of the challenges our country faced during the Cold War and the many sacrifices made by our nation's our Cold War Veterans. Documenting the world renowned clean-up of Rocky Flats will serve as a reminder to us all of how Colorado made the impossible, possible."

"The Rocky Flats Cold War Museum gratefully acknowledges the leadership of Senator Allard in helping to secure this generous appropriation, which represents a major milestone in the effort to develop a museum documenting the remarkable history of Rocky Flats," said Kim Grant, a Museum board member and past president.

The Cold War Museum Board will use the funding as a cornerstone for a larger fundraising campaign to build a new museum to commemorate the historical legacy of Rocky Flats and the role of the Rocky Flats workers during the Cold War. The Museum Board is also planning to use a portion of the funding to develop exhibits on the historical, environmental, and social legacy of Rocky Flats.

Allard was an original sponsor of the Rocky Flats National Wildlife Refuge Act which statutorily required that the former nuclear weapons production facility be cleaned-up and transferred to the U.S. Dept. of Interior for purposes of a Wildlife Refuge. Since 1996, Allard had worked to ensure the successful clean-up of Rocky Flats, securing more than \$7 billion dollars for clean-up funding and community involvement efforts. The clean-up effort was completed in December 2005 and the Rocky Flats National Wildlife Refuge was officially established in July 2007.

The Rocky Flats Technology Site manufactured components for nuclear weapons for our nation's defense until 1988. The 6,200 acre complex once housed more than 100 buildings and is located 16 miles northwest of downtown Denver.

###



Lawmakers go to bat for Rocky Flats workers

By Laura Frank, Rocky Mountain News

Saturday, November 10, 2007

Colorado's congressional leaders were not happy to learn this week that federal officials apparently overlooked thousands of Rocky Flats workers when they determined eligibility for automatic aid for victims of job-related cancer.

On Friday, four lawmakers sent U.S. Labor Secretary Elaine Chao a letter urging her to give anyone who ever worked at the former atomic bomb factory northwest of Denver immediate compensation and medical benefits if they develop cancer with known links to radiation.

If they are not granted streamlined aid, each must attempt to individually prove their exposures made them ill, a process that can take years. One in 10 Rocky Flats workers who qualified for aid has died before they got it.

The workers now being offered the streamlined aid — including more than 800 added to the list this week — are "only a small portion of Rocky Flats workers who deserve to be covered," said the letter, signed by Sen. Ken Salazar and Congressmen Mark Udall, John Salazar and Ed Perlmutter, all Democrats.

A spokesman for Sen. Wayne Allard said the Republican was unable to sign the letter because he was on an airplane, but would be sending his own letter to Chao next week.

The entire Colorado delegation has previously urged that all Flats workers with radiation-related cancers be granted the immediate aid, which the Flats workers themselves asked for more than two years ago.

The vast majority were denied, however, when government scientists said they could estimate each worker's cancer risk individually. The only exceptions were those who worked from 1952-1966 and were at risk of exposure to neutron radiation, one of the most dangerous and least-monitored kinds.

A spokesman said the Labor Department has to follow that determination, made by the National Institute for Occupational Safety and Health (NIOSH). But if more workers are found to have risked neutron exposure during that time, they will be added to the list, as were more than 800 workers from Building 881 this week.

The Rocky Mountain News reported Friday that more than 6,000 workers from another 19 Rocky Flats buildings risked neutron exposure but were left off the list.

"The Department of Labor will apply the same standard to workers who worked in other buildings within the Rocky Flats complex as was applied to Building 881," spokesman David James said. "Consistent with the scientific analysis given to us by NIOSH, the Department will include other facilities in the SEC when there is evidence of neutron exposure."

Meanwhile, advocates for ill nuclear workers elsewhere in the nation said the confusion over which Rocky Flats workers deserve streamlined aid could impact similar claims in others states.

"If (the government) can miss entire buildings, then what assurance do claimants have that they are capturing all the documents needed" to address their individual claims, asked Maureen Merritt, who is the state of New Mexico's official liaison to assist ill workers with their federal claims. Workers from an area of the Los Alamos National Laboratory were added to the list for immediate aid there in September after being "inadvertently omitted."

