

**Rocky Flats Citizens Advisory Board  
Meeting Minutes  
May 1, 2003  
6 to 9:30 p.m.**

**Jefferson County Airport Terminal Building, 11755 Airport Way, Broomfield**

**FACILITATOR:** Ken Korkia

Victor Holm, the Board's chair, called the meeting to order at 6:05 p.m.

**BOARD / EX-OFFICIO MEMBERS PRESENT:** Dave Davia, Joe Downey, Maureen Eldredge, Jim Fabian, Anne Fenerty, Tom Gallegos, Shirley Garcia, Earl Gunia, Victor Holm, Jim Kinsinger, Bill Kossack, Tom Marshall, Mary Mattson, Alliyah Mirza, LeRoy Moore / Rick DiSalvo (DOE), John Rampe (DOE), Steve Tarlton (CDPHE), Mark Sattelberg (USFWS)

**BOARD / EX-OFFICIO MEMBERS ABSENT:** Henri Jonas, Andrew Ross / Steve Gunderson (CDPHE), Tim Rehder (EPA)

**PUBLIC / OBSERVERS PRESENT:** Gary Chandler (KH); Roman Kohler (Rocky Flats Homesteaders); Sam Dixon (City of Westminster); Gary Schuetz (DOE); David Abelson (RFCLOG); Bill McNeill (Wildlife Refuge TRG); Rick Reynolds (Westminster resident); John Corsi (KH); Alan Trenary (citizen - Westminster); Vanessa Safonovs (student); Anna Martinez-Barnish (DOE); Hank Stovall (City and County of Broomfield); Mark Ferri (KH); Dyan Foss (KH); John Schneider (DOE); Joan Seaman (Littleton); Ted Hopkins (KH); Bob Nininger (KH); Rob Starke (KH); Vic Rizutto (KH); Jerry Henderson (RFCAB staff); Ken Korkia (RFCAB staff); Patricia Rice (RFCAB staff)

**BOARD CHAIR STATEMENT:** Victor Holm began the meeting by extending an apology to Dave Davia and Shirley Garcia for a mistake in judgment he had made earlier in the week during an attempt to answer a serious problem that had arisen. He extended his apology to the full Board for any damage his action may have caused the members.

**PUBLIC COMMENT PERIOD / NEW BUSINESS:**

**Comment: David Abelson, Rocky Flats Coalition of Local Governments.** David stated that he had received numerous calls and emails the previous couple of days concerning the Board, and he appreciated the tone with which Victor began the meeting. He expressed concern with the way DOE is attempting to downsize the Board, but also he is concerned with the Board's response. He does not want to see the Board go down a path where Board members are fighting among themselves, but rather they need to focus on the important issues at the site. Asking members to resign is not an appropriate response, and doing so may prove that the Board is not able to move forward. He added that he was there to support Dave Davia, Shirley Garcia, Victor Holm and the rest of the Board, and to plea for the integrity of the Board. To see the Board crash would not be in anyone's interest.

**Comment: John Corsi, Kaiser-Hill.** John updated the Board on the discovery of an intact incinerator located in the south buffer zone near the west access road. Workers were in the area removing concrete from an old washout area. Site records indicated the old incinerator was located in this area and that it had been removed. Workers expected only to find its concrete slab foundation. Instead they found the entire incinerator measuring 25 feet high by 13 feet wide and 13 feet deep. Currently they are characterizing both the structure itself and the surrounding soil, with the results expected in about two weeks. When the sampling results come back they will develop a path forward. It is likely they will remove the incinerator.

**Comment: Sam Dixon, Member of the Westminster City Council and the Rocky Flats Coalition of Local Governments.** Sam began by expressing her support for Dave Davia and Shirley Garcia. She stated that she is familiar with circumstances when boards have problems, and the best path

**ADMIN RECORD**

SW-A-005391

forward for their resolution is to have a clear set of rules and procedures to follow. It is important for members to learn about them when they first join the group, so that they know what is expected of them and what they should expect from others. Things do come up with groups and need to be worked through.

**New Business:**

Mark Sattelberg with the U.S. Fish and Wildlife Service updated the Board on the status of the deer tissue sampling at the site. His agency is currently negotiating with DOE to sample some of the deer tissue samples (muscle and liver) as part of the Level 3 contaminant survey. If additional funding is made available they will analyze more samples. He also stated that Fish and Wildlife has completed its latest planning update for the CCP (Comprehensive Conservation Plan). The update, which he distributed at the meeting, lists four alternatives and the proposed alternative that Fish and Wildlife is supporting. They will be taking public comment through May and June and there will be a series of public meetings that are indicated in the update.

