

Rocky Flats Coalition of Local Governments

Boulder County	City and County of Broomfield	Jefferson County
City of Arvada	City of Boulder	City of Westminster Town of Superior

Rocky Flats Coalition of Local Governments Board Meeting Minutes

Monday, September 12, 2005

8:30 a.m. – 12:00 p.m.

Jefferson County Airport, Broomfield

Board members in attendance: Gary Brosz (Director, Broomfield), Lori Cox (Alternate, Broomfield), Sam Dixon (Director, Westminster), Jo Ann Price (Alternate, Westminster), Ron Hellbusch (Alternate, Westminster), Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Jim Congrove (Director, Jefferson County), Karen Imbierowicz (Director, Superior), Shaun McGrath (Director, City of Boulder), Alice Guthrie (Alternate, City of Boulder), Ben Pearlman (Director, Boulder County), Jane Uitti (Alternate, Boulder County).

Coalition staff members and consultants in attendance: David Abelson (Executive Director), Rik Getty (Technical Program Manager), Barb Vander Wall (Seter & Vander Wall, P.C.), Erin Rogers (consultant).

Members of the Public: John Rampe (DOE), Dave Kruchek (CDPHE), Shirley Garcia (Broomfield), Doug Young (Rep. Udall), Roman Kohler (Rocky Flats Homesteaders), Ron DiGiorgio (USWA Local 8031), Todd Neff (Boulder Daily Camera), Patricia Rice (RFCAB), Bob Darr (DOE), Marion Galant (CDPHE), Erin Hamby (RMPJC), Jeanette Alberg (Sen. Allard), Scott Surovchak (DOE-LM), (GAO), John Corsi (Kaiser-Hill), Carl Spreng (CDPHE), Jerry San Pietro (retired RFETS employee), Donald Sabec (retired RFETS employee), Bob Nelson (City of Golden), Hank Stovall (RFCAB/Broomfield), Ken Korkia (RFCAB), Glenn Fischer (GAO), Dan Feehan (GAO), Gerald DePoorter (RFCAB), David C. Shelton (Kaiser-Hill), David Hiller (Senator Salazar), Dennis Ellis (Gov. Owens), Marjory Beal (League of Women Voters-Jefferson County), Susan Vaughan (League of Women Voters - Jefferson County), Brad Turner (Longmont Times-Call), Jodi Summers (Rocky Flats Cold War Museum), Chuck Miller (Steelworkers, Rocky Flats), Amy Thornburg, USFWS), Claire Cymak (GAO), Jeannette Hillery (League of Women Voters Colorado), Al Nelson (Westminster), Mark Aguilar (EPA), Debbie Grieco (Rocky Flats Cold War Museum), Joe Garner (Rocky Mountain News), Eric Johnson (JCNA), Carolyn Boller (Rep. Udall), Kate Newman (Jefferson County).

Convene/Agenda Review

Chairman Shaun McGrath convened the meeting at 8:35 a.m.

Business Items

1) Consent Agenda – Lorraine Anderson moved to approve the consent agenda. Gary Brosz seconded the motion. The motion passed 7-0.

ADMIN RECORD

2) Executive Director's Report - David Abelson reported on the following items.

- In preparation for the discussion at this meeting regarding the development of the Local Stakeholder Organization (LSO), David invited 20 groups to attend and participate in the discussion. This list of groups which had previously expressed an interest in Rocky Flats issues came from the U.S. Fish and Wildlife Service. The list also reflected the attendance at a recent RFCAB public workshop, with the exception of one union group. David noted that there were representatives from many of these groups in the audience and he looked forward to their participation in the LSO discussion. He also reported good feedback on the outreach effort, but that the Coalition had received a letter from RFCAB last week expressing some concerns about the process. David noted that some of the concerns can be addressed, and that other issues will be discussed later in the meeting.
- On the topic of minerals acquisition, David reported that he will be traveling to Washington, D.C. this week to discuss this issue with congressional staff and will report back at the next Board meeting.
- David referred to a handout on the table that addresses the subject of RFCLOG/LSO transition. It lists the steps that need to be taken to both close the Coalition and stand up the LSO. David has solicited the help of Lorraine Anderson and Karen Imbierowicz to help him work through the issues, especially those related to staffing and office needs. If other Board members would like to participate in this process, they should contact David. There is also the possibility of transferring leftover budget from the Coalition to the LSO. David would like to ensure that the Coalition helps get the LSO organized as much as possible so that the new group can hit the ground running.