Congress of the United States
Washington, DC 20510

November 9, 2007

The Honorable Elaine Chao
Secretary of Labor
Department of Labor
Frances Perkins Building, Third Street and Constitution Avenue, NW
Washington, DC 20210

Dear Secretary Chao:

We write to express our approval of the U.S. Department of Labor's decision to include the 775 Rocky Flats workers from Building 881 under the Special Exposure Cohort (SEC) status. It is a step in the right direction as the decision will help provide these veterans of the Cold War with the compensation and medical benefits they deserve for their service to our Nation.

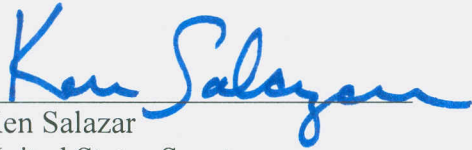
But we want to again emphasize that the individuals who currently fall within the SEC status under Secretary Leavitt's decision on the Rocky Flats petition are only a small portion of Rocky Flats workers who deserve to be covered. Building 881 might not be the only facility where crucial information has been overlooked or ignored. It is highly probable that other buildings would qualify under the SEC if we had access to complete records. But, as you are well aware, it has been close to impossible for many Rocky Flats workers to determine the dose of radiation they received due to the shoddy, inaccurate, incomplete, or lack of records that our government maintained, which is why we urged the Secretary to approve the petition in its entirety.

Further, many questions remain unanswered regarding the Department of Labor's building review of the Rocky Flats site. For example, was a formal and thorough building review performed? If yes, which federal agency performed the review and is there a spreadsheet that can be made publicly available? Furthermore, when will Rocky Flats workers receive a justification from the Department of Labor as to why a particular building was excluded from the SEC?

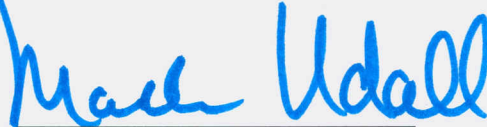
The fact that these questions and many others remain suggests a lack of oversight that the government must address. As you may know, the Senate Committee on Health, Education, Labor and Pensions (HELP Committee) held a hearing on October 23, 2007. The purpose of the hearing was to determine if the EEOICPA Program was being administered in a claimant friendly manner. We appreciate the Senate HELP Committee's efforts to ensure that EEOICPA program is working for American workers as Congress intended. Unfortunately, it is not.

We will continue to work to include all of the Rocky Flats workers who are suffering from one of the 22 listed cancers in the Special Exposure Cohort status – because it is what they have earned. We expect additional oversight hearings and legislative proposals that would address the gaps in the EEOICPA Program. We hope that we can work together and look forward to receiving answers to our questions.

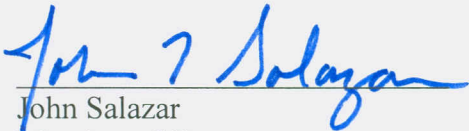
Sincerely,



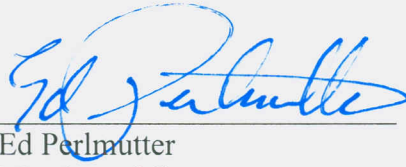
Ken Salazar
United States Senator



Mark Udall
Member of Congress



John Salazar
Member of Congress



Ed Perlmutter
Member of Congress

Allard meets Labor chief in bid to help Flats workers

By Laura Frank

Friday, December 7, 2007

Sen. Wayne Allard on Thursday met with U.S. Labor Secretary Elaine Chao in an effort to expand aid to ill Rocky Flats workers.

Few details of the meeting were released. However, Chao's assistant pledged to continue the investigation into whether more workers with certain cancers are candidates for automatic aid.

Victoria Lipnic, assistant secretary for employment standards, told Allard that to date, 117 Rocky Flats workers from the 1952-1966 era have been given streamlined aid, known as "Special Exposure Cohort" status, because the site didn't keep good records of radiation exposure.

Without that status, workers must attempt to prove through exposure records that their illnesses are related to their work at the former bomb-building plant northwest of Denver. That process takes an average of three years.

