

To: Rocky Flats Stewardship Council  
From: LeRoy Moore  
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At the Stewardship Council on April 17, 2017, Frazier Lockhart gave a very interesting presentation on the cleanup at Rocky Flats. As well done as his presentation was, as he spoke I made a list of errors as well as things he did not talk about. Because my list was so long, I chose not to speak in the discussion period after his talk. I decided to send you the list instead.

Lockhart several times referred to the Rocky Flats Future Site Use Working Group, of which I was a member. The most striking consensus decision of this group was its June 1994 recommendation that the site be cleaned for plutonium to average background from global fallout, which is 0.04 picocuries per gram of soil (pCi/g). The group recognized that it was not possible to clean to this level at present, but it wanted this as soon as possible. It called for the site to be turned into a research center to develop the technology to clean a plutonium-contaminated site. This could be implemented at Rocky Flats but also shared with other plutonium-contaminated sites worldwide. The RF Citizens Advisory Board (CAB) and the RF Local Impacts Initiative, the only oversight bodies then existing, immediately endorsed this recommendation, as did other groups and individuals, making it the single most strongly supported cleanup recommendation made for the site. Neither DOE nor the regulators (EPA and CDPHE) responded. Instead, in July 1996 they adopted the Rocky Flats Cleanup Agreement, with the official plutonium cleanup level 651 pCi/g.

The 651 pCi/g level was so strongly rejected by the public that Assistant Secretary of Energy Al Alm, whose portfolio included cleanup, ordered the DOE office at Rocky Flats to convene a citizen group and fund them to do a study on what the cleanup level should be. Thus, in 1998 the RF Soil Action Level Oversight Panel came into existence. In February 2000 the Panel recommended that the plutonium cleanup level (action level) be reduced from 651 pCi/g to 35 pCi/g. This 99.5% reduction was still 875 times the earlier recommended 0.04 pCi/g.

Had the 0.04 pCi/g goal been adopted, after the cleanup the site could be available for any use, including residential. Mr. Lockhart suggested that the Working Group favored turning the site into a wildlife refuge and cleaning the site to protect a refuge worker, but this was never discussed by the group.

Mr. Lockhart hardly mentioned the broadly representative CAB, a FACA (Federal Advisory Committee Act) body, the sole task of which was to tell DOE what the public wanted for the cleanup. This group was very effective, but it was soon undermined in two ways. First, DOE created the RF Coalition of Local Governments, removing local government representatives from the CAB and giving the DOE two groups to hear from, so DOE could choose what it liked and still claim active public participation. It also at some point brought in its own man, a former employee of the

Los Alamos Lab. He dismissed conflict of interest questions and got himself elected as chair of the CAB. This meant DOE got what they wanted from the CAB.

In the summer of 2000 DOE created the RF Cleanup Agreement Focus Group. It quickly became clear that if one wanted to know what was happening with the cleanup, it was necessary to attend the meetings of this group, which met for 3 to 4 hours twice each month on Thursday afternoons. People with day jobs could play no part. Though Lockhart spoke as if there was ample public participation, the Focus Group shows the opposite. The meeting agendas were created by DOE and the regulators. The public was not allowed to make recommendations. We became spectators.

Mr. Lockhart mentioned that DOE had estimated that the Rocky Flats cleanup would take 60 years and cost \$37 billion, but that the actual cleanup took 10 years and cost about \$7 billion. The public had no part in this decision and was actually unaware that such a decision had been made. At a June 2001 meeting of the Focus Group several of us told DOE that if they would give us an estimate of what it would cost to get the 0.04 pCi/g cleanup, we would lobby Congress to provide the funds. This is when a frustrated DOE leader told us we would not get the cleanup we wanted, because several years earlier in a meeting with Congress members a decision was made that put a cap on what could be spent and how long it would take -- \$7 billion and 10 years. Thus we learned that DOE, Kaiser-Hill and the regulators had long known how the cleanup was boxed in.

Mr. Lockhart did not report that former RF worker Jerry San Pietro had seen a map showing on-site locations where plutonium and other toxins were buried at a depth of 30 or so feet. He tried to get DOE, EPA and CDPHE to remediate the areas shown on this map. When these agencies ignored him, he appealed to members of Congress. Again he was ignored. The deeply buried stuff of which he was aware remains in the environment.

The original official cleanup level of 651 pCi/g could be finished in 10 years at a cost of no more than \$7 billion. Mr. Alm's order that those responsible for the cleanup revise it led to the eventual three-level cleanup plan – 50 pCi/g for top 3 feet of soil; 1,000 to 7,000 pCi/g for a depth of 3 to 6 feet, with no limit of the quantity of plutonium that can remain at a depth below 6 feet. Though Lockhart said these revisions were “worked through with the community,” they were not. The real driver was the agreement with Congress; the revised cleanup could be done without violating this agreement. Once the revised Draft RF Cleanup Agreement was available, 86% of parties commenting rejected what was proposed and urged the agencies to begin anew.

More might be said, but this is enough.