Next, the Chair asked for introductions of audience members.

Public Comment

Hank Stovall noted that he was speaking today as a stakeholder. He is concerned about the hotspot issues and does not understand how the regulators have not yet directed that these areas be cleaned up. He feels this is irresponsible and that he is not aware of any modification to RFCA cleanup requirements. He cited BEIR VII as saying any amount of inhalation or contact with plutonium can be a health risk to certain individuals. RSAL Task 6 proposed a verification of cleanup. Also, the CERE report suggests low-level radiation may have a greater effect on individuals than previously thought. He proposes that Congress and Governor Owens direct the Secretary of Energy to override the local office and see that this cleanup is made whole.

Doug Young from Congressman Udall's office apologized that he has to leave early, but wanted to address the mineral rights issue. Their office agrees with the changes in the Coalition proposal found in the Board packet. The alternate language on page 1 which would remove concept of essential mineral rights is preferred. They do not agree with concept of 'essential rights' and would like to see the Secretaries of Energy and Interior work out the priorities on their own.

Jerry San Pietro, retired radiological control technician at Rocky Flats, asked why the standards keep being changed. Based on what he knows about what is buried onsite, it looks like Rocky Flats is going to be the largest unlicensed nuclear burial site in the country.

Jerry Long, Kaiser-Hill vice president, said he was asked to provide information about what Kaiser-Hill did to help victims during the recent hurricane. He said he was watching television and noticed the breach in a levy in New Orleans. He thought the Corps of Engineers could use one of the products they use to package soils at Rocky Flats. He contacted the Corps and provided information about these waste bags and was asked to send as many as he could. Frazer Lockhart, the DOE site manager, completely supported this effort. Kaiser-Hill located 3,000 bags, shipped them to Louisiana, and they were used to successfully plug the holes in the levies.

Lorraine Anderson asked if Kaiser-Hill had addressed Mr. San Pietro's charges about dangerous materials left buried at the site. She would like Kaiser-Hill to specifically answer him and put this issue to rest. John Rampe noted that DOE had provided responses to Rep. Udall's office which had in turn forwarded them from Mr. San Pietro. He asked Doug Young for permission to share the responses with the Coalition. Doug said that would be fine, and that he had already emailed these to the Board, but he could make it available to the public if desired. He also noted that if there were any follow-up questions from Mr. San Pietro, his office had not received them.

Mr. San Pietro said the responses were never sent to him, but to the union instead. He said no one has communicated with him directly, and that he is not satisfied with DOE's answers and does not accept them. Lorraine Anderson asked Mr. San Pietro to make a very specific list of his remaining concerns and give it to the Board so that they can ensure that the issues are addressed by the site. Mr. San Pietro said he could do that if someone would talk to him. Shaun McGrath asked for this list in writing from Mr. San Pietro and that he send copies to DOE, Udall, Salazar, Beauprez, and the Coalition.

Jim Congrove asked if the Board could get copies from Mr. San Pietro right now. David Abelson noted that the Board already had a copy of Mr. San Pietro's initial concerns and DOE's responses, but what they need from him now is a specific list of what he finds unacceptable in DOE's responses.

LSO Discussion

The Board invited one representative from each of the interested groups to join them at the table. David noted that they would like to first focus on the scope of the LSO, and then if there is time, look at membership questions. The Coalition is asking for a one-week delay in submitting comments about the LSO so that the Board can discuss this topic at the November meeting as well.

Ron Hellbusch noted that Dale Kralicek from the Woman Creek Reservoir Authority is currently hospitalized and cannot be here. David noted that the Coalition just received a letter from WCRA expressing interest in serving on the

LSO.

