

**ROCKY FLATS CITIZENS ADVISORY BOARD
MINUTES OF WORK SESSION**

November 4, 1999; 6 - 9:30 p.m.

**College Hill Library, Front Range Community College
Westminster, Colorado**

FACILITATOR: Reed Hodgkin

Jim Kinsinger called the meeting to order at 6:05 p.m.

BOARD / EX-OFFICIO MEMBERS PRESENT: Ray Betts, Shawn Burke, Eugene DeMayo, Jerry DePoorter, Joe Downey, Jeff Eggleston, Tom Gallegos, Mary Harlow, Victor Holm, Jim Kinsinger, Bill Kossack, Tom Marshall, LeRoy Moore, David Navarro, Markuené Sumler / Steve Gunderson, Joe Legare, Anna Martinez, Tim Rehder

BOARD / EX-OFFICIO MEMBERS ABSENT: Mary Mattson, Bryan Taylor

PUBLIC / OBSERVERS PRESENT: John Corsi (Kaiser-Hill); Joe Rippetoe (citizen); Allen Schubert (Kaiser-Hill); Bruce Dahm (City of Broomfield); G. Lair (Westminster); John Marler (RFCOLG); Hank Stovall (City of Broomfield); Don Owen (DNFSB); Patrick Etchart (DOE); John Coffman (citizen); Alan Trenary (citizen); Anne W. Callison (Barbour Comm. Inc.); Janice Sinden (Senator Allard's Office); Greta Thomsen (Kaiser-Hill); Ken Korkia (CAB staff); Erin Rogers (CAB staff); Deb Thompson (CAB staff); Brady Wilson (CAB staff)

ROCKY FLATS 2006 CLOSURE PLAN BASELINE PRESENTATION AND DISCUSSION: The Board received a presentation on the site's 2006 Closure Plan Baseline from Allen Schubert, a representative of Kaiser-Hill. The 2006 Closure Plan is a comprehensive strategic planning document to help guide DOE and the contractor through the complex closure of the Rocky Flats site. This will be a living document, with continual refinements to incorporate lessons learned, efficiencies, and new ideas. However, it is likely some of the costs must be reduced in order to meet the projected level of Congressional funding over the life of the project. Many factors remain as a challenge to planners — some are external such as receiver site and orphan waste issues, transportation issues, and certification of containers that will be used in shipping waste. In addition, the outcome of the Soil Action Levels review and final cleanup levels that are set will have an impact on how much of the work will be accomplished, as will the ability of the site to

retain its work force and the specific sequence of work to achieve optimal risk reduction.

The Closure Plan has taken on many forms over the past five years, beginning with the BEMR (Baseline Environmental Management Report) in March 1995, which estimated total project cost to be \$37.3 billion and had a closure date of 2060. Over the years, each iteration of the closure plan has reduced cost and schedule to its current form, which estimates a total cost of \$6.7 billion and predicted closure by 2006. The assumptions used to frame the current plan are based on the best available information, and what the site considers optimal strategies. They acknowledge that many uncertainties will exist throughout the life of the cleanup project. The key assumptions that form the end state are consistent with the vision outlined in the Rocky Flats Cleanup Agreement:

- All Special Nuclear Material (SNM) is shipped to offsite repositories
- All radioactive wastes are shipped offsite for disposal
- All facilities are demolished
- Environmental remediation meets requirements for future open space and limited industrial uses
- Water leaving the site meets all applicable standards
- Receiver sites are available as needed
- Closure caps will be used at certain areas of the site
- Interim Soil Action Levels will conform to those specified in RFCA (October 1996)
- The site will use clean building rubble as fill
- Funding levels are sufficient for closure
- Union agreements are unchanged and the closure contract between Kaiser-Hill and DOE is in place
- Costs of future treatment and disposal of waste is significantly unchanged
- Rocky Flats will not bear the cost of transporting and dispositioning SNM or TRU waste

The site intends to reduce the most urgent risks first, and to sequence the work so as to reduce or eliminate mortgage costs as soon as possible. This closure plan has a different strategy than the 2010 Plan in that it targets an early closure of the Protected Area, thereby freeing up mortgage and overhead costs for maintenance of the Protected Area and redirecting those funds toward other D&D projects. The 2006 Closure Plan calls for accelerated stabilization, packaging and shipping of SNM. Lower-risk soil and building remediation projects will be performed later, and the area to be capped is significantly reduced under this plan. Contingency plans are required, and all external assumptions have some level of contingency planning, such as the future possibility of delayed or halted shipments to the WIPP site.

