

December 15, 2003

VIA EMAIL AND U.S. MAIL

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**Re: CSMRI Site, Golden, Colorado**

Gentlemen:

Thank you for meeting with our group on Friday, December 12 to discuss the issues of the RI/FS for the CSMRI Site. I believe all attendees felt the meeting was productive and a good exchange of information. Since the meeting, I have given further thought to several of the issues, and have some additional comments for your consideration. I want to get this information to you quickly, so I am writing solely on behalf of my clients, the BP Amoco entities. Not all group members were able to respond by the time of signature, but the following indicated that they join in these supplemental comments: Elf Aquitaine, Inc., Asarco Incorporated, ExxonMobil Corporation and Mexicana de Cobre.

1. Typically, an RI/FS exercise will have a carefully worded statement of "remedial objectives". I assume at this point in the RI/FS process that such a statement has been carefully drafted. It would help our group in discussions with the Colorado School of Mines ("School") if you could provide us with a statement of the remedial objectives. On a related issue, I assume that the School's evaluation criteria will include the typical CERCLA evaluation criteria of effectiveness, implementability and cost.

2. I have reviewed the remedial alternatives currently under consideration as expressed in your December 10, 2003 letter. Although not so expressed, I assume that alternatives 4(A) and 4(B) will also include institutional controls to prohibit disturbance of and provide long-term protection of the consolidated materials. I also assume that for alternatives 3(A) and 3(B), the excavation will be backfilled. Will there be any risk reduction benefit from such backfill?

3. While it may not be true, the simple statements of alternatives 4(A) and 4(B) suggest that all impacted materials would be consolidated onsite in those alternatives. Contrast the 4(A) and 4(B) alternatives to the 5(A) and 5(B) alternatives, which are total

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excavation and offsite disposal. I am unable to determine if those two all or nothing approaches (alternatives 4 versus alternatives 5) will provide sufficient information to evaluate an alternative taking components from both alternatives 4 and 5. You may want to include an alternative that has components of both alternatives 4 and 5, for example, onsite consolidation of some materials and appropriate offsite disposal of other materials.

4. I assume the School desires as much unrestricted use as possible for all alternatives other than alternative 1, No Further Action. However, except for alternatives 5(A) and 5(B), there necessarily will be some restrictions by means of institutional controls, which could include components such as:

- Restrictions on disturbance of capped areas or consolidation areas.
- Regular inspection and O & M of such areas.
- A mechanism for remedy protection/repair.
- Requirement for radon venting systems for any structure which may collect radon.


5. Radiation license termination was stated to be an objective of the School. I would appreciate a copy of the School's current radiation license. The RI/FS should address the relationship between the license termination requirements and the remedial alternatives.

6. Linn Havelick explained at the meeting the complexities of the geology and hydrology. I request a copy of whatever report the School has which best describes these features.

Thank you for the opportunity to submit these supplemental comments. I would be happy to further discuss any of them with you should you desire.

Sincerely,

BURNS, FIGA & WILL, P.C.

  
J. Kemper Will

JKW:aa

cc: John C. Everhardus, BP America, Inc.