Board member Anne Fenerty raised her concerns about the actions taken to seek Dave Davia and Shirley Garcia's removal as Board officers. She expressed that all the members were owed an explanation. She stated the Board has a full workload and this could prove a hindrance for the Board. She pointed to sections of the Board's by-laws dealing with member removal and the right for members facing removal to be heard by the Board. She asked that Dave and Shirley be provided this opportunity at this time in a public setting.

Board member Dave Davia thanked those who spoke on his behalf. He stated he would like to learn more about the issues surrounding Victor's request for he and Shirley to step down as Board officers. He asked the Board not use an executive session to discuss these matters, but rather do so in a public forum at this time, even if it meant postponing other agenda topics.

Board member Shirley Garcia also thanked those expressing support for her. She expressed her frustration the day before when informed of Victor's request and that she needed to defend herself. She believes she brings important technical expertise to the Board and the community. She asked how she was in violation of the Board's by-laws and procedures and requested copies of all Board emails discussing this matter. She stated that the Board has worked through some tough issues and that everyone needs to work together as a team. She seconded the idea raised during public comment that that Board needs to develop and finalize procedures. She feels she should be able to interact with staff and ask questions, and that she is a straightforward person. She concluded that the Board needs to move forward and do what it has been asked by DOE management to work on recommendations related to D&D and ER.

Board member Anne Fenerty reiterated that the issue had not been resolved. She praised Shirley for her technical expertise and the help she has provided. She also praised Dave Davia for the expertise he has brought to looking at the Board's budget. She will not stay with the Board if Dave and Shirley leave, and she is concerned they will leave the Board if they must step down as officers. She concluded by again calling for an immediate discussion of the issue.

Board member Victor Holm reminded the Board that there were guests waiting to give presentations to the Board and that the issues they were discussing were scheduled for consideration at 8:30. The issue of whether to have an open session or an executive session would be discussed at that time as well.

Board member Mary Mattson stated that the Board needed to respect its guests and move forward with their presentations, and that we could return to these matters at the end of the meeting.

The Board consented to allow the presentations to move forward and that they would return to the

discussion of these matters at 8:30, at which time they would also discuss whether to have an open or closed discussion.

#### **PRESENTATION ON ROCKY FLATS AIR MONITORING:**

Robert Nininger (Kaiser-Hill) gave a presentation on air monitoring that included a historical perspective, the monitoring program as it is currently structured, and finally monitoring targeted toward activities in the industrial area.

The site must limit airborne releases of radionuclides such that no member of the general public receives more than a 10 mrem dose annually from all isotopes combined. This is commonly referred to as the Rad-NESHAP (National Emissions Standards for Hazardous Air Pollutants). The most impacted member of the public is interpreted as a hypothetical individual standing at the fence line 24 hours per day, 365 days per year. Historically, the site has been well below this standard, with the airborne dose to the general public being typically at or below one percent of the 10 mrem standard.

RFETS has deployed a network of 38 Radiological Ambient Air Monitoring Program (RAAMP) samplers around the site boundary, around the industrial area and the 903 Pad. The spacing of these samplers is designed to capture emissions from the site, no matter what the wind direction. The RAAMP samplers operate continuously. Each one has a high capacity vacuum pump that draws air through a filter in which radionuclides become embedded.

The perimeter samplers are used to demonstrate compliance with the Rad-NESHAPs. By contrast, the 10 RAAMP samplers encircling the industrial area are used for performance monitoring; that is, to verify that the controls being applied to the projects are actually working as intended. If there were surprises or unanticipated emissions from projects such as the demolition of Building 776, the entire array of monitors would be used to characterize what happened to the plume in the atmosphere and where the radionuclides went. Another 10 RAAMP samplers surrounding the 903 Pad serve the same purpose for that project.

All industrial area and 903 Pad samplers operate continuously. Filters are changed on a weekly basis and analyzed with a screening level technique known as gross alpha analysis. The filters cannot, however, be analyzed as soon as they are removed due to the fact that radon and its daughter products will have been captured on the filter. To reduce radon interference, the filters are allowed to sit for 72 to 90 hours before doing a gross alpha count. If activities in the performance monitors are observed above a certain preset concentration (action level), then this puts the projects on notice that their activities may be impacting air quality immediately around the industrial area.

Since environmental monitoring aims to measure small changes from the status-quo emissions that have been seen at RFETS, it must be geared toward detecting relatively low concentrations of radionuclides.