UPDATE AND DISCUSSION ON RFCA PRINCIPALS MEETING: Representatives from the three agencies involved in negotiations over performance milestones under the

Rocky Flats Cleanup Agreement (RFCA) were available at the Board meeting to talk informally with RFCAB members about the results of the meeting between RFCA principals and outstanding issues still under negotiation. Jessie Roberson (DOE-RFFO site manager), Max Dodson (U.S. EPA Region VIII), and Steve Gunderson (CDPHE) spoke on behalf of their respective organizations.

One of the issues brought before the Board had to do with differences between the positions of EPA, CDPHE and DOE. DOE was trying to set goals looking at 2010, and the other two agencies were looking at 2006. The concerns of the Board center on whether the 2006 closure date can be met.

- **DOE** is concerned about being penalized for trying to be aggressive. There is no straight road to 2006. There must be enough flexibility to shift when necessary, and DOE needs the ability to move from one activity to another. The site's concern is that enforceable milestones tied to activities will limit the ability to do that in a timely manner. DOE would like some leeway, specifically related to when work is performed on remediation of the 903 Pad. Many of the assumptions in the closure plan are dependent upon other entities that are not under control of DOE, so it is important to work together to accomplish the closure. 2006 has not yet been adopted as the formal baseline, as they are still under negotiations. DOE is willing to be held accountable for what happens at the site, but does not want to be penalized if some of the projects, specifically those regulated under milestones, are completed a little bit late. For instance, there are external factors that may be outside of DOE or the site's control, such as issues with the WIPP RCRA Part B Permit. DOE takes the enforceable milestones and their penalties seriously, but the goal is to complete the work. DOE is not asking EPA or the state to give up any of their regulatory authority, but rather to enhance the opportunities for making the 2006 goal.
- **EPA:** Rocky Flats is on the National Priorities List. There are 1,400 sites on that list. Most of those sites are not similar to Rocky Flats in terms of the nature and complexity of the cleanup. But there are construction completion targets that need to be met. EPA wants to move forward with cleanup of NPL sites. EPA wants to help DOE meet its 2006 goal, but without compromising the quality of the cleanup and without comprising worker and public safety. 2006 is achievable. EPA does understand the concerns of DOE, and there is a high degree of uncertainty in some of the work to be performed. However, EPA believes there are certain areas where there is flexibility, and others where there is not a lot of flexibility. The negotiations between DOE and Kaiser-Hill are also going on right now, and DOE is looking for ways to provide incentives for the contractor to achieve 2006. RFCA penalties provide a deterrence, and that is an extremely important part of the basic foundation of EPA's enforcement programs. It is also important to be consistent, and a federal facility shouldn't be different than any other facility that has a RCRA permit. Sometimes penalties are appropriate and sometimes they are not. The

ultimate goal for EPA is also cleaning up the site. There needs to be either incentives for increased performance, or a deterrent for poor performance.

- **CDPHE:** The state wants to make sure it does not give up any regulatory authority. Flexibility will be necessary in order to achieve the cleanup by 2006, and they are open to some of the ideas DOE is proposing. However, delaying cleanup of the 903 Pad until 2005 is unacceptable to the state. RFCA does allow a lot of flexibility; nearly anything can be set as a milestone. There are a lot of reasons that milestones might be modified or discontinued. Things outside of DOE's control, not necessarily DOE-RFFO's control, would be included. There has not been any enforcement actions taken on RFCA milestones. The state's view is that the site should work aggressively to meet a milestone. For instance, in reviewing the Solar Ponds and East Trenches Plume project this summer, the deadline for completion was getting very close to the end. CDPHE was not willing to change the milestone, but felt that DOE had done a good job and made a good faith effort to complete the project correctly, and sometimes under adverse conditions. The state is willing to be flexible to get things done, because everyone has the same interest, which is closing the site.

