

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

**November 2, 2000
6 — 9:30 p.m.**

**College Hill Library, Front Range Community College
3705 West 112th Avenue, Westminster, Colorado**

FACILITATOR: Laura Till

Jerry DePoorter, the Board's chair, called the meeting to order at 6 p.m.

BOARD / EX-OFFICIO MEMBERS PRESENT: Ray Betts, Robin Byrnes, Eugene DeMayo, Jerry DePoorter, Joe Downey, Jeff Eggleston, Tom Gallegos, Mary Harlow, Victor Holm, Paul Jurasin, Jim Kinsinger, Bill Kossack, Tom Marshall, Bill Petersen, Markuené Sumler, Bryan Taylor, Curt Watts / Steve Gunderson, Joe Legare

BOARD / EX-OFFICIO MEMBERS ABSENT: Mary Mattson, LeRoy Moore / Jeremy Karpatkin, Tim Rehder

PUBLIC / OBSERVERS PRESENT: Shirley Garcia (Broomfield); Karen Reed (EPA); Roman Kohler (citizen); Russell McCallister (DOE-RFFO); Ravi Batra (DOE-RFFO); Ann Lockhart (CDPHE); Dave Shelton (K-H); Allen Schubert (K-H); Ken Korkia (CAB staff); Deb Thompson (CAB staff); Noelle Stenger (CAB staff)

PUBLIC COMMENT PERIOD:

Comment: Roman Kohler: As a retiree from Rocky Flats, I would like to thank the CAB for their support of our issues that we brought forward here several years ago when we felt our health insurance was at risk. That has been resolved. DOE manager Barbara Mazurowski has sent a memo to Robert Card more or less solidifying that she felt the salaried retirees from before July 1995, there should be no change to their health benefits as far as quality or cost. We hope that will put that issue to rest, so I want to thank the CAB for their support in the past.

REGULATOR UPDATE — EPA:

Karen Reed with EPA — filling in for Tim Rehder — gave a brief update on Rocky Flats issues being tracked by the EPA.

- There has been an agreement on **milestones for FY 2000**. Those milestones will be based on the "earned value" system; a letter from EPA explaining the milestones and process is forthcoming. Steve Gunderson with CDPHE notes that the regulators have spent more than a year discussing a regulatory milestone framework based on the new Kaiser-Hill contract. Kaiser-Hill had to put together by June 2000 a revised baseline based on a 2006 closure. The milestones are for work related to the closure mission, such as moving waste and special nuclear material, demolition, environmental restoration. The milestones are subdivided into units — earned value units — with

ADMIN RECORD

SW-A-005362

over 700 activities designated as specific units, each of which has an assigned dollar value. The value will be fixed, and DOE will measure performance by how many units have been achieved, and also what type of earned value is achieved relative to the schedule. The baseline assumes a certain number of those units will be achieved based on the schedule, but it varies depending on whether the contractor is ahead of or behind schedule. Through this system, Kaiser-Hill has the flexibility to manage resources, but it also forces Kaiser-Hill to stay on schedule. Once the earned value milestones were drafted in June, regulators and DOE began negotiations. There was a meeting of the RFCA principals on October 26, and they reached agreement on milestones for the next three years. The regulators will not penalize the site unless the schedule variance is more than six months. Still remaining to be done is setting out-year milestones. One of those will be the start of the 903 Pad remediation, and other activities such as shipment of transuranic waste. Tier II milestones will also be set, but with a lower penalty.

- **Amendment to the ROD for OUI.** Some soils were identified to be excavated in the original ROD. However, when it was time to excavate, the soil levels were found to be lower in contaminants than originally identified. Thus, according to the ROD amendment, those soils will not now be excavated as the site feels no treatment of the soils is warranted. In addition, monitoring of the French drain shows that it has remained clean. The ROD amendment thus notes there is no need to continue operation with the French drain. Surface water is not being threatened, but the plume will continue to be monitored.
- A **Notice of Violation** was issued to DOE regarding a missed milestone for storing transuranic waste in Building 906. The milestone was set for September 1, but was not achieved by that date.

DISCUSSION OF RFCAB ROLE IN RSAL REVIEW: Ken Korkia prepared a proposal for the Board's consideration of a path forward for participating in the current review of the Radionuclide Soil Action Levels (RSALs). Over the summer, DOE and regulators started conversations about how they would address their reassessment of the RSALs, based on the results of an independent review and assessment by Risk Assessment Corporation conducted in 1999. DOE and the regulators outlined a review process and schedule for completing five separate review tasks: 1) regulatory analysis, 2) model evaluation, 3) parameter evaluation, 4) new science, and 5) cleanup levels at other sites. After the review is completed, DOE and the regulators will draft a document outlining proposed changes to the RSALs. The RFCA Stakeholder Focus Group was established in part to facilitate public participation in this RSAL review. In the Board's 2001 work plan, RSALs are identified as one of the Board's top priority considerations. The issue was assigned to the Board's Environmental Restoration Committee. The proposal before the Board is as follows:

- A technical team will be established among Board members and staff who are able to attend the majority of meetings, some of which are daytime meetings, and serve as "fact finders" for the Board. The technical team will report to both the Environmental Restoration Committee and the Board on findings.
- The Environmental Restoration Committee will discuss and develop comments and recommendations for review and approval by the Board on the five separate RSAL review tasks and the final draft RSAL document. The committee will seek input for those comments and recommendations from both the Board and the technical team members.
- Finally, the Board will approve and review comments and recommendations brought forth by the committee. To provide familiarity for the Board, public presentations on

the five tasks will be scheduled for monthly Board meetings. The Board will provide initial feedback following these presentations for consideration by the committee in drafting recommendations and comments.

A schedule was developed for the committee and Board, in conjunction with the original schedule of the RFCA Stakeholder Focus Group, to facilitate this process. Staff will work closely with the committee and Board to ensure that work is completed within the proposed timeline. The Board approved the proposal, and the Environmental Restoration Committee will meet on November 6 to finalize its path forward.

DOE RESPONSE TO THE KAISER-HILL CLOSURE PROJECT BASELINE: Tom Lukow with the Department of Energy (DOE) presented the board with DOE's formal response to the Closure Project Baseline Report by Kaiser Hill. The baseline report, dated June 30, 2000, contains nine project baseline descriptions and over 11,000 work activities and cost estimates. DOE's response consists of major concerns, general observations, and optional suggestions. According to Tom, the major concerns are listed below:

- There are Rocky Flats Cleanup Agreement (RFCA) regulatory requirements that are either missing from the baseline or will not be completed on schedule.
- Kaiser-Hill proposed two separate baselines, one through 2005 and a 2006 baseline. DOE finds this confusing and ineffective.
- DOE will not accept a few of Kaiser-Hills assumptions, especially assumptions that conflict with Governmental Furnished Services/Items (GFS/I) requirements.
- There is not enough detail to make the logical connection between the project baseline descriptions and the schedule.
- The "earned value" system must be clarified.
- The report provides 12 internal risks that could effect closure. DOE believes other risks, including external risks, should be considered.
- There is no mention of contingency planning in the report.

An independent contractor will be selected to review the revised baseline.

RFCAB members questioned the degree of seriousness of these concerns. Steve Gunderson of the Colorado Department of Public Health and Environment (CDPHE) stated the closure project as a whole is complicated, so some concerns were anticipated. RFCAB members also asked which regulatory milestones were missing from the report. DOE responded that surface water quality compliance was not addressed, for example. Then, RFCAB members questioned whether waste management was considered a major issue in the baseline report. Joe Legare of DOE answered yes. DOE was pleased to report that a number of waste reducing mechanisms have been implemented and shipments the Waste Isolation Plant have increased.

RFCAB OFFICER ELECTIONS: The Board elected officers for the year 2001: Jerry DePoorter (Chair), Victor Holm (Vice Chair), Jeff Eggleston (Secretary), and Bryan Taylor (Treasurer). Jerry is serving his second term as Chair. Victor previously served two terms as the Board's Treasurer. Both Jeff and Bryan are serving their first terms as Board officers. The terms of office will begin at the Board's December 7 meeting.

EPA REGULATORY ANALYSIS FOR RSALS: Karen Reed gave a presentation on the EPA's regulatory analysis RSALs. DOE, EPA, and CDPHE currently are re-evaluating

RSALs.

In October 1996, DOE, EPA, and CDPHE established action levels for radionuclide contamination in soils at Rocky Flats. An action level is a numeric value that, when exceeded, triggers an evaluation, remedial, and/or management action, and is expressed in terms of picocuries per gram (pCi/g). RSALs should be protective of human health and the environment. The *Radiation Site Cleanup Regulation*, 40 CFR 196, was used to develop the RSALs in 1996. It was a proposed regulation at the time, but was never promulgated. The assumptions made to determine the 15/85 millirem per year RSAL were: 1) anticipated land use would be commercial or light industrial activity in the Industrial Area at the center of the site, and open space or recreational activity in the surrounding Buffer Zone; and 2) the RSALs were calculated based on an office worker in a commercial setting, and a recreational open space user.

Since the time the RSALs were set, there have been changes. First, the regulation described above was never promulgated. Second, in 1997 the NRC decommissioning rule was discussed as a possible basis for RSALs. That rule had the following elements: 25 millirem per year based on unrestricted use; use of the ALARA concept; and license termination under restricted conditions. The NRC has no regulatory authority over DOE facilities. However, Colorado adopted the NRC rule as a state regulation. EPA does agree that the NRC decommissioning rule is relevant and appropriate to cleanup at Rocky Flats, but the dose limits may not be sufficiently protective of human health in some cases. In August 1997, EPA issued a guidance document regarding the establishment of cleanup levels at CERCLA sites with radioactive contamination. Risk factors were defined using a slope factor methodology. EPA has determined dose limits in the NRC rules are generally not protective of human health.

