



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

MAY 4 1992



Ref: 8HWM-FF

Mr. Frazer Lockhart  
U.S. Department of Energy  
Rocky Flats Office  
P.O. Box 928  
Golden, CO 80402-0928

RE: Operable Unit 3  
Field Activities

Dear Mr. Lockhart:

EPA is aware that Operable Unit 3 (OU 3) remedial investigation field activities have not been initiated in accordance with the schedule in the approved RFI/RI Work Plan. The delay is apparently the result of the Department of Energy's (DOE) failure to issue a categorical exclusion and federal register notice for work in a floodplain. Both of these actions were identified by DOE as NEPA requirements. As we have stated previously, EPA does not believe that NEPA is applicable to DOE activities pursuant to the IAG or CERCLA. EPA considers the delay in field activities unjustified.

This letter serves as formal notification that DOE's failure to begin field activities will not constitute a good cause for subsequent failure to submit a **complete** draft RFI/RI report for OU 3 no later than **July 16, 1993**. Such failure will be regarded as a violation of the Interagency Agreement and will be subject to stipulated penalties.

Given that surface water sampling was to have begun by April 1, 1992, in order not to jeopardize the spring runoff sampling program, EPA suggests that DOE begin field activities in OU 3 immediately.

Sincerely,

Martin Hestmark, Manager  
Rocky Flats Project

cc: Robert Birk, DOE/RFO  
Paul Bunge, EG&G  
Michael Guillaume, EG&G  
Gary Baughman, CDH  
Joe Schieffelin, CDH

ADMIN RECORD