

**ROCKY FLATS CITIZENS ADVISORY BOARD
MINUTES OF WORK SESSION
April 11, 1996**

FACILITATOR: Reed Hodgkin, AlphaTRAC

Eugene DeMayo called the meeting to order at 6:10 p.m.

BOARD / EX-OFFICIO MEMBERS PRESENT: Alan Aluisi, Jan Burda, Tom Clark, Ralph Coleman, Tom Davidson, Eugene DeMayo, Tom Gallegos, Mary Harlow, Kathryn Johnson, Susan Johnson, Sasa Jovic, Beverly Lyne, Tom Marshall, LeRoy Moore, Linda Murakami, David Navarro, Gary Thompson / Dave Brockman, Jeremy Karpatkin, Tim Rehder, Steve Tarlton

BOARD / EX-OFFICIO MEMBERS ABSENT: Mike Freeman, Paul Grogger, Mike Keating, Jack Kraushaar

PUBLIC / OBSERVERS PRESENT: Carol J. Barker (RF retiree); Daryl Hornbacher (RF retiree); Wally Gulden (RF retiree); Jim Barela (RF retiree); Karen De Lockroy (RF retiree); Chuck Hurbner (citizen); Hank R. Ellis (RF retiree); Cecil Cooksey (RF retiree); Joe A. Barela (RF retiree); James D. Kelly (USWA retiree); Robert Coppin (citizen); Ron Morris (retired RF); Kay Ryan (SWEIS); R. A. Schonloel (retired); Eugene Ignalzi (RF retired); Ric Schmunk (RF retiree); Jeff Krause (citizen); Bruce Jackson (retired); Ralph Stephens (retired); Dave Gally (SAIC retired); Arliss Huber (retired); W. C. Huber (retired); Fred Ernst (retired); Don Ethridge (retired RF); Virginia Ethridge (retired RF); Victor Holm (citizen); W. R. McFarland (citizen); J. E. Brown (USWA retired RF); Val B. Csathr (retired RF); Janet E. Brown (disabled employee); D. G. Bingman (former RF employee); B. L. Gregg (RF retiree); D. G. Heberlein (RF retiree); Duane Duran (retired RF); Roy Garvert (RF retired); Robert Hilbig (retired RF); Charles Decker (DOE); J. H. Rhynard (RF retired); J. F. Richardson (RF retired); Randy Chryst (TCS); Les and Kathleen Johnson (citizens); William Ramer (retired); Joann Kerfent (RF retiree); Joe Finch (RF retiree); Roman Kohler (RF retiree); Paul Thompson (RF retiree); Robert Distel (RF retiree); David Moody (LANL); Duane Catlett (LANL); Hank Stovall (City of Broomfield); Larry Helmerick (DOE/CED); Mike Brown (citizen); Lou De Santis (retired employee); Cliff Villa (EPA); Norris DeLucero (RF retired); Jill McLaughlin (K-H); Frank Smith (citizen); Joe F. Rippetoe (IMAA); J. D. Connor (Arvada Community News); Farlin Ward (retired); Maggie Wood (Parsons Brinckerhoff); Niels Schonbeck (Metro State College/HAP); Charles M. Salmon (retired RF); Dick Hamilton (retired RF); Don Scrimgeour (CAB interim project administrator); Ken Korkia (CAB staff); Erin Rogers

ADMIN RECORD

1/12

(CAB staff); Deb Thompson (CAB staff)

COMMUNITY OUTREACH COMMITTEE UPDATE (Kathryn Johnson): In response to concerns from public, a few changes have been made. First, there is a comment/question/suggestion card for those who may wish to ask a question or comment on an issue. If a personal response is requested, that can be done within two weeks. A copy of all responses will be provided at the next month's Board meeting. Also, there will now be a 10-minute public comment period at the beginning of each Board meeting. When possible, presentations will be held in Council Chambers at Westminster City Hall, and the public will be included in the question/answer session after presentations. If you have suggestions for a new room configuration, let staff know.

PUBLIC COMMENT PERIOD: About 100 retired and disabled Rocky Flats workers attended the meeting. They came to voice their concerns about potential cutbacks in medical benefits for retirees and disabled Rocky Flats employees. CAB's Health Committee will be responsible for following this issue.