In addition, since the RSALs were set there has been a change to the land use assumptions at Rocky Flats. Senator Allard and Congressman Udall recently introduced legislation to make Rocky Flats a wildlife refuge. The levels allowing unrestricted use are considered, in NRC's rule, to be preferable to levels requiring restricted use. In NRC guidance, a rural farmer is used to calculate unrestricted use levels.

Based on the information reviewed, EPA has proposed four options:

- Option 1: RSAL based on 25 mrem/year to the anticipated future user (e.g., open space uses, commercial office worker, or wildlife refuge worker). Residual radioactivity reduced such that if institutional controls failed, a suburban resident would receive dose no greater than 100 mrem/year.
- Option 2: RSAL based on a slope factor analysis using a specific value within the acceptable risk range or 25 mrem/year dose to the anticipated future user (whichever results in a lower RSAL).
- Option 3: 25 mrem/year dose to the unanticipated future user (suburban resident).
- Option 4: 15 mrem/year dose to the anticipated future user (e.g., open space user, commercial office worker, or wildlife refuge worker).

The Board then gave preliminary comments and asked the Environmental Restoration Committee to consider the following when evaluating EPA's report:

- Understanding of the various guidances and regulations. Which inform the decision

to be made? Which are applicable, and which are relevant and appropriate?

- Where do the regulations and the RAC study deviate?
- Have staff conduct an analysis of the regulations.
- Examine the role of the CERCLA five year review.
- Ask agencies to read and study the RAC report.
- Examine the long-term stewardship issues related to RSALs and future cleanup toward background when economically and technically feasible.
- Role of the Community Acceptance criteria among the CERCLA nine criteria for making remediation decisions; look at the RFCAB Cleanup Principles and Core Values.
- Need to produce action-driven recommendations.
- DOE and the regulators need to actively seek RAC's assistance in reviewing their report.

STEWARDSHIP WORKSHOP UPDATE: Jerry DePoorter discussed the EMSSAB Stewardship Workshop, which was held October 25-27 at the Executive Tower Hotel in downtown Denver. Representatives from the SSABs at 10 nuclear weapons complex sites attended this workshop, which was a follow-on to a similar workshop held last fall at Oak Ridge, Tennessee. About 100 individuals participated in the workshop, including eight members of RFCAB. After receiving introductory presentations, and an opportunity to hear from each of the individual sites about their stewardship plans and issues, the participants broke into five separate issue groups to discuss timing, funding, roles and responsibilities, public involvement, and information management issues. Those breakout sessions each produced one or two statements that addressed overall issues for the EMSSAB members. Then each site held a session for its respective members to discuss the statements that were developed. After one more breakout session, the group as a whole refined the statements, then the EMSSAB members agreed on ten statements. Those draft statements will be considered by each SSAB at its Board meetings over the next two months, with the goal of having individual boards agree or disagree, on the statements in time for the February EMSSAB chairs meeting. A copy of the statements was distributed to RFCAB members. A formal discussion of the statements is scheduled for the Board's January meeting.

Board members who attended the workshop each gave their impressions of the process. Ken Korkia, Deb Thompson, and Noelle Stenger were commended and thanked for their hard work preparing details for the workshop. Jerry also commended DOE and Kaiser-Hill staff for their contributions to the workshop's success.

EXECUTIVE SESSION:

- Based on the annual review performed by the Personnel Committee, the Board approved a 4.75% salary increase for Ken Korkia, retroactive to July 1, and complimented him on the good service he provides to the Board, which was especially indicated in his performance at the EMSSAB Stewardship Workshop.
- The Board accepted the year 2001 performance goals given to Ken Korkia during his recent interview with the Personnel Committee.
- The Personnel Committee recommended, and the Board approved, the hiring of Jerry Henderson to serve as the Board's Program Specialist. Jerry recently relocated to the Denver area from Indiana, where he received a BS in Biological Sciences from Purdue University. He also studied environmental science at the Indiana University School of Public and Environmental Affairs. Jerry has previously worked as an auditor for non-profit organizations, and also worked as a technologist at the Indiana

University genetics laboratory. Jerry will receive a starting salary of \$31,000 per year, with a six-month probationary period.

NEXT MEETING:

Date: December 7, 6 - 9:30 p.m.

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

Agenda: Presentation on RSAL Tasks 2, 4, and 5 (model analysis, new science, and cleanup levels at other sites); other business as necessary

ACTION ITEM SUMMARY: ASSIGNED TO:

None

MEETING ADJOURNED AT 9:45 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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