Project-specific environmental monitoring for beryllium is to be done for the demolition of selected beryllium buildings on the south side (B865, 883 and 444). Six low volume air monitors will be deployed close-in around the buildings. Unless something unexpected is observed during the demolition of those buildings, the site does not anticipate the need to do this type of monitoring for B776.

It was asked why the buildings use real-time instruments whereas those devices do not work well outdoors for purposes of environmental monitoring. Gary Chandler (Kaiser-Hill), rad safety manager for the B776 Project, said the individual projects are concerned with worker safety. By federal law, rad safety monitoring must be done in order to protect the project worker as well as the collocated worker. An outer rad-control boundary will be set up around the building to protect the collocated worker, who is assumed to be wearing no protective gear. The boundary will be sensitive to wind direction and the precise boundary line will be continually refined based on low volume portable samplers set up in the area. Closer-in will be the project rad worker protection boundary, also verified by portable low-volume air monitoring and by personal lapel air samplers worn by the workers themselves. It is established based on the premise that inside that boundary workers will be wearing the necessary and appropriate protective gear. Filters from all of these samplers will be pulled twice a day; that is, when the workers go to lunch and again at the end of the day. Results will be available within 2-3 hours, and will give the project an idea of whether an adjustment in engineering controls is needed, whether the personal protective equipment (PPE) needs upgrading, and whether the respective boundary lines themselves need

adjusting.

CDPHE's own independent monitoring network mimics that of RFETS, with samplers arrayed around the site perimeter, the 903 Pad and the industrial area.

Who has stop-work authority in case control deficiencies are identified through sampling? The answer is the Project Manager, the Rad Safety Manager for the project, and indeed every single worker on the project. This authority further extends to DOE as well as the lead regulator, CDPHE.

There was a concern raised by a member of the audience regarding the data presented graphically during Dr. Nininger's presentation. Some of the data showed plutonium alone, whereas the 10 mrem standard is based on the dose contribution from all isotopes combined. Dr. Nininger responded that many of the graphs present an example of the data gathered for plutonium, the primary isotope that is measured at Rocky Flats. However, the dose trends graphic did depict the dose from all isotopes combined, the same basis used to determine regulatory compliance. Another question from this same member of the public had to do with the concerns raised years ago by Dr. Gale Biggs and Dr. Harvey Nichols regarding the effectiveness of RFETS air monitors. Dr. Nininger said the site has responded to their concerns in a number of forums, but the audience member insisted that this be done in writing. Finally, there was an interest in knowing what the projected emissions are from taking down B776. The site was not prepared to speak to this issue this evening, but offered to address it at a future Board meeting.

#### **DISCUSSION ON BUILDING 776 DEMOLITION:**

The Board invited a panel of site experts to react to some of the issues raised by the Board and answer additional questions. Participants on the panel included Steve Tarlton with the Colorado Department of Public Health and Environment, John Schneider with the Department of Energy, and Mark Ferri and Gary Chandler, both with Kaiser-Hill.

The Board first inquired about the status of a new monitoring device EPA is developing that would allow for quicker indication of plutonium contamination. This new device is based on chemical analyses rather than radiation detection. The site is somewhat skeptical that it will work. Other issues raised included:

- ✓ **Characterization:** The site is obligated to perform characterization. They currently are in the planning phase for a full-scale program, but some in-process work has been done. They are doing core sampling of walls and concrete floors. They also are doing "coupon" sampling whereby small cutouts of material are being removed from areas such as ceilings.
- ✓ **Explosives:** The state has not approved use of explosives and the site has determined they will not do any explosives removal or demolition on the building, with a couple of possible exceptions. The first exception is the concrete footings for the building's foundation where they might consider cracking agents. The second is a thick concrete wall at the back of the building away from the contamination area. They would use explosives on these areas only if they meet free release standards.
- ✓ **Waste piles:** The site will try to keep waste piles to a size that can be readily scooped up and put into approved waste containers each day. They need to balance the safety of bringing down small portions of the building down at a time with the dangers of compromising the structural integrity of the building.
- ✓ **Air modeling:** The Board inquired about the scenarios the site was using for its air modeling. Their bounding or worst case scenario would include roof collapse.
- ✓ **Beryllium:** There are two areas within the building with high beryllium contamination. These will be remediated to below a standard of 0.2 micrograms per one hundred square centimeters before demolition.

- ✓ **Asbestos:** There are appreciable amounts of asbestos in the building. Sixty percent of the exterior walls are comprised of an asbestos containing material that will require removal before demolition.
- ✓ **Independent verification:** The site recognizes the importance of independent verification of whether contamination is removed in circumstances where free release standards are necessary, but is uncertain in this case where the debris will be hauled away as a radioactive waste.