PUBLIC COMMENT PERIOD:

Comment: Joe Rippetoe: Regardless of whether the site is closed in 2006 or 2010, the property will still be owned by the federal government. As landlord, the government will still have to have monitors, and perhaps even structures to provide an operations center. The second comment: right now the money is flowing, as the administration changes and it gets closer to either 2006 or 2010, the flow will turn into a trickle or a drip. The most important asset at Rocky Flats is the people. Right now there is a drip of people both working for the contractors as well as DOE, who are leaving their jobs. As you get closer to the end, the drip will turn into a flow, then a mass exodus. Those things that are key to getting cleaned up now, while the money and the talent is there — such as the 903 Pad etc. — should be taken care of now. Then, down the road as things slow down, and you may wind up having to leave buildings out there, at least you can leave the buildings in place that won't hurt us.

Comment: Alan Trenary: I would like to see Rocky Flats consider phytoremediation as an option and brought forward. I don't feel that toxins that are deadly for 500,000 years are going to be taken care of in six years. I don't want to see a pad put down to hide this stuff, so that four generations from now they wonder why the ground is so hard when they're trying to dig through it. I don't believe we're going to be able to keep it under control 200-300 years from now, much less 200,000 years from now. I would like to see some serious discussion brought forward about what the Ukrainians are doing to handle their problems and how it may apply to Rocky Flats. I'd also like to see the Board get a

presentation by the International Atomic Energy Agency.

Comment: Hank Stovall: I'd like to hear more about the design cap, and whether it's been validated and plans for its use, to have someone get some information to me about the caps planned for the site.

Comment: John Marler: About DOE incurring a penalty for missing milestones — first what would be the ramifications of a penalty at the site, and then department-wide what are the implications? You've got an incentive package, and a potential penalty. It seems that if the penalty interferes department-wide with DOE's mission to cleanup and close these sites, then why would you want to punish them, which would in turn reduce their ability to properly clean up the site? To me it seems a little counter-productive.

Response: Jessie Roberson: It would be bad both ways. We would pay the penalty. I'm not sure what the fallout would be, but all the entities that are involved in keeping this project on track take those penalties very seriously, and they don't view them positively. Those are bad indicators of performance. The incentives are built to the accelerated closure, and we have an ingrained concern over being penalized for the same driving incentive to accomplish the same goal.

Comment: David Navarro: Our concern is that sometimes we do move too quickly from a safety perspective. And that's in conjunction with the way the performance bonuses are designed. In 771, there was either one workset or four worksets, but all these four rooms had to be done, and there was work in excess of a million dollars for one contractor alone — either got it all, or got none. There was a set up, which is what encourages normally sensible people to do really unsafe things. Some thought needs to be put into issues like that. Also, with this accelerated cleanup, we see some vital safety systems being taken out of service quicker than we think they should be. There's also a security perspective, which is also about money. We need to take a look at the speed things are going.

Response: Jessie Roberson: We're trying to address this in our negotiations. This is not a classic contract. If you provide more flexibility to move around and adjust, we feel that will provide some relief of the concerns you've raised in that area. If you open up the number of activities and the work that has to be done to get there, and provide flexibility to move from one activity to another based on what you're up against, I think you can provide some relief from those types of concerns.

UPDATE ON WASTE/MATERIALS DISPOSITION: Matt McCormick and Lisa O'Mary, with DOE-RFFO, met with Board members to give an update on the site's progress in treating and shipping waste and nuclear materials offsite.