Comment: Janet Brown: Janet is co-chair of an organization called Rocky Flats Retired and Disabled Benefits Protection Committee. She read a prepared statement discussing possible proposed cuts to health care benefits for retired and disabled workers (a complete copy of that statement is attached at the end of these minutes).

Comment: It has come to our attention that the current contractor at the plant, while entering into an agreement on the Rocky Flats Vision - there are things going on at the sidelines which are everything but that. People representing city councils should listen very closely. There has been an agreement signed between the Building Trades labor union, the Steelworkers and Kaiser-Hill, which in my opinion compromises safety. This Board should be looking at that. In the preamble it talks about achieving accelerated cleanup, ensuring that the plant doesn't pose a risk and working toward the removal of contaminated waste in a safe manner, but this agreement is signed and sealed and we're talking about decontamination by the pint and by the pound. I've never heard that before. They make reference to DOE publications; I have requested those from DOE and Kaiser-Hill for the last three months and gotten nothing - because I don't think DOE has mandated this agreement. In addition, they've signed away the right of the rank-and-file to file a grievance or a protest, they're going to reduce security coverage at the plant - it's not going to be very safe with tons of plutonium out there. Now we have a company telling us what's safe, and saying we can terminate your benefits any time we want to. I'm hear to tell you no, you're not going to terminate our benefits, we're not going to let you. Those who have responsibility should not forget those of us who can't speak in any other forum except this. I'm really troubled and frustrated that I have to now stand back and watch all of the years' work by these people now be threatened in the twilight years when they should be able to look back at their work and look forward to some security. We're asking for your help tonight. I know it's not your fault, but we have to come to you because

you're recognized and we're not.

Response: Dave Brockman: DOE didn't direct the agreement. The safety requirements remain the same. Our expectations of the contractor remain the same, nothing in this diminishes our safety expectations. Cleanup will be done under strict controls.

Comment: Eugene Ignalzi: Funding for Kaiser-Hill comes from DOE. I'd like to know if DOE is in favor of the cuts to our medical benefits, and if Hazel goes along with it? Is there a deal between DOE and Kaiser-Hill that if you save some bucks, we'll give you a percentage? Doesn't DOE take the responsibility of honoring the commitments of its contractors - EG&G, Rockwell, Dow Chemical - we were promised all of our benefits.

Response: Dave Brockman: The contract allows for cost savings, whether the cost savings are taken from this or not, I'm not sure. DOE did not make these commitments - DOE wasn't your employer.

Response: Jeremy Karpatkin: Your questions are reasonable, and I'm sorry my colleague and I don't have the answer for you - but we will get you the answer. We can't do it right here because it's outside our expertise.

Comment: Mike Brown: The turnout here tonight should illustrate something to the Board - that is retirees and disabled worker issues are very important to these people. Obviously we took you by surprise tonight, but I recommend that you place this issue as a permanent agenda item, or as the focal point of next month's meeting.

Response: Eugene DeMayo: This is a large issue that needs some discussion between the concerned citizens, Kaiser-Hill and DOE. I would suggest that some preliminary meeting be set up between the appropriate people in Kaiser-Hill, DOE and your representatives. If that's not successful, I'd ask that you talk to Beverly Lyne, who is the chair of CAB's Health Committee, to see what else we can work out. The way we set our agenda is our committees bring issues for us to discuss, usually with recommendations attached. If you want a recommendation from this group, we'd be happy to entertain that if you bring it through our committee. Next month's agenda has already been set.

Response: Nancy Tuor: We'd be glad to meet on this issue. I understand the interest in the issue. I have no knowledge of any proposals that are on the table to change the medical co-pays or any medical insurance benefits for any retirees. So obviously you're getting information that I am not aware of, and that is an area of responsibility that I have. On the labor union agreement, I would just comment that one of the issues that has been a large issue at many DOE facilities has been the work relationship between the building trades unions and the Steelworkers unions as sites move into the D&D activities. The agreement that was referred to is an agreement that we have reached between the two unions at the

site about who will own what work - what element of the work needs to be done by the Steelworkers and the expertise they have in plutonium, and as we move into tearing buildings down, what point you move into building trades workers. We don't believe there are any safety issues involved, but if there's a disagreement we'd be glad to talk to anybody about that. If you will give me a name and phone number, we will be glad to set up a meeting on the issues. We will also report back to the Board.

