

*LeRoy Moore, Ph.D.*

6/9/2010

Mr. David Ableson, Executive Director

Rocky Flats Stewardship Council

PO Box 17670

Boulder, Co 80308

Hello David:

Thank you for providing a copy of the Rocky Flats Stewardship Council's letter to members of Congress on the Rocky Mountain Peace and Justice Center's activities regarding the RFSC and the Federal Advisory Committee Act (FACA). Unfortunately this letter badly misrepresents what the Peace and Justice Center has done on the issue. It also fails to report what DOE's Office of the General Counsel said regarding the RFSC.

The letter states erroneously that representatives of the Peace and Justice Center "charged the RFSC ... with violating the FACA." And that we have "levied this charge with the Congress, the DOE and the General Services Administration." In fact, we never made any charge against the RFSC. Rather, we asked the DOE's legal office to determine whether the RFSC was violating FACA, because it appeared to us that the RFSC was functioning as an advisory body. We never assumed, contrary to what the letter says, that the RFSC was functioning as an advisory body and, if so whether it should be brought within the orbit of FACA requirements. We informed David Geiser, Director of DOE LM, as well as staff of members of the Colorado Congressional delegation that we were raising this question.

It seems a bit of a stretch to say, as the RFSC letter does, that DOE found our claims to be "baseless." In a May 12 2010, letter to me, Ms. Susan Beard of DOE's legal office says that the RFSC was chartered as a "local Stakeholder Organization" (LSO) and not as an advisory body and therefore is not required to conform with FACA. The RFSC, she says, "is intended to function solely as an outreach tool of DOE" and to provide two-way communication between DOE and the public "without edit or filter." Also, the RFSC is not expected "to give group advice from its membership." She reports that "LSO principles and responsibilities," such as the ones just cited, "have been re-iterated to the Rocky Flats Site management to ensure that its continued relationship with RFSC is in accordance with federal law," as if this may not always have been the case. It appears that in raising a question about the RFSC's possible violation of one law, FACA, what surfaced is the RFSC's likely violation of another, the LSO rules.

Before the date of the RFSC letter I provided to the RFSC the precise language we at the Peace and Justice Center employed in raising our concerns about the RFSC to DOE's legal office as well as the message I had received from Ms. Beard. So it seems particularly unfortunate that our concerns were so badly mangled as they passed the RFSC filter on their way to members of Congress. Accordingly, I would appreciate your sending my present letter to the four members of Congress to whom RFSC's letter was addressed.

Yours Sincerely,