Rocky Flats began shipping certain plutonium metals to Los Alamos in New Mexico in

July, and will initiate shipments of plutonium metals and oxides to Savannah River, South Carolina in January 2000. All plutonium is scheduled to be gone from Rocky Flats by 2002. During 1999, the site completed the stabilization of its "high risk" plutonium residues and repackaged a large amount of residues that will be shipped to the Waste Isolation Pilot Plant. They also began shipments of one category of plutonium residue — scrub alloy — to the Savannah River Site in South Carolina. Residues are wastes that contain higher levels of plutonium than other categories of waste. The site has continued shipments of low-level radioactive waste to the Nevada Test Site for disposal. Low-level waste that also contains hazardous materials continues to be shipped to the privately owned Envirocare disposal facility in Utah. The Waste Isolation Pilot Plant (WIPP) opened in 1999. Since this time, Rocky Flats has been slowly increasing its rate of shipment to the new facility. To date, Rocky Flats has sent more than 20 shipments of transuranic waste to WIPP. In October, the State of New Mexico issued the permit required for WIPP to begin accepting mixed transuranic waste. Rocky Flats will discontinue its regular shipments to WIPP at the end of November while it gets ready to ship mixed TRU waste under the new permit. The site expects to resume shipping to WIPP in January or February of 2000.

Site representatives will return quarterly with updates on waste/materials disposition.

RENEWAL OF RFCAB MEMBER TERMS OF OFFICE: Six Board members had terms that expire on November 7, 1999. One of those Board members, Susan Barron, did not seek reappointment as a Board member. The other five individuals (Ray Betts, Jerry DePoorter, Joe Downey, Bill Kossack, and David Navarro) all requested to be reappointed to another term as members. The Board approved their reappointment, and their new terms expire on November 7, 2005.

ELECTION OF OFFICERS: The Board's officers for the year 2000 will be: Jerry DePoorter (Chair), Tom Marshall (Vice Chair), Mary Harlow (Secretary), and Victor Holm (Treasurer). This is Jerry's first term as an officer. The other three were re-elected to second terms in their respective offices. The term of office will begin at the Board's December 2 meeting.

PRESENTATION BY ATTENDEES OF THE SSAB STEWARDSHIP MEETING: Five RFCAB members and one staff member attended the latest in a series of workshops for SSAB members throughout the country. This workshop was held in Oak Ridge, Tennessee, and focused primarily on stewardship issues. Representing the Board were Jerry DePoorter, Bryan Taylor, LeRoy Moore, Tom Marshall, Joe Downey, and staff member Ken Korkia. The meetings were held October 25-27, and the attendees broke out into groups each focusing on separate areas for discussion. Out of the groups came a list of 10 statements that were then agreed to by consensus by the participants. The statements focused on areas such as developing a national policy on stewardship, enforceable site-specific stewardship plans, stakeholder involvement and oversight, tradeoffs between

cleanup and stewardship, and the development of useful information systems. Board members who attended the workshop each gave a brief summary of their thoughts on what happened.

EXECUTIVE SESSION:

- Membership Committee. Mary Mattson had requested a leave of absence from Board activities through January 2000. The Board approved her leave of absence.
- Personnel Committee. Based on an evaluation of his performance and a subsequent recommendation by the Board's Personnel Committee, a salary increase was approved for Ken Korkia.

NEXT MEETING:

Date: December 2, 6 - 9:30 p.m.

Location: Arvada Center for the Arts and Humanities, 6901 Wadsworth Boulevard, Arvada

Agenda: Conversation with Len Ackland, author of the book — Making a Real Killing: Rocky Flats and the Nuclear West; update on the status of milestone negotiations for the Rocky Flats Cleanup Agreement; end-of-year reception

ACTION ITEM SUMMARY: ASSIGNED TO:

1) NONE

MEETING ADJOURNED AT 10:10 P.M. *

(* Taped transcript of full meeting is available in CAB office.)

RESPECTFULLY SUBMITTED:

Mary Harlow, Secretary
Rocky Flats Citizens Advisory Board

The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant

outside of Denver, Colorado.

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