David introduced a discussion on the scope of the LSO. In discussions earlier, DOE made it clear it wanted the LSO to focus on issues related to the wildlife refuge. Now DOE is saying it does not feel comfortable funding an organization that would be focusing on non-DOE issues. David brought attention to a draft LSO Plan he prepared that was in the Board packet. He noted that everything in this draft plan tracks what the Coalition and RFCAB have put together in terms of the scope of the LSO. David hopes that the LSO plan will be at the '10,000 foot level', and will leave it to the actual LSO members to make the plans more specific. DOE would like this input by October 31, 2005, but the Coalition would like to discuss this at its November 7, 2005, meeting and then submit comments. David asked for any preliminary questions.

Shaun McGrath noted that DOE asked the LSO to participate in three main activities, but the statute has four activities. David said that he found it odd that DOE mentioned the three main activities, but did not mention the LSO addressing worker issues. Because DOE-Legacy Management (LM) has cited a need to address post-closure benefits, David said he ignored this part of LM's request and added worker issues to the draft plan. He also noted Federal Advisory Committee Act (FACA) requirements, which provide for openness, but also limits the type of information that can be forwarded from the LSO to DOE. For this reason, the word 'advise' is not included anywhere in this draft. David also noted that the LSO, if it is a unit of local government as David assumes it will be, would be subject to the Colorado Sunshine Act; openness would thus be ensured.

Lorraine Anderson said she agrees that the LSO ought to be a unit of local government, and that this would serve its purpose better.

Erin Hamby asked that if the Rocky Flats LSO falls under the Colorado Sunshine Act, what the implications would be for LSOs in other states. David responded that there is something similar to the Sunshine Act in Ohio. DOE is looking for site-specific local level flexibility.

Gary Brosz asked what the term 'the site' encompasses. David responded that this is not clear. It is something that he will ask in when he is in D.C. If it is determined that the legislation does not allow for the LSO to address issues to the USFWS, David sees some options for moving forward. One idea would be to have an overall 'Rocky Flats Oversight Group' with 2 programs under it: LSO activities and other activities (non-LSO). There is currently \$400,000 budgeted for the LSO. The Coalition has some non-federal money left that it could transfer to the LSO for the non-LSO work. Activities falling into this 'other' category might include looking at issues such as weed management or prairie issues.

Gary asked whether anyone has had a conversation with DOI on whether it is their intention to recognize and/or respond to the LSO. David said this issue had not yet been broached with DOI. Groups such as a 'Friends of the Refuge' typically receive grants of about \$5,000.

Shaun asked Erin Hamby if the Coalition should explain in the LSO

recommendation why it is not choosing to form as a FACA group. Erin responded that this would be very helpful.

Lorraine Anderson said it has taken years to get DOE to recognize local governments as partners and that it is important that we set a model for other areas that have same concerns regarding local governments. There is more than the Sunshine Act that sets precedent for using local governments as a means for obtaining stakeholder concerns. The Coalition should also mention this.

Shaun McGrath said he is not comfortable using a 2-tier approach. He feels the legislation is very clear that Refuge issues are within the scope of the LSO. He would like to ask David to have this discussion with the congressional delegation and DOE. He then asked for feedback.

Sam Dixon said she does not think the LSO should comment on Refuge issues. The scope of the LSO should include the entire site in order to cover issues that may come up in future. The group needs a discussion on its reason for being. Erin Hamby said she agrees that the LSO should not deal with Refuge issues, but should keep the original boundaries of the site within its scope. It should not advise DOI, but should advise DOE.

Amy Thornburg (USFWS) noted that it appeared most issues of interest to DOI would fall under David's 'other' category, but this will all have to be discussed further.

Gary Brosz said it is hard for him to imagine discussing any Refuge issues that would not be in the context of previous contamination. He does not care how it is funded, but it needs to be one organization, so that everything is looked at in a holistic fashion, with one set of learning and understanding in unified way.

