

CSMRI
9.1

BERG HILL GREENLEAF & RUSCITTI LLP

ATTORNEYS & COUNSELORS AT LAW

1712 Pearl Street • Boulder, Colorado 80302

Tel: 303.402.1600 • Fax: 303.402.1601

bhgrlaw.com

George V. Berg, Jr.
David G. Hill
Richard F. Greenleaf
Giovanni M. Ruscitti

Jon N. Banashek
Josh A. Marks
Thomas E. Merrigan
John G. Neville

Special Counsel:
Neil C. King

Justin C. Berg
M. Neal Hanna
Melissa M. Heidman
Asimakis (Maki) P. Iatridis
Kathleen M. Morgan
Heidi C. Potter
Timothy C. Reeves
Susan Tyrrell Richards
Julie S. Schoenfeld
Shawn T. Stigler
Kim A. Tomey
Michael H. Wussow

October 12, 2004

James Spaanstra, Esq.
Faegre & Benson, L.L.C.
3200 Wells Fargo Center
1700 Lincoln Street
Denver, CO 80203

Re: *CSMRI Site Clean Up*

Dear Jim:

This letter confirms one aspect of our meeting today in which BFI representatives stated that since 2003, BFI has been and remains interested in accepting waste materials from the CSMRI Site above the 3 pCi/g Ra-226 threshold (previously established for materials to be accepted without a risk assessment) so long as a risk assessment shows that the risks will be properly managed by the BFI Foothills Landfill and the Colorado Department of Public Health and Environment agrees that the material may be safely managed there. If this letter does not accurately summarize BFI's position as stated during our meeting today with Mr. Penney and Ms. Stengl of BFI and Mr. Havelick of Colorado School of Mines, please let me know. Thank you.

Sincerely,



Asimakis (Maki) P. Iatridis

cc: Mr. Linn Havelick
David Harmon, Esq.