



Colorado Department  
of Public Health  
and Environment



December 14, 1999

Mr. Joseph A. Legare  
Assistant Manager for Environment and Infrastructure  
U.S. DOE, RFFO  
10808 Highway 93, Unit A  
Golden, CO 80403-8200

**RE: RFCA Milestone 99-M10 Follow-up**

Dear Mr. Legare:

In response to your letter dated November 29, 1999, we would like to clarify our position regarding RFCA Milestone 99-M10 (hereafter called "the Milestone"). Upon receiving your September 30, 1999 letter identifying the Site's position that the Milestone had been met, we immediately scheduled a meeting with your staff for October 13, 1999 to discuss the issue. Unfortunately as a result of scheduling conflicts, Site personnel were unable to meet with us until October 20, 1999. At that time we learned the details of DOE's decision to utilize Building 906 for TRU/TRM storage. We were also told that the use of Building 906 was contingent upon the Site receiving a variance on Safeguard Termination Limits (STLs), and that if the variance was not granted, the Site would run out of TRU/TRM storage during the third quarter of FY00.

Believing these statements to be contradictory to the position put forth in your September 30, 1999, letter, we sent the October 26, 1999 letter questioning whether the Milestone had actually been met.

In a meeting in your office on November 29, 1999, and during a conference call between Steve Gunderson and Glenn Doyle and Reg Tyler of your staff on December 14, 1999, we have been informed of the following:

- 1) What is actually being requested is an STL waiver, rather than an STL variance, which requires DOE HQ concurrence rather than HQ approval.
- 2) The Site is confident that it will be granted the STL waiver and your letter of November 29, 1999 outlines plans to have storage operations in Building 906 begin on May 31, 2000.
- 3) The Site has proposed modifications to the RCRA permit which would increase the storage capacity in Buildings 371 and 707. Chris Gilbreath of CDPHE has met with representatives from your staff and has discussed the proposed changes to the Site's RCRA Permit. Based on these discussions, we agree that modifications to Building 371 and 707 are reasonable and should occur within the necessary timeframe.
- 4) The construction design for Building 906 has been completed, and construction will begin this week. In addition, long lead time items, such as the HEPA systems and the filter frames, have been ordered this week.

ENVIRONMENTAL CLASSIFICATION  
NEW WAIVER PERMIT  
CLASSIFICATION OFFICE

Based on the information listed above, we will consider the Milestone to have been met. However, given how important the availability of adequate TRU/TRM storage is to achieving closure by the end of 2006, we insist that the Site keep us abreast of the developments in getting 906 ready for TRU/TRM storage. In addition, we would like frequent status reports on the amount of storage space available. We request that this information be provided periodically at RFCA Project Coordinator meetings, and that more detailed briefings be provided to

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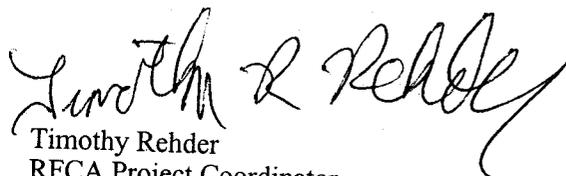
Chris Gilbreath on a regular basis.

Please contact us if you have any questions.

Sincerely,



Steven H. Gunderson  
RFCA Project Coordinator  
CDPHE



Timothy Rehder  
RFCA Project Coordinator  
EPA

CC: D. Miller, AGO