Allard said he left the meeting assured of Chao's commitment to making sure the compensation program is "implemented as the Department of Health and Human Services and Congress intended."

Congress created the program in 2000 to compensate nuclear weapons workers nationwide whose jobs harmed their health.

The *Rocky Mountain News* reported last month that evidence from 19 buildings suggests more workers faced exposure to dangerous neutron radiation, which should make them eligible for automatic aid. Those are the cases now under investigation by the National Institute for Occupational Safety and Health.

© Rocky Mountain News

Feds to take another look at help for Flats workers

By Laura Frank

Thursday, November 22, 2007

Federal officials say they may have wrongly denied compensation to Cold War-era Rocky Flats workers who likely developed cancer from their top-secret, bomb-building jobs.

But some may get another shot at help.

Next week, federal officials will begin studying whether thousands of ill workers at the former nuclear weapons plant should be included in a program meant to speed up compensation. Others will be reworking claims of hundreds more whose applications for help were denied.

"This just shows you how flawed the whole program is," said Tony DeMaiori, who still tries to help the Rocky Flats workers he once represented as president of the local Steelworkers union. "Now, the government and its contractors will be making more profit on the sick nuclear workers when they have to redo everything."

In recent weeks there has been increasing criticism of the compensation program by members of Congress, including Colorado Sens. Wayne Allard and Ken Salazar. They are among former workers and politicians who say the effort to help sick workers has become bogged down in red tape.

Congress created the aid program seven years ago in the face of mounting scientific evidence that the Cold War push to build atomic weapons harmed workers' health. Ill workers with certain cancers are eligible for \$150,000 and medical coverage.

They can get aid in two ways: either by proving that exposure to radiation likely caused their ailments, a process that averages nearly three years; or, if the government agrees that available records are too faulty to prove anything, they are put on a fast track and automatically get help for cancers with known links to radiation.

The U.S. Labor Department, which oversees the compensation program, is reopening the cases of 427 workers who were denied aid because government calculations may have wrongly suggested their exposures weren't high enough to cause their cancers. The process of making those calculations is called "dose reconstruction."

"To my knowledge, all the cases that were denied through dose reconstruction need to be reopened, because there were multiple changes to the procedures," said Shelby Hallmark, who oversees the program as director of the department's Office of Workers Compensation Programs.

Those changes have come as scientists from the National Institute for Occupational Safety and Health, or NIOSH, continue to discover problems with some of the information they've previously used to estimate workers' radiation doses.

The Rocky Flats workers say the large number of do-overs shows that the government should have granted access to streamlined aid for all Flats workers.

The problem isn't unique to Rocky Flats. The same thing is occurring at nuclear weapons production sites across the nation. In all, the Labor Department has returned more than 4,400 cases to NIOSH because scientists keep changing the way they calculate radiation doses.

The other major issue for Rocky Flats will be the subject of a meeting Monday by members of a White House advisory board set up to determine who deserves automatic compensation. Panel members will discuss whether workers from 19 buildings at the now-demolished site northwest of Denver should have been included on a list of those eligible for streamlined aid.

Earlier this month, the *Rocky Mountain News* reported that data showed dangerous neutron radiation was detected on workers from those buildings during the early days of the Cold War. That, according to the rules, should have earned more than 3,000 people a chance at streamlined compensation if they have one of 22 cancers presumed linked to the site.

Earlier this month, more than 800 former Flats workers from yet another building were added to the list of those eligible for fast-track help after it was determined that they were mistakenly left off. The move triggered a squabble between NIOSH and Labor Department officials, who blamed each other for the oversight.

And it added to the frustration of lawmakers who lately have bombarded Labor Secretary Elaine Chao with letters asking for improvements to the program.

The 800 workers are "only a small portion of Rocky Flats workers who deserve to be covered," said a letter signed by Sen. Salazar and Reps. Mark Udall, John Salazar and Ed Perlmutter, all Democrats.

And last week, Allard asked Chao what her department was doing to ensure ill Flats workers who deserved aid got it.

"The fact that these questions and many others remain suggests a lack of oversight that our government must address," the Republican senator wrote.

