

Rocky Flats Right to Know: Let the Scientists Speak!

July 27, 2017

Jon Lipsky, MAS and FBI, Retired: jon@jonlipsky.com

Thanks for attending this evening! In May 2000 I first learned of the government's intentions to convert the Rocky Flats Nuclear Weapons Plant into a National Wildlife Refuge. My response to the government's intention was to contribute to ***The Ambushed Grand Jury***ⁱ non-fiction and non-profit book. Please join me in keeping the sordid details of the Rocky Flats Nuclear Weapons Plant and National Wildlife Refuge alive. Nuclear waste is not your friend!

What would make anyone state that plutonium did not contaminate the Refuge? In April 2015 a DOE official presented to local officials that the Refuge is "essentially uncontaminated former buffer areaⁱⁱ." That the former buffer area is "essentially uncontaminated" is a lie, an untruth meant to deceive that Anne Fenerty and I rebuttedⁱⁱⁱ. The Refuge and the Rocky Flats adjacent properties comprising the \$375 million settlement^{iv} were contaminated necessitating remediation. A federal jury in 2006 determined that plutonium would persist indefinitely on the Rocky Flats adjacent properties. Rocky Flats was not cleaned-up – it was a COVER-UP!

DOE controls the variegated science at Rocky Flats. The U.S. Government has colorfully determined that the Refuge is safe for all uses. The Buffer Zone Technical Review^v documented 114 concerns or interests by CDPHE and DOE from 1999 to 2003. The Buffer Zone (and future Refuge) was reduced in acreage but not remediated. The Review did not address 43 of the 114 or 38% of CDPHE concerns or interests. Are 38% of neglected concerns and interests a statistical success? Not to mention that an active radioactive Superfund site with reportable conditions lies in the middle of the Rocky Flats Refuge.

The U.S. Government neglected established procedures, key documents and scientific protocols in its determination that the Rocky Flats Refuge is safe. Waste burial sites known but not remediated (because "our records were vague^{vi}") from the 1970s, Waste Stream^{vii} reports from 1987, EPA environmental sampling^{viii} from the June 1989 raid at Rocky Flats not analyzed, the 65 boxes of Rocky Flats Special Federal Grand Jury evidence^{ix} from 1989-1992, the 1992 crimes committed at Rocky Flats, evidence from the Rocky Flats adjacent property suit from 2005-2006^x, the gamma surveys^{xi} instead of alpha surveys during the accelerated cleanup, to mention a few references.

Yes, I "ignore"^{xii} CDPHE, DOE and EPA so-called science that the Rocky Flats Refuge is safe. When CDPHE, DOE and EPA evaluates all of the available Rocky Flats evidence (historic burial sites, criminal court documents and "purged"^{xiii} Rocky Flats Reading Room documents) with independent verification in an open public access forum will be the occasion to discuss safety at the Rocky Flats Refuge. Finally, the government should remove the legal constraints imposed on me and members of the Rocky Flats Special Federal Grand Jury (89-2) concerning the crimes at the former Rocky Flats Nuclear Weapons Plant. Rocky Flats is not safe - it was a crime!

Rocky Flats Right to Know: Let the Scientists Speak!

July 27, 2017

Jon Lipsky, MAS and FBI, Retired: jon@jonlipsky.com

-
- ⁱ McKinley, W., Balkany, C. (2004). *The Ambushed Grand Jury*. The Apex Press New York. Print versions and copies of source references available at www.RockyFlatsAmbushedGrandJury.com. Soon a Kindle ebook!
- ⁱⁱ Surovchak, S. (2015). Rocky Flats Overview to the Rocky Flats Stewardship Council. Available at <https://www.lm.doe.gov/WorkArea/linkit.aspx?LinkIdentifier=id&ItemID=9247>.
- ⁱⁱⁱ Fenerty, A., Lipsky, J. (2015). "Rebuttal of DOE's 4/6/2015 Presentation on September 14, 2015" before the Rocky Flats Stewardship Council. Available at http://www.rockyflatssc.org/public_comment/20150914%20RFSC%20-%20Fenerty%20Lipsky%20Rebuttal%20Cover%20Letter.pdf.
- ^{iv} Berger & Montague. (2016). Rocky Flats Settlement: Cook, et al, v. Rockwell International Corp. and The Dow Chemical Co., Denver federal case number 90-cv-00181-JLK (D. Colo). Available at <http://www.rockyflatssettlement.com/>.
- ^v Lipsky, J. (2016). Rocky Flats National Wildlife Refuge (RFNWR) and Transportation Right-of-Way report to the Rocky Flats Stewardship Council on February 1, 2016. Available at http://www.rockyflatssc.org/public_comment/20160201%20RFSC%20Public%20Comment%20-%20Jon%20Lipsky.pdf.
- ^{vi} Shapley, D. (1971). Rocky Flats: Credibility Gap Widens on Plutonium Plant Safety. Available at http://www.istor.org/stable/1733608?seq=1#page_scan_tab_contents.
- ^{vii} Weston Corporation. (1987). Waste Stream Identification and Characterization – Overview – USDOE-Rocky Flats. April 6, 1987. Note most of the reports are not publicly available as the reports were purged (see XIII, *infra*) by DOE. Available at <https://rockyflatsambushedgrandjury.com/wp-content/uploads/19870406-Berger-Montague-P-1258-WSIC-Overview.pdf>.
- ^{viii} Lipsky, J. (1989). Criminal Search Warrant Return of June 23, 1989, District of Colorado case number 89-753M. See page 105 of the PDF – EPA sampling teams seized 403 bottles of environmental samples from 61 stations, during the Second Search Warrant. Available at <https://rockyflatsambushedgrandjury.com/wp-content/uploads/19890614-Search-Warrant-89-753M-Return.pdf>.
- ^{ix} Suthers, J. (2004). April 19, 2004 letter from John W. Suthers to Mark Udall. Available at <https://rockyflatsambushedgrandjury.com/wp-content/uploads/20040419-John-W-Suthers-Letter.pdf>.
- ^x U.S. District Court for the District of Colorado case, number 90-cv-00181-JLK, entitled Merilyn Cook, et al, Plaintiffs, v. The Dow Chemical Company, Rockwell International Corporation, Defendants.
- ^{xi} Colton, D.P. (2005). "An Aerial Radiological Survey of the Area Surrounding and Encompassing the Rocky Flats Environmental Technology Site" June 12 to 15, 2005 by Bechtel Nevada – see page 17 re plutonium239 impractical gamma measurements and the requirement for laboratory analyses. Available at https://www.lm.doe.gov/land/sites/co/rocky_flats/closure/references/189-Bechtel%20Aerial%20Survey.pdf. See also "Lessons Learned from Independent Verification Activities" by E.N. Bailey, July 2008, pp. 17-21 for overlooked Pu239 hot spots available at <https://www.ornl.gov/documents/ivhp/survey-projects/lessons-learned-from-independent-verification-activities.pdf>.
- ^{xii} Carroll, V. (2017). "Activists ignore the science that says Rocky Flats National Wildlife Refuge is safe." The Denver Post opinion of June 16, 2017. Available at <http://www.denverpost.com/2017/06/16/activists-ignore-the-science-that-says-rocky-flats-national-wildlife-refuge-is-safe/>.
- ^{xiii} Schrader, A. (2008). "Agency's purge of Flats documents triggers outcry." The Denver Post, May 9, 2008. Available at <http://www.denverpost.com/2008/05/09/agencys-purge-of-flats-documents-triggers-outcry/>.