David noted section 4b of the draft LSO plan addresses 'integration of contaminant management and refuge management.' It is hard to define what issues might not have any relation to contamination concerns and would therefore fall under the 'other' category, perhaps reintroduction of the grouse. Erin Hamby said the RMPJC still holds concerns about how to communicate to the public and refuge users regarding contamination, and are looking at how to address this within the existing legislation.

Lorraine Anderson said the LSO would be working on regulatory/contamination issues on the whole site. She likes a 'Friends of Refuge' idea and that this kind of group ought to be used for raising money, building and enhancing the Refuge, building trails, taking care of animals and the like. She does not think that having an LSO precludes having a 'Friends' group. In fact, this kind of group could form any time without action from the Coalition.

Jeannette Hillery (League of Women Voters) noted that there will be many issues related to contamination and that these all need to be under one umbrella, so that information is shared. She feels that at least initially there should be only one group, then maybe split later.

Ron Hellbusch said that he is on the 'Friends of the Refuge' group for the Rocky Mountain Arsenal. He reported that approximately 60% of the Wildlife Refuges nationwide have a 'Friends' group. USFWS deals directly with federal officials on any issues related to contamination concerns. The 'Friends' group works only on non-contamination issues and he sees this as a good option for Rocky Flats.

Kim Grant (Rocky Flats Cold War Museum) does not think that the Rocky Flats Cold War Museum would be comfortable with leaving Refuge issues out of the LSO scope. He thinks David's proposal covers the issues well.

JoAnn Price asked, besides the \$400K dedicated for the LSO, what LM has committed to funding after that. David responded that the \$400K is the only funding currently available. The Coalition has \$114K leftover from funding it received from Kaiser-Hill corporate, and approximately \$120K that it inherited from RFLII which could be used for issues falling outside the scope of the LSO. Local government contributions have enabled the Coalition to do things otherwise prohibited under federal grants, such as advocating positions in D.C. on various issues. Member local governments contributed \$1200 to the Coalition for FY05.

Shaun McGrath stated that the scope of the LSO should be on DOE-retained lands, but that there should also be some focus on the Refuge with narrower scope. For example, the LSO would not address wildlife management types of issues, which would be better left to a 'Friends' group. He sees that initially there may be broader scope as issues are discussed for the first time. He suggests that DOE provide funding and authority to the LSO for the total scope of issues. Lorraine Anderson said she agrees. The LSO charter ought to be broad, not restricted, as unknown issues might come up in the future. David responded that he will make sure that the IGA language is sufficiently broad.

Gary Brosz pointed out that if he were the USFWS, he would want to deal with only one group. As soon as there is a second organization, there will be some disagreement and confusion, and it would be a struggle for the FWS to deal with both groups. He is concerned a 'Friends' group would get into safety issues. Lorraine Anderson said Gary raised good points, but she does not know whether we can restrict the scope of a 'Friends' group. Ron Hellbusch also said these points are valid, but that based on Refuge conferences he has attended and the interactions he has had while serving on this group, he has yet to see any conflict. He said the 'Friends' group has a very clear set of bylaws/scope limiting it to dealing solely with wildlife refuge issues as opposed to serving any oversight/regulatory role. Lorraine suggested that the Coalition look at some typical bylaws for 'Friends' groups to see how they are non-regulatory in nature. She thinks there is definitely room for two groups at this site.

David suggested that perhaps in the future the 'Friends' group could include some of the non-elected members of the LSO to allow for cross-pollination of ideas. He then asked for specific comments on draft LSO plan, which he needs as soon as possible because there is a quick turnaround before the next meeting. Once comments are received and incorporated, the group can decide how to proceed.

In terms of a timeline for this process, David said the top two issues currently are

membership and staff. If the group is to be formed no later than six months prior to the regulatory closure of Rocky Flats, as directed by legislation, David is looking at February 1, 2006 as a target date for the first meeting. This should allow for a good transition from the Coalition. RFCAB expects to be around until September 30, 2006. No other comments were provided.