More information

Nuclear weapons workers who believe their jobs made them ill can apply for compensation of \$150,000 and medical coverage. Contact the U.S. Department of Labor at 866-888-3322.

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No clear answer on Flats ruling

Scientists have info that suggests risk in buildings

By Laura Frank

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Federal scientists acknowledged Monday that they have records suggesting workers from 19 buildings at the top-secret Rocky Flats site near Denver may have risked exposure to dangerous neutron radiation.

But after they answered questions from a presidential advisory board, it was still not clear why the government didn't see that information as evidence that those workers were eligible for automatic financial and medical compensation for work-related cancers.

"This is certainly a concern to some people, and we want to address it as quickly as possible," said Mark Griffon, who leads work on Rocky Flats for the White House Advisory Board on Radiation and Worker Health.

Earlier this month, the *Rocky Mountain News* reviewed data from a 2003 cancer study of Rocky Flats workers done by the University of Colorado Health Sciences Center and the state health department.

Data collected for the study show more than 3,000 workers in 19 buildings at the now-demolished bomb-making site were at risk of exposure to neutron radiation. That risk is supposed to earn ill workers a chance at streamlined aid if they meet other criteria.

Most workers must prove a link between their toxic exposures and their illnesses, which can take years. But if records are missing and faulty, they can petition for streamlined aid.

Rocky Flats workers did just that more than two years ago. The Labor Department, which oversees the compensation effort, ruled that only a small group who labored from 1952-66 and were potentially exposed to neutron radiation would qualify.

Brant Ulsh, a scientist for the National Institute for Occupational Safety and Health, told the advisory board he had reviewed the CU study and found that it contained no information the government didn't already have.

The study was not among the information Ulsh presented this year to the Labor Department to use when determining which workers would be eligible for automatic aid.

Now, the issue is whether that decision should be revisited in light of the information about radiation in the 19 buildings.

Ulsh argued it would be unlikely for most workers in the 19 buildings to be exposed to dangerous radiation.

But Larry Elliott, who directs NIOSH's work on the compensation program, said the workers might have been assigned to one building but worked in others where neutron radiation existed.

Worker advocate Terrie Barrie, of Craig, participated in the teleconference with the officials Monday. Afterward, she said anyone who worked in any of the 19 buildings should be eligible for streamlined aid.

Advisory board members decided they will interview one of the CU study's authors to learn more about the records then decide how to proceed.

Quality of new plutonium triggers for aging warheads questioned

By H. JOSEF HEBERT Associated Press Writer
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WASHINGTON—Resting atop the Trident II missile, the W88 warhead is among the mainstays of the country's submarine-based nuclear arsenal. For years, however, testing the warhead's components to ensure the weapon produces the intended blast instead of a fizzle has been complicated by a lack of replacement plutonium triggers.

Last summer, the first replacement plutonium trigger in 18 years received "diamond stamp" approval signaling it was ready for use in a warhead. To scientists at Los Alamos National Laboratory in New Mexico, that was a milestone to celebrate. It meant the warheads, after testing that makes the original trigger unsuitable for reuse, could be reassembled with a new trigger and put back into service.

A watchdog group now is raising questions about whether the replacement triggers, also known as pits, can be guaranteed to be as reliable as those already in some 400 W88 warheads. The original triggers were made with the benefit of underground nuclear testing, which the U.S. halted in 1992, and through a different process than the replacements. The last of the original triggers were manufactured in the late 1980s.

The Project on Government Oversight says it was told by some Los Alamos scientists that the trigger certified last July and known as the W88 pit needed 72 waivers from the specifications used for the original triggers, including 53 engineering-related changes.

"With this large number of waivers, how is it possible to objectively tell whether the pit will even work?" said Danielle Brian, executive director of the group that monitors nuclear weapons-related activities. She posed that question in a letter last Friday to Energy Secretary Samuel Bodman.

The government acknowledges differences between the old triggers and their replacements.

The new ones were made by using a mold to cast the grapefruit-size plutonium sphere. The original triggers, all made at the now-closed Rocky Flats facility in Colorado, were hammered into precise form. This process is viewed by metallurgists as producing a stronger product.