Recommendation: Send letter to DOE and Kaiser-Hill requesting that a meeting be scheduled with all those interested in disabled/retired Rocky Flats worker issues, to notify the Board in advance of the meeting, and requesting a written response on the issue.

Action: Motion to accept. APPROVED BY CONSENSUS.

RFCA: SUMMARY / IMPLICATIONS (Jeremy Karpatkin, DOE): Goals of RFCA: to try to get us to cleanup faster, quicker, safer and better. RFCA is a procedural document which streamlines the processes, to reduce risks, to accelerate cleanup, to try to work toward real alignment with the public on the goals of the site and the values of the community. RFCA attempts to define the roles and responsibilities of the parties. Some of the major elements: the Vision, which is not a legally enforceable document as are the other parts; and the goals and objectives section. The idea was to make the goals, objectives and the Vision simultaneously visionary but to also be a useful guide to what can be done now and in the future. The documents attempt to set a regulatory process and legal framework - to streamline and rationalize so that cleanup can be done more efficiently and effectively. The attachments/appendices contain a wealth of information and data about the site. RFCA provides a clear vision, focuses on risk reduction, establishes a target date for plutonium removal of 2015, provide a framework for cleanup. The goal is to transport special nuclear materials and transuranic waste off-site; WIPP is the designated shipment site at the moment. If for some reason WIPP is not available, other off-site locations will be found. RFCA protects downstream water supplies and sets standards for protection; calls for and mandates involvement of the public, community groups and elected officials; integrates all work at the site through the budget process; and it provides a stronger and more effective oversight role for the regulators. RFCA does not address future uses of the site. There are cleanup level criteria set for air, water and soil. Cleanup to background is a long-term goal for the site, although it may not be achievable with today's technology.

Discussion & Q/A Session:

Question: There have been a series of agreements DOE has made with the state and EPA. What assurance are there that DOE is going to live up to this agreement this time?

Answer: This agreement was written with an eye toward why the prior IAG didn't work,

and toward developing an agreement that would be more workable, prioritize cleanup, and that would not get the agencies caught up in endless disputes, but accelerate the cleanup. Any agreement is only as good as the parties that work on it. The agencies have been presenting this agreement and the Vision jointly to the public, there has been a significant amount of cooperation. There is an urgency to getting on with it, solving issues, a convergence of goals. RFCA is a tool to get cleanup done better and faster and cheaper.

Response: What's new is the contract form of the performing contractor. Instead of being cost-plus, he must meet milestones to get paid. That will make a fundamental difference.

Comment: The principals set an agenda for the cleanup at Rocky Flats among themselves - that was all government agencies and the citizens and stakeholders were not invited. If we want to get to a complete agreement on Rocky Flats, more citizens should have opportunity to comment on what goes on out there. I want Kaiser-Hill and DOE to state their agenda in the newspapers, to take out a full-page ad, and match that with what the CAB is looking for in cleanup.

Question: It's my understanding that process waste and deactivation are not regulated under the agreement, is that right? And if so, why?

Answer: That's correct. The process waste is already regulated under the state's hazardous waste laws, and that regulation will continue. Deactivation is an activity surrounding operations of special nuclear materials and that is governed under the Atomic Energy Act, and as such neither the EPA nor the state have the authority to regulate that. We're contesting that.

Question: Not all of the deactivation will take place in areas with special nuclear materials, is that right?

Answer: It's a matter of definition - if you remove the deactivation of special nuclear materials, then in effect under RFCA deactivation ends and you move into decommissioning, which is regulated under the Superfund law.

Question: Regarding the process waste, I thought the state's hazardous waste regulation would be in RFCA, that's not the case?

Answer: No, it will just continue as it has in the past.

Question: You say the budget will be considered by all parties - are all parties just the agencies who will be considering the budget or are any other parties involved?

Answer: In this document, "parties" refers to the signatories to the agreement. However,

there is a detailed process for what happens in the event there is a dispute between EPA and the state over milestones, and that involves the CAB. Second, the site is committed, regardless and independent of RFCA, to a rigorous public involvement program on the budget.