The group moved on to a discussion of the process for selecting the non-elected representatives for the LSO. RFCAB provided a recommendation dated 12/2/04, found in the Board packet, which suggests using the process the RFCAB used when it was formed. This involved the appointment of a core group, which in turn selected the remainder of the Board based on a set of stakeholder categories. David pointed out that RFCAB is much larger group and he does not know if this would work for the LSO since they are only looking at identifying four non-elected members. David also mentioned the possibility of staggering terms of the various members. He suggested that everyone review RFCAB's suggestions, as there is a lot of value to be found in the process RFCAB identifies. Gerry DePoorter (RFCAB) noted that daytime meetings are not conducive to having citizen representatives, and that it is not really public involvement if the public cannot attend the meetings. DOE has made it abundantly clear that retirees need to be represented so that brings the number of non-elected representatives to three. DOE has also called for having representatives from organizations as opposed to individuals. Additionally, as RFCAB has stated, no one person can represent RFCAB on the LSO. All these factors will play into the ultimate decisions on membership, but it is DOE that will be making these decisions. David asked for discussion on this topic.

Sam Dixon asked if 11 was the limit on LSO membership. David replied that LM has suggested the seven Coalition governments, plus Golden, plus four non-elected members. Sam asked if this was the same for the Ohio LSO and whether there could be a range on the number of members. She also noted that many organizations have much less knowledge than certain individuals (such as Hank Stovall). She is concerned about this organization-only directive and suggested that perhaps this could be amended to include individuals with prior involvement in Rocky Flats issues. She feels the LSO would be missing out on much historical knowledge by leaving some individuals out.

Lorraine suggested that RFCAB and other organizations could recommend or nominate people for membership. She agreed with Sam that knowledgeable people are desired.

David responded that the eight elected members and four non-electeds came from a Coalition recommendation and that the legislation only called for elected officials. The Coalition has not previously addressed the issue of organizations vs. individuals. If the Board thinks it should not be limited to groups, the draft plan can address this. JoAnn noted that in previous correspondence, DOE has indicated that membership will not be determined until after the draft plan is submitted. David added that this also applies to whether or not other governments will be included.

Shaun closed this discussion by noting that the group had offered some good

feedback, and that this will be discussed more at the next meeting. Any comments on the draft plan should be submitted to David. David added that he hopes that at the next meeting (October 3), the group would focus more on the membership issues and less on scope. He thanked the groups for their participation and hopes they can join in the discussion again next month.

Soil Sampling Results

The Board decided to add a discussion to its agenda to address the question of some recent hotspot discoveries at the site. David Abelson introduced this subject by explaining that the Board would be looking at new information, how DOE will address these findings, as well as how this situation can be a model for addressing hotspots in future.

David began by listing three main topics the Board will be discussing at this meeting: 1) overflight radiation surveys, 2) Kaiser-Hill targeted ground-based scanning and final status survey, and 3) ORISE review. David noted that there was a lot of press stemming from a presentation given at the last RFCAB meeting two weeks ago, but that this was the first time this information was being presented to the Coalition.

Aerial Scans

The aerial radiation scanning conducted by Bechtel Jacobs in June did not show much, as was expected by many on the Board. The sensitivity of the instrumentation, or Minimal Detectable Activity (MDA), was not as good as Bechtel as hoped. The pilots had to avoid power lines, and also encountered higher levels of background radiation than expected. Also, the soils had greater moisture content than expected, which caused a shielding effect. The study revealed eight anomalies. Four were determined to be a result of natural background conditions. Three that were above background were determined to be from 1) Building 776 under-building contamination, 2) stage pond dirt bags, and 3) waste containers at 750 pad tent area. There was also one offsite location, a clay pit on State Land Board land, in section 16. This is southwest of Rocky Flats, bordering Highway 93, but has not yet been investigated. Coalition staff did not have any follow-up questions after these results were provided. Dave Shelton added that the offsite area that had the anomaly has been investigated with an HPGe detector and was found to be below detection limits.