Because the U.S. no longer conducts underground nuclear tests, the Los Alamos scientists had to rely on other sources to replicate the original triggers and guarantee that the replacements would be as reliable as the old. These means included small-scale plutonium tests, technical data from past underground tests, and computer codes and models.

Precise manufacture of the trigger is essential.

In a warhead's detonation, a conventional explosive packaged around the pit compresses the plutonium inward, creating enough pressure for an atomic chain reaction. That, in turn, creates the high temperatures and pressure to ignite a "secondary" nuclear component. The result is a massive hydrogen blast.

Any variation or flaw in the pit could cause a warhead not to detonate properly or to detonate with less explosive power than expected.

Since last summer's announcement, the Los Alamos lab has made 10 additional W88 triggers. So far, nine have earned the "diamond stamp" from the National Nuclear Security Administration, which oversees the lab's programs. Such approval means they are ready to use.

At least one other replacement pit required 71 specification waivers, a Los Alamos scientist indirectly involved in the production process told The Associated Press. The scientist spoke on condition of anonymity because of the sensitive nature of the issue.

The agency acknowledged there were "more than 70 engineering authorizations"—as it characterizes the waivers—approved in the new W88 pit certification and that this was a "relative high number."

But Los Alamos and agency officials bristle at suggestions that the new triggers might be less reliable or have flaws that could affect their performance.

In an e-mail response to the watchdog group's claims, Bernard Pleau, a spokesman for the agency's office at Los Alamos, said the changes do not "compromise the integrity of the parts. The bottom line—the pits produced meet all functional quality requirements for use and are fully accepted by NNSA."

Kevin Roark, a spokesman for the Los Alamos weapons program said the changes in specifications "have been fully explored, fully vetted and fully accepted by NNSA and engineering analysis (conducted) by us."

A single trigger made at Rocky Flats cost less than \$4 million. At Los Alamos, it has cost an estimated \$430 million over 10 years to certify the first trigger. That difference in cost was noted by Brian in the letter to the energy secretary.

Officials say the cost figures reflect the fact that new facilities and a new process for making the replacement triggers had to be developed. That required extensive computer modeling and testing to assure precise shape, size and weight and that the triggers meet performance requirements.

The change in manufacturing process, from wrought to cast, has been a subject of debate and extensive analysis among those involved in nuclear weapons. Scientists at Los Alamos and at the government's Lawrence Livermore National Laboratory in California concluded the change did not degrade the reliability of the triggers, according to NNSA.

Raymond Jeanloz of the University of California at Berkeley, a longtime adviser to the government on nuclear weapons issues, said in an interview he is not surprised there have been some modification in the W88 warhead, but that does not mean it is less reliable.

"The manufacturing process for the W88 has been incredibly, thoroughly vetted," said Jeanloz. He was on a panel that last year concluded the plutonium in warhead triggers is much sturdier than previously thought, with a life span of as much 100 years.

The government will not say how many W88 warheads it has. The number has been estimated at about 400, in addition to an estimated 3,200 W76 warheads that also are designed for the submarine-based Trident II missile.

On the Net:

Project on Government Oversight: <http://www.pogo.org>

Los Alamos National Laboratory: <http://www.lanl.gov/>

National Nuclear Security Administration: <http://www.nnsa.doe.gov/>

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DEPUTY ENERGY SECRETARY SELL SUBMITS RESIGNATION

Deputy Secretary of Energy Clay Sell has submitted his resignation and will leave the Department of Energy in February, *WC Monitor* has learned. A formal announcement is expected in the coming days. Sell was sworn in as the No. 2 official in DOE in March 2005, replacing Kyle McSlarrow. Prior to his tenure at the Dept. of Energy, Sell worked as a special assistant to President George W. Bush, serving on the National Economic Council and in the Office of Legislative Affairs. Sell also served as majority clerk of the Senate Appropriations Energy and Water Subcommittee, under then-Chairman Pete Domenici (R-N.M.) from January 2000 to July 2003. For more details, see this week's issue of *WC Monitor*. ■