

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2405

966-2296

SEP 26 1991

Ref: 8HWM-FF

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

re: Walnut Creek IM/IRA

Dear Mr. Simonson:

EPA and CDH have reviewed the request to extend the Walnut Creek IM/IRA schedule submitted in DOE's letter of September 16, 1991 (91-DOE-7494). Based on a review of this request and the applicable IAG terms (Paragraph 222), we find that no good cause exists for granting an extension in this case.

Your request is hereby denied. In accordance with paragraphs 129 and 130 of the IAG, you are hereby notified that failure to meet the scheduled IM/IRA milestone will place DOE in violation of the IAG and liable for stipulated penalties as provided therein. DOE may seek a determination that good cause exists through the dispute resolution process, if this process is invoked within 15 days. In this event, no assessment of penalties will be made until a decision is reached, but if the EPA/CDH position is upheld, then penalties will accrue from September 30, 1991.

EPA and CDH do not take this action lightly or without due consideration. We remind you that DOE made a firm commitment to complete the Walnut Creek IM/IRA in the Decision Document which EPA and CDH approved on January 25, 1991. As you indicated in your letter, this commitment was made with the full knowledge and understanding of the tasks to be completed, and the steps necessary to reach completion. As there has been no change of circumstances or extraordinary events in the interim, we see no valid basis for a one-year schedule extension. DOE/EG&G's continuing inability to effectively use their own procurement procedures cannot continue to serve as a reason for inordinate delays in actions which all parties have agreed are necessary to safeguard human health and the environment.

ADMIN RECORD

If you have questions or would like to discuss the progress of this effort, please contact Bill Fraser (EPA) at 294-1081 and/or Joe Schieffelin (CDH) at 331-4421.

Sincerely,

Martin Hestmark

Martin Hestmark, EPA
Manager
Rocky Flats Project

Gary W. Baughman

Gary Baughman, CDH
Unit Leader
Hazardous Waste Facilities

Attachment

cc: Barbara Barry, CDH
Scott Grace, DOE
Tom Greengard, EG&G