



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2405

Ref: 8HWM-FF

Mr. David Simonson
Department of Energy
Rocky Flats Office
P.O. Box 928
Golden, CO 80402-0928

RE: Late Issue of OU 2 IM/IRA
Decision Document and Security
Related Delays

Dear Mr. Simonson:

We are writing to inform you of EPA and CDH objections to DOE's apparent disregard for the schedules in the recently signed IAG. We have discovered three areas where the IAG schedules are being jeopardized by DOE on purely procedural grounds, and consider such delays unacceptable.

It is our understanding that the OU 2 IM/IRA Decision Document, for which EPA/CDH approval was provided, has not been released to the public as of this writing, and that the reason for this is a delay in approval for the Environmental Assessment by DOE Headquarters.

EPA and CDH negotiated the detailed IAG schedules in good faith, and with DOE assurance that inclusion of NEPA documentation would not delay issue of IAG deliverables or action. We are very disturbed to see the first instance of the need for NEPA approval delaying action and jeopardizing an opportunity to capture and treat contaminated spring flows before they enter a watershed used for public drinking water supply.

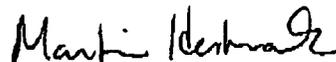
The recently proposed schedule for the Woman Creek IM/IRA shows similar serial insertion of NEPA reviews, resulting in a delay of several months. Thus, we are concerned that DOE intends to insert such requirements in all schedules. It must be clearly understood that perceived NEPA procedural requirements do not relieve DOE of the responsibility to comply with all deadlines as set forth in the IAG. Throughout the IAG negotiations, DOE agreed that NEPA would not delay cleanup. Failure to comply with the IAG schedule may result in EPA assessment of stipulated penalties, as specified in Part 19 of the IAG.

We have also received information indicating the field portion of this, and all other, RFI/RI activities may be delayed

indefinitely due to heightened security measures requiring escorts for non-cleared personnel. Your staff indicated this problem was common throughout DOE, but EPA headquarters informs us that no other Federal Facility has reported that heightened security presents similar problems. Even if RFP faces unique procedural restrictions, it would seem that with plutonium processing operations suspended, ample personnel with required clearances should be available onsite at RFP to provide the required escorts to ensure that DOE commitments are fulfilled. Implementation of a cross-training program whereby plutonium workers could be used to escort non-cleared personnel would seem compatible with the Governor's vision of RFP becoming a center for environmental technology, and may prove useful in transitioning plutonium workers into other occupations. DOE could also pursue hiring of security forces with the required clearances to monitor activities of ER contractors, rather than using DOE/EG&G personnel needed elsewhere to maintain compliance with the IAG. Thus, at this time, it is difficult for us to understand how the current security status of RFP may constitute good cause for any delays in the ongoing environmental restoration activities.

In conclusion, it is our position that the OU 2 IM/IRA Decision Document should be released to the public immediately, that NEPA requirements cannot be allowed to obstruct subsequent activities leading to completion of IAG actions, and that DOE must pursue available avenues to resolve schedule problems reportedly associated with heightened security. DOE must work with EPA and CDH in identifying and executing necessary steps to control schedule slippage in order to avoid cleanup delays and possible penalties under the terms of the IAG.

Sincerely,



Martin Hestmark, EPA
Rocky Flats Team Leader



Gary W. Baughman, CDH
Unit Leader,
Hazardous Waste Facilities

cc: Barbara Barry (CDH)
Tim Holeman (Office of the Governor)
Tom Greengard (EG&G)
Dan Miller (CDH)