



4210 East 11th Avenue
Denver, Colorado 80220-3716
Phone (303) 320-8333

Hazardous Materials and
Waste Management Division
Telefax Number: (303) 331-4401

Telefax Numbers:
Main Building/Denver
(303) 322-9076

Parmigan Place/Denver
(303) 320-1529

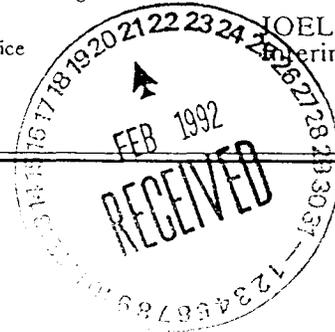
First National Bank Building/Denver
(303) 355-6559

Grand Junction Office
(303) 248-7198

Pueblo Office
(719) 543-8441

ROY ROMER
Governor

JOEL KOHN
Deputy Executive Director



February 14, 1992

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

RE: OU 9 Phase I RFI/RI Workplan

Dear Mr. Lockhart,

We are in receipt of your letter dated January 31, 1992, concerning the deliverable date for modifications to the OU 9 Workplan (92-DOE-0990). DOE has requested that the submittal of the workplan modifications occur on February 28, 1992, rather than on February 10, 1992, the date that the Division set in our comments to the Final Workplan. The Division is willing to grant this request.

In addition, we would like to respond to several issues raised in the letter from DOE referenced above. First, this request for a delay was not submitted to us in a timely manner. To have been timely, we should have received this request no later than January 27, 1992. Your letter is dated January 31, 1992, and we did not receive it until February 4, 1992.

Second, the Division gave DOE explicit guidance on how the environmental evaluation portion of the workplan should be handled until the Risk Assessment Technical Working Group can discuss this topic. Therefore, this subject can not be used as a reason for the delay request.

Third, the Division made clear in our comments to the draft version of the Workplan that the reason for submitting only abbreviated comments was that we expected the final version to be completely overhauled. We agree that the new version we received was substantially improved over the draft version. However, we repeatedly requested that DOE and EG&G work with us in the formulation of the final version so that extensive comments could be avoided. This did not occur. Our only recourse was to enforce the IAG which mandated that an approvable version of the workplan be submitted to the agencies on December 6, 1991. This also did

ADMIN RECORD

A-DU09-000043

not occur. Since this enforceable milestone was missed, it seemed reasonable to us to notify DOE of possible penalties.

As an additional point of clarification, modification of the environmental evaluation based on comments from the Natural Resource Trustees will be done at the sole discretion of DOE. Such modification is not considered within the IAG and the Division will not allow this type of modification to affect the schedules and/or approval of the Workplan.

The Division is granting this request because we committed to an extension in the January 24, 1992, staff level meeting and because this delay will not affect the workplan's implementation. In a similar previous case (OU 5 Workplan), the Division stated that we would not look favorably on this type of extension request. This remains the case. In the future, unless good cause for a delay can be demonstrated, it will not be granted.

If you have any questions regarding these matters, please call Joe Schieffelin of my staff at 331-4421.

Sincerely,



Gary W. Baughman
Unit Leader, Hazardous Waste Facilities
Hazardous Materials and Waste Management Division

cc: Daniel S. Miller, AGO
Martin Hestmark, EPA
Paul Bunge, EG&G
Randy Ogg, EG&G
Barbara Barry, RFPU