Question: It's my understanding that the plutonium milestones are not enforceable, and that DOE is contesting EPA's claim that it does have the responsibility and the legal authority to regulate those milestones. Is that correct?

Answer: No, we're not contesting it. They haven't said that there is an imminent threat of release out there. They haven't taken that step. The legal jurisdiction is triggered under the CERCLA - the release or substantial threat of release of a hazardous substance into the environment. Plutonium is a hazardous substance, and the question is whether what is inside the buildings presents a substantial threat of being released into the environment. We did prepare findings that we believe demonstrated there was a substantial threat. That was based on information we received from DOE. Those findings were contested by DOE. When there's a legal dispute between two agencies, either agency can submit a legal question through the Justice Department. That was sent to the Department of Justice in February. While that question is pending, we have identified plutonium activities in Appendix 6. So the milestones are unenforceable.

Question: I would like to request that CAB be furnished with a copy of the memorandum that DOE has submitted to the Department of Justice on this question that's contested between EPA and DOE.

Answer: Tom Grumbly has said that if Justice says that he can get the plutonium milestones to be enforceable, he'll do it. What we're disputing with EPA is whether we have a situation out there that is a substantial threat of release. We don't believe we have that.

Question: You said there is a single process for regulatory decisions. Can you briefly describe that single process?

Answer: For the industrial area, the state has the lead. For the buffer zone, EPA has the lead. We also deal with the Defense Board, which has power and influence over what we do with plutonium, etc. That's how we focused in on a single regulator. There is a lead agency for each area, the agency that makes the decision, and it's their process we follow. We can also send you a summary description of that.

PRESENTATION - THE 1998 DOE BUDGET SUBMITTAL (John Schneider, DOE): John discussed the FY98 budget submission for Rocky Flats, which runs from October 1, 1997 through September 30, 1998. There are two kinds of funding available:

Environmental Management (EM) and Defense Programs (DP). DP funding helps to pay for plutonium management; EM funding pays for everything else. The target budget for FY96 was \$584 million; FY97 = \$537 million; for FY98 = \$494 million. DOE has planned two other cases: one at a funding level 15% lower than the target amount, and the second at a level 15% higher. The budget must be to DOE-HQ by April 15, 1996, where it goes through extensive review by headquarters and OMB. Near-to-final numbers will come out of this process in the fall of 1996; final numbers won't be available until summer 1997. For FY98 there will be one single funding source from Environmental Management, the Environmental Restoration EM-40 account. This budget integrates all site activities, and has a more project-oriented work breakdown structure. Historically, the M&O contractor prepared the budget, but this year DOE is taking the leadership role in developing it. Some items planned for in FY98 budget: maintain building and site safety conditions; safe plutonium storage; liquid residue and plutonium stabilization activities; compliance with RFCA, DNFSB recommendations, FFCA, and the Residue Compliance Order. DOE plans a significant increase in offsite waste disposal - they plan to ship to WIPP and are not currently planning to dispose of waste onsite.

PROPOSED CAB RECOMMENDATION ON 1998 BUDGET AMOUNT AND PRIORITIES (Mary Harlow and Tom Davidson): A working group of CAB members met several times, and drafted a recommendation to DOE on the FY98 budget. The recommendation states the following: 1) an analysis of base cost to determine if there are inefficiencies or duplicity, as that funding could instead be applied to cleanup costs. 2) Costs of litigation covering legal expenses of former contractors should come out of headquarters budget and not take away from funds used for RFETS' mission. 3) Increased funding for waste disposition to address an onsite TRU waste storage facility, new assay technology, and developing monitorable/retrievable waste storage capability. 4) Appoint an onsite representative to promote and plan for deactivation and decommissioning activities in order to lower mortgage costs. 5) Support for prioritization methodology, with caveat that more time be allocated to examine the methodology and its results. 6) CAB involvement early on in FY99 budget process.

Recommendation: Approve recommendation on 1998 DOE budget amount and priorities.

Action: Motion to accept. APPROVED BY CONSENSUS.

PUBLIC COMMENT PERIOD:

Comment: Don Voss: I'm a former Rocky Flats worker who worked in the plutonium area for a number of years. Is there a place in the budget for retiree benefits, something that we might consider entitlement or commitments to programs? Is there a commitment to maintain the budget for retirees?