Gary asked what the sensitivity of these flyover scans was. Rik Getty answered that this information was in the handout to the Board. John Rampe added that he could get this information to the Board, as he has the information in a PDF document. Only about 25% of the entire site reached the MDA as advertised (over an 80 square meter area). The remaining 75% of the site had larger areas that comprised the MDA area. Gary asked if those areas where sensitivity was not as good were areas of low concern. John Rampe replied that this information will be in the final report. In general, the resolution was lowest near power lines. This report will be forthcoming.

JoAnn asked why the Coalition did not receive the presentation that was given to

RFCAB. David Abelson responded that the Coalition has chosen to skip this presentation in the interest of time and is pressing for public meeting to discuss the results of the testing.

Kaiser-Hill HPGe Scans

Rik Getty presented information about Kaiser-Hill HPGe scans. This effort consists of looking at twelve areas where contamination was known to exist. This scan counts for 20 minutes over a 79 square meter area. As of the RFCAB meeting, of the 178 measurements taken, 28 indicated hits above the action level (50 picocuries/gram). Upon a rescan, all 28 had same reading. Kaiser-Hill then sent soil samples to a laboratory for alpha spectroscopy analysis. HPGe averages everything, which would have to be followed up with a Fiddler analysis. Alpha spectroscopy showed five samples greater than 50 picocuries/gram. All of these were from around the perimeter of the 903 remediation area. DOE then went into consultative mode with the regulators. One of the hotspots was on the perimeter of an area that was not remediated. The Building 371/374 survey will be done after final grading and revegetation, which will be soon.

Gary Brosz asked about the spacing of the HPGe scans, as he has understood that these perimeters would all overlap. Rik Getty responded that they were indeed allowed some gaps between the scans according to the final survey plan. Gary asked if MACTEC was aware of this. Rik answered yes they were. Gary asked if the sampling location of the five areas showing above the RFCAB levels was known. This will be asked. Gary would also like to know the precise volume and shape/depth of soil samples.

Karen Imbierowicz noted that David's email to the Board referred to an email coming from Jeff Lively which she did not get. David responded that this email was sent on last Wednesday or Thursday. Also, Carl Spreng sent an additional response, which will be distributed to the Board today.

Sam Dixon stated she was concerned the site was not using the Fiddler for radiation testing. She is noticing that people are pointing out areas that should be looked at, and DOE and Kaiser-Hill are refusing, which could be seen as hiding. Regarding the flyover survey, she is concerned it was waste of money, and that we knew it would not show much before it was even completed. She thinks even more hotspots would be found if Fiddlers were used. She also thinks final scans should take place before backfilling. David noted that there was some concern of the timing of whether they do HPGe surveys before or after the final dirt-moving at a site. RFCLOG has requested that MARSSIM be used around building perimeters (which calls for use of Fiddlers). The Board is eagerly awaiting DOE's response about the request that they do several mini-MARSSIMs as proposed by MACTEC. Sam stated that the time crunch to finish cleanup is not a concern for her, only what they leave behind.

Gary Brosz asked exactly what they removed from the hotspot areas. In addition to the five samples, he wondered if they looked outside the HPGe sample area or if there is any discussion about looking outside these areas. Also, he wonders if they are retesting areas after removal. Rik answered that this was verified with

confirmation sampling. Gary requests high specificity on all numbers/area/volumes, etc. David added that the site has a history during cleanup of going well beyond the required standards. Sam asked why the Coalition was not given this presentation. David responded that the Board had to streamline its presentation in the interest of time. Also, MACTEC could not be at this meeting and DOE does not want ORISE to fly out until some preliminary questions have been answered.

ORISE Review

At the RFCAB meeting, David saw a huge issue with the ORISE review and brought up several questions. ORISE showed that the statistical methodology that Kaiser-Hill used was valid to the 95th confidence level. David's concerns included: 1) hotspots were found in an area that was remediated (in one case at 9 times the action level), 2) questions about the nature of the relationship between ORISE, Kaiser-Hill and DOE, and 3) what the site is going to do about the hotspots. To date, the major Rocky Flats organizations have not asked for a 100% confidence level survey. We are currently supporting 90-95% confidence level and are finding hotspots within that range of error. If hotspots are being found in remediated areas, we have to assume they will also be found in non-remediated areas. DOE has stated they will not clean up those hotspots because of where they are in the RFCA process and that making a decision for further remediation will be based on a risk analysis. David does not feel comfortable with this position and noted DOE would announce a change in policy at this meeting.