The Board concluded its discussion on Building 776 by identifying a path forward for completing its review of the Decommissioning Operations Plan (DOP) modification. The public comment draft is scheduled to be released by May 27, although this date might be pushed forward. The Board decided that its Closure Projects Committee would proceed in drafting comments and recommendations at its meeting scheduled for Monday, May 5. The committee will then forward its comments to the full Board for review via email. Once the public comment draft of the DOP modification is released, the committee will scan the document to evaluate how and if the Board's concerns have been incorporated. Final approval of any comments and recommendations will occur at the next Board meeting on June 5.

Two additional areas were raised during the discussion for the committee to examine. The first concerns the final characterization for the building, both in terms of the process and the final results. The second is whether the site might employ a controlled experiment on contaminated sections of the building to determine the potential for release during demolition. Site representatives stated they are looking at Building 771 that contains non-load-bearing concrete block walls as a test case. The problem with doing such an experiment in Building 776 is that many of the contaminated walls are load-bearing and cannot be removed without jeopardizing the workers.

#### **BOARD STAFFING DISCUSSION:**

With the departure of the Board's Office and Communications Coordinator, Ken Korkia presented a proposal to the Board for how various staff functions could be accomplished without hiring a full-time replacement employee. Remaining staff members would pick up the majority of the tasks with the exception of bookkeeping activities, website maintenance, and desktop publishing. These functions would be handled by contracting with outside sources. Deb French has indicated a willingness to continue maintaining the Board's website and to do the layout design for the Board's annual report and newsletters. She would charge \$20 per hour plus mileage. Ken has met with a bookkeeper, Kay Diehl, who was recommended by the Board's accountant. Ms. Diehl would handle accounts payable, journal entries, financial report preparation, and liaison with the accountant. She also would charge \$20 per hour plus mileage. Ken indicated the budget impact is estimated at just over \$2,300 through the remainder of the year for the services provided by both of these contractors. Neither contractor would be considered an employee of the Board; they are not guaranteed a minimum amount of work and can be terminated at any time.

The Board discussed the proposal and approved the hiring of the two outside contractors.

#### **DISCUSSION OF WHETHER TO MOVE INTO EXECUTIVE SESSION:**

Victor Holm asked Board Secretary Joe Downey to chair this portion of the meeting.

Continuing the discussion from the beginning of the meeting, the Board deliberated the need to move into executive session to discuss Victor Holm's solicitation of Dave Davia and Shirley Garcia's resignation of their positions as Board Treasurer and Vice-Chair, respectively.

Board member Tom Gallegos stated that because this discussion involves concerns raised by the Board's staff it is a personnel matter and needs to be considered in executive session. Historically the Board has considered both personnel and membership issues in executive sessions.

Board member Maureen Eldredge expressed concern that this matter has been discussed so widely outside the Board.

Board member Dave Davia noted that he is not a paid employee, so it is not a personnel matter. Therefore, the

discussion should be open. If it is closed, he would at least like to see that the ex officio representatives be allowed to participate.

Board member Shirley Garcia stated that she felt personally attacked and was not given an opportunity to even know the allegations against her. She demanded an open, public discussion of the matter.

Board member Earl Gunia stated that he is not totally aware of what the concerns are and the discussion should be closed until the Board gains a better understanding.

Board member Tom Gallegos stated that this issue is for the 501(c)(3) corporation and needed to be discussed in executive session.

Following this discussion, a vote was taken on whether to close the meeting to the public and move into executive session. Nine members voted in favor of closing the meeting and moving into executive session, 3 voted against, and 2 members abstained.

The regular meeting was closed at 9:00 and the Board moved into executive session.

#### **EXECUTIVE SESSION:**

The Board continued its discussion of the matter involving Victor Holm's request for Shirley Garcia and Dave Davia's resignations as officers of the Board. The Board took no action on Victor's specific request. They did agree to form a grievance committee to investigate concerns raised by members of the Board's staff in relation to this matter. Members agreeing to serve on the committee include Jim Kinsinger, Tom Gallegos, Anne Fenerty and Alliyah Mirza.

#### **NEXT MEETING:**

*Date: June 5, 6 to 9:30 p.m.*

*Location: Jefferson County Airport Terminal Building, Mount Evans Room, 11755 Airport Way,  
Broomfield*

*Agenda: TBD*

#### **MEETING ADJOURNED AT 10 p.m. \***

(\* Taped transcript of full meeting is available in the RFCAB office.)

RESPECTFULLY SUBMITTED:

Joe Downey, Secretary  
Rocky Flats Citizens Advisory Board

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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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