Response: John Schneider: There is a place in the budget for that. Unfortunately, I am not an expert on how that works. I can't answer your question right now, but we can get an answer to where that appropriation is and how much it is. I don't know if there is a specific commitment.

Comment: Janet Brown: I would like to make a comment on Ms. Tuor's statement earlier and to ask a question because I heard some conflicting statements. I was told yesterday by a U.S. Department of Labor investigator that Kaiser-Hill is looking into reducing the health care benefits for the retirees, and it is currently under legal review. I also contacted Congressman Skaggs' office and was told by the Rocky Flats representative from his office that it was a definite possibility, that Kaiser-Hill felt they could save \$500,000 by establishing one medical program for retirees and employees, and an additional \$750,000 by making Medicare the primary insurer for all those who qualify rather than the company. I would like to know, what is the real answer?

Response: Nancy Tuor: We are currently going under a review of the 1997 budget. Everything in the budget is being looked at. There have been a number of ideas on the table about different ways to find more room to fund mortgage reduction and risk reduction. I have not had a specific proposal brought to me for any reductions in retiree benefits. Those have to go to me before they go on to the management team, and then it would be proposed to DOE. I will tell you that my staff is looking at a lot of different ways to generate cost reductions in light of significant budget reductions we're facing, to find more money to do the things you're looking at. I'm familiar with one issue - the \$500,000 - which would not change the benefit. We would save that money if we were to put all of the employees under the same insurance program - no change in the benefits or change in what you pay, but administered one program as opposed to 15 different retiree medical programs. That discussion has occurred, but has not come to me as a recommendation yet.

Comment: Janet Brown: The investigator I spoke with said that she spoke with you.

Response: Nancy Tuor: Again, I have not signed off on that. The investigator called me as a result of a call from Ms. Brown. I received that call yesterday from her with an inquiry on the disability issue and we had a discussion about related issues.

Comment: Wally Gulden: It seems to me that the \$20 million that the taxpayer is paying for the litigation, per the Denver Post, could be looked into more than trying to shaft the retirees. Many of us around here have cancer, we fought the fire in 1969. We won the Cold War, we're getting shafted. But \$500,000 is a drop in the bucket compared to \$20 million litigation coming out of DOE's budget. That is ridiculous. Something's got to be done. That \$20 million should not come from taxpayers or the retirees.

Comment: Ron Morris: Nancy mentioned the medical benefits based on the time you left the plant, and that is really all we want, to maintain what every group had at the time they retired, not adjusted for anything that would degrade that agreement. That's the commitment we want to get.

Comment: Frank Smith: I would like to commend to the Board on the motion you've just passed, that you challenge the litigation. You shouldn't be litigating matters if it's only being done for principle or for perfection. Let's be economical in solving the problems of litigation and try to do it without making it the lawyer's friend.

Comment: Floyd Dove: Can Kaiser-Hill and DOE give us some assurance in writing that our benefits will not be changed?

Response: Nancy Tuor: If you can guarantee what Congress will do with funding for the site - we really don't know what the future's going to hold in Congressional funding. I am sympathetic to the fact that nobody wants to see a change. The dilemma we're faced with is how do we balance all of these competing needs - cleanup requirements, an aging facility getting worse from a safety standpoint, the responsibility to our employees and the retirees and the residents and the regulators. We're hoping there won't be changes in benefits, but I'd be telling you something that wasn't true if I made that pledge.

Comment: Janet Brown: For those disabled workers like me, I feel that was a poor place to start with the budget cuts, people who are disabled and trying to live on a fixed income. A lot of us are terminally ill as it is, there are only 50 of us. That's a poor management style that Kaiser-Hill initiated to cut those benefits.

Comment: LeRoy Moore: We've heard a lot about mortgage costs at Rocky Flats. Those are more or less fixed expenses. I can't understand why the present contractor and DOE, responsible for the history of Rocky Flats and the work force there, can't look at the expenses of care for past workers as belonging in that category of fixed amount. Set it aside and protect it. This maybe doesn't fit the corporate pattern of 1996, but it does fit the human reality of the people in the room.