The Coalition strongly supported the RFCA revisions which were adopted in 2003 and, as part of the revisions, was willing to give up some restrictions on subsurface contamination in exchange for increasing the standards on the surface. With regard to the recent hotspots, DOE came back with an argument that they have approved close-out reports for these areas and now will base decisions on risk assessments. David found this argument unpersuasive, noting that at Trench 7, the site issued a no further action and close-out reports, and a year later they found out their information was not accurate. The Site there retested the soils and subsequently cleaned up the area. David said he was stunned that DOE is now saying they do not need to clean these new hotspots. While he acknowledges that there probably is no real risk posed by these particular hotspots, he believes there is a problem with leaving them in place regardless of the relevant standards.

Ben Pearlman stated that cleanup should mean cleanup. The local governments should have a confidence that things are being taken care of and thinks the Board needs to take this situation seriously.

John Rampe reported that the RFCA parties are now looking at the path forward. Representatives from ORISE are hopefully coming to town next week to further define the elevated areas that on which they did the MARSSIM surveys. When these results first came out, DOE sent Kaiser-Hill out in a mad dash to take samples. John reported that, assuming that there are areas over 50 picocuries/gram, DOE will now remove them, indicating a change in its prior position and one consistent with the position Ben and David had been supporting. To the best of DOE's knowledge, they are very small areas, less than 2% of these

parcels tested. The numbers do not look very significant to DOE given what they know now. 50 picocuries/gram corresponds back to a five in one million risk level, which corresponds to scenario in which refuge worker spending 18-20 years at site, 200 days/year in the field, eighteen hours a day. In that context, the risk from these hotspots is 5/1,000,000. DOE will look further, and the risk assessors will quantify any elevated risks.

Jane Utti stated that it sounded like John Rampe was arguing against the validity of the RSAL level. John responded that he was not arguing against the RSALs, but was simply referring to the scenario that was used to derive action level. He said this needs to be put into the context of the overall site risk assessment.

Shaun McGrath wanted to clarify that they are cleaning up these areas and they are not backing off the RSAL. John responded that they will clean up these areas, but will not reopen the RFCA process, which would involve going back in and looking for more contamination.

Mark Aguilar stated that EPA believes that having some areas over 50 picocuries/gram is expected, and because of this, there was great conservatism and redundancy built into the RFCA action levels. The RFCA parties are sending letter to Congress and the public that will say what they are planning to do to address these hotspots. It would be difficult or impossible as a regulator to force DOE to do some of the things (such as the independent review) that they have done voluntarily to date. Risk assessment will tell them whether they need to do more in the current scenario.

Carl Spreng noted that the RFCA action levels were more protective than risk assessment-derived levels. Several layers of characterization, including some 100% scans, were used to assess cleanup at the 903 area. Radiological control professionals say they need alpha spectroscopy for final approval of the cleanup. The agencies have agreed that the site will remediate any hotspots that are identified by additional sampling. CDPHE is dealing with data that is still preliminary, and is standing by to see how this all plays out. The 17-volume comprehensive risk assessment is currently being reviewed. CDPHE is comfortable with DOE's current path forward.

Gary stated that he has always been confused about the context of 50 picocuries/gram. He wonders over what area/volume this is calculated. John Rampe said DOE believes they are working to the final risk characterization. They cannot just look at whether everything is below 50 picocuries/gram and then be done. They have to look at all the data and make sure the cumulative, overall risk is within range the range of 1 in 1,000,000.

