

The three most significant factors that have and will cause negative impacts to the OU3 schedule are detailed in Enclosure 1.

1) Historical Schedule Impacts

Two events delayed approval of the Work Plan (WP) from November 1991 to March 1992. A schedule extension was granted for the Draft WP in February 1991 without extending downstream milestones. Additional time was required for approval due to an unscheduled third review period. The original IAG scheduled 416 days from regulatory agency approval of the WP to submittal of the Draft RI Report. When this duration is added to the actual approval of the WP, the submittal date for the Draft RI Report would be October 13, 1993. This date would have been a reasonable milestone if no other factors had affected the schedule. Because of the strong disagreements over the technical approach detailed in the WP submitted December 6, 1991, final approval was not granted until March 17, 1992, causing delays in initiating field work. This qualifies as "good cause" as defined in the IAG, paragraph 222 D.

2) Access Permits

The IAG scheduled 21 days for obtaining property access permits from off-site landowners. This time period was grossly inadequate and unrealistic to complete the task. DOE/RFO and EG&G made the best effort possible to obtain the permits in a timely manner. If a landowner declined access, DOE/RFO instructed EG&G to select an adjacent or nearby site and maintain the technical and statistical quality of the WP. DOE/RFO instructed EG&G to select alternate sites rather than harass our neighbors through the court system, where a timely and positive outcome was not certain. When selecting an alternate site became necessary, the process of locating the site, contacting the landowner and negotiating the agreement had to be repeated.

Field work was interrupted several times due to lack of necessary access agreements with the landowners. The agreements were difficult to obtain because of owners' concerns over potential impacts from Rocky Flats, uncertainty in the investigation results, and liability issues. Many key landowners required several months to negotiate agreements through their legal counsel. The average time to obtain an agreement was approximately three months, with some five landowners requiring seven to nine months. The last signed agreement was received on June 3, 1993. The access factor constitutes "good cause" as defined in the IAG, paragraph 222 E.

3) Coordination with the OU2 Draft RI Report

The OU3 field sampling plan was developed based on the geographic extension of the OU2 soil sampling plan. The OU2 RI Report and the krieged soils data contained within will not be available until November 1993. The first internal report on OU2 soils will not have a completed internal review until November 1, 1993. The inclusion of the OU2 soils evaluation is technically integral to the OU3 RI Report, thus falling under "good cause" as defined in the IAG, paragraph 222 E. The anticipated time requirements are:

Receive OU2 Soil Assessment	11/1/93
Soils Data Evaluation	11/1/93 to 11/19/93
Incorporate Soil Assessment into Report	11/22/93 to 12/9/93
DOE Review of RI Report	12/10/93 to 1/11/94
Incorporate DOE Comments	1/12/94 to 1/31/94
Transmittal of Document	2/1/94 to 2/14/94
Submit Document to EPA/CDH	2/14/94

Additional, but less significant factors affecting DOE's ability to meet the present milestones include:

FY92 budget uncertainty at the beginning of the fiscal year caused a procurement delay in bringing the field work contractor on-board.

DOE could not allow EG&G to start certain field work as scheduled because of the NEPA-required categorical exclusion process.

The potential presence of the threatened plant species *Spiranthes diluvialis* caused field delays.

Unusually persistent winter snow cover caused delays in soil sampling.

The arrival of a nesting pair of Bald eagles in the vicinity of Standley Lake caused the diversion of a great deal of limited staff time to assure compliance with the various laws protecting the eagles. Although DOE was able to work around the eagles, the diversion of staff time was significant.

For all of the aforementioned reasons, DOE/RFO believes a schedule extension for the Table 6 milestone dates for "good cause" under the IAG is warranted and appropriate. DOE proposes to submit the Draft OU3 RI Report to you on February 14, 1994, and the Final OU3 RI Report on October 21, 1994. The enclosed schedule itemizes the subtask time requirements needed to achieve the October 21, 1994 date for delivery of the Final RI Report.