Comment: These people you're listening to about cleanup, etc., you can see what's going to happen, the same attitude they're showing the retirees can be projected to how eventually they will answer your concerns. I don't want to see anything happen that harms my fellow workers.

Comment: What this equates to is what I call "all bets are off" management, if you change the name of the contractor or the manager, the individual and the accountability for that activity goes away.

ELECTION OF BOARD OFFICERS: The following CAB members were selected to serve as the Board's officers for the next year: Tom Marshall (Chair), Linda Murakami (Vice-Chair), David Navarro (Secretary), and Jan Burda (Treasurer).

SITE WIDE ISSUES COMMITTEE:

Recommendation on Hazardous Waste Identification Rule (Susan Johnson). The Site Wide Issues Committee prepared a recommendation asking to send a letter to EPA Headquarters stating that CAB is concerned with mixed waste portion of HWIR, which could result in mixed waste being exempt from regulation under RCRA.

Recommendation: Approve recommendation, and send letter to EPA. Several Board members were concerned with the language of the recommendation, and did not support sending the letter.

Action: Motion to accept. NOT APPROVED.

Nomination of co-chair (Tom Marshall). The Site Wide Issues Committee has selected Susan Johnson to serve as co-chair of the committee.

Recommendation: Approve Susan Johnson to serve as co-chair of the Site Wide Issues Committee.

Action: Motion to accept. APPROVED BY CONSENSUS.

Letter to DOE regarding Site Wide EIS (Tom Marshall). The committee drafted a letter to DOE recommending that the Site Wide EIS be completed; that the scope of analysis not be diminished; that all major projects anticipated to happen over the next 10 years be included; and that it evaluate alternatives for treatment, packaging and storage of plutonium residues.

Recommendation: Approve sending letter to DOE.

Action: Motion to accept. APPROVED (with seven abstentions).

Letter to DOE regarding ASAP II alternatives (Tom Marshall). The committee prepared a draft letter to DOE asking, once again, that ASAP II alternatives and corresponding data be released for stakeholder review.

Recommendation: Approve sending letter to DOE. A change to the text was suggested.

Action: Motion to accept as amended. APPROVED BY CONSENSUS.

OTHER ISSUES:

Letter to DOE on CAB request for discussion sessions. As agreed at its February Board retreat, the Executive Committee drafted a letter requesting that DOE and CAB set up a meeting to work on developing a more interactive process and forum for developing and following up on CAB's recommendations.

Recommendation: Approve sending letter to DOE.

Action: Motion to accept. APPROVED BY CONSENSUS.

Board/Staff Coordinator position/status. A total of 232 applications have been received for this position. CAB members were asked to volunteer to participate on a Hiring Committee, which will review semi-finalists, interview finalists, and select a person to recommend for the Board to hire. Beverly Lyne, Kathryn Johnson and Tom Gallegos volunteered, and will be on the committee along with new Board officers.

EXECUTIVE SESSION:

Recommendation: Support the Membership Committee's process and decisions.

Action: Motion to accept. APPROVED BY CONSENSUS.

NEXT MEETING:

Date: May 2, 1996, 6 - 9:30 p.m.

Location: Westminster City Hall, lower-level Multi-Purpose Room, 4800 West 92nd Avenue, Westminster

Agenda: Report from Health Committee - Community Health Needs Assessment; Environmental/Waste Management Committee report on cleanup standards and principles; recommendations on Storage and Disposition PEIS and RFCA

ACTION ITEM SUMMARY: ASSIGNED TO:

- 1) Draft and send letter to DOE/Kaiser-Hill re: medical benefits - Staff
- 2) Forward recommendation on budget to DOE - Staff
- 3) Send letter to DOE re: SWEIS - Staff

- 4) Revise and send letter to DOE re: ASAP II alternatives - Staff
- 5) Send letter to DOE requesting discussion sessions - Staff

MEETING ADJOURNED AT 10:45 P.M. *

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

MINUTES APPROVED BY:

David Navarro, 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.

[Top of Page](#) | [Index of Meeting Minutes](#) | [Home](#)

[Citizens Advisory Board Info](#) | [Rocky Flats Info](#) | [Links](#) | [Feedback & Questions](#)