Gary asked again what size area is considered for the 50 picocuries/gram. John Rampe answered that this depends on the area that is being remediated. At the 903 area, this was 33 acres. Carl Spreng stated that the exposure area of the potential receptor is one of the factors. At the 903 pad, a grid system was used for sampling. The 50 picocuries/gram is averaged over the individual area being cleaned up. John Rampe added that they confirm the sampling over the whole area to make sure that average is 50 picocuries/gram or less. Another factor is that all

cleanup actions completed to date have been interim actions under RFCA. The site still needs to complete the comprehensive risk assessment at the end. This is why it is an issue right now with these hotspots as to where they are in the RFCA process.

JoAnn Price noted that she is confused about the whole issue of RFCA action levels vs. risk assessment. David responded that the individual cleanup actions are based on the action levels. Then, at end of process, based on the final cleanup levels and the confirmation sampling, the site needs to determine if the overall cleanup falls within the prescribed RFCA risk ranges.

Lorraine Anderson stated that she needs clarification of the pathways. As long as there is no pathway to air or water, would it matter what they left in place? David answered that the RFCA action levels were originally based partly on a pathway analysis, and that is why the action levels for below three feet and six feet are higher than those on or near the surface. Lorraine asked if Kaiser-Hill has a perspective on the ORISE sampling. David noted that one of the things to remember about the ORISE review is that it is not required by RFCA. Confusion is coming into play with regard to the subtleties of RFCA when this distinction of action levels vs. risk assessment is discussed.

Karen Imbierowicz stated that it does not matter to her if there is a slightly higher risk to refuge worker, just that she wants all the areas above 50 picocuries/gram cleaned up. It is simply too complicated to explain to her constituents why anything above that would be left.

Shaun McGrath noted that he thinks the process is working. For example, as a result of the independent verification, hotspots have been found and will be cleaned up. He does get concerned about comments questioning whether they really have to do cleanup – everyone wants to know that anything found now and in future will be remediated. He would need to understand more what allows this flexibility when it comes to determining whether or not to clean up the hotspots.

Mark Aguilar (EPA) said he went straight to RFCA when they found out about these hotspots. This is the legal process, and is what every site does. Shaun stated that is a minimum requirement, and there is nothing precluding DOE doing more cleanup. Shaun noted that the aerial survey showed that only 25% of the site met the MDA for that scan, so he hopes we are not relying on the other 75% for meeting any requirements. Lorraine Anderson stated that she appreciates when DOE goes beyond what they are required to do.

Shaun McGrath stated that the next step for the Coalition regarding this issue would be to participate in a technical meeting when ORISE is in town. There will be a follow-up at the next Coalition meeting. Mark Aguilar offered to arrange for EPA's Dr. Susan Griffin to present to the Board on risk assessment methodology if desired. Jim Congrove asked if there any of the areas that Mr. San Pietro is worried about are included in these analyses. John Rampe stated he is hoping to hear some specifics from Mr. San Pietro, and that he did gather some information from another attendee. Sam asked why Westminster has not received the draft of the comprehensive risk assessment. John Rampe does not know, but will get them

a copy.

Public Comment

Dave Shelton (Kaiser-Hill) clarified that they do not average over an entire area to calculate the 50 picocuries/gram. They follow the Sampling and Analysis Plan for the various areas.

Mark Aguilar disagreed with the comment from Shaun McGrath that they are simply meeting a minimum regulatory requirement. He pointed out that the RFCA action levels are not at bottom of the CERCLA risk range. They are actually doing a lot more than required. David clarified that Shaun said CERCLA itself is a minimum requirement, but that there is nothing to prohibit further cleanup if a hotspot is found. Mark agreed that this was true.

Big Picture

The Board agreed at the next meeting to discuss the following: (1) continue to soil review conversation, (2) continue to LSO conversation, and (3) have Rik present the findings of his review.

Karen asked about the long term stewardship plan. David responded that it is still in process, and the Board may be looking at it in November/December. The Board will also be discussing post-closure signage/state legislation. Sam noted the LM Public Involvement Plan is out comment through September 26, 2005.

The meeting was adjourned at 12:00 p.m.

Respectfully submitted by Erin Rogers.

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