



ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear
Governor

Leonard K. Peters
Secretary

Department for Environmental Protection
Division of Waste Management
200 Fair Oaks, 2nd Floor
Frankfort, Kentucky 40601-1190
www.kentucky.gov

November 7, 2013

Ms. Rachel Blumenfeld
US Department of Energy
Portsmouth/Paducah Project Site Office
PO Box 1410
Paducah, Kentucky 42002

RE: Approval of the Federal Facility Agreement Milestone Modifications and Extensions as a Result of Partial Government Shutdown
Paducah Gaseous Diffusion Plant
Paducah, McCracken County, Kentucky
KY8-890-008-982

Ms. Blumenfeld:

The Kentucky Division of Waste Management (Division) acknowledges receipt of the DOE's Federal Facility Agreement (FFA) Milestone Modifications and Extensions as a Result of Partial Government Shutdown, dated October 31, 2013. There are four Milestone Modifications included in this request for the following documents: the D2/R1 *Northeast Plume Remedial Action Work Plan*, the D1 *FFA Semiannual Progress Report – Second Half of 2013*, the D2 *Southwest Plume Sources, SWMUs 211-A and 211-B Final Characterization Report* and the D1 *2014 Site Management Plan*. A seventeen (day-for-day) extension was requested for these four documents as a result of the partial government shutdown. In light of this unavoidable occurrence and in accordance with FFA Section XXIX.B.6, the Division hereby approves these four milestone modifications, which have been signed and are attached.

If you have any questions or require additional information, please contact Todd Mullins at (502) 564-6716, or e-mail at todd.mullins@ky.gov.

Sincerely,



April J. Webb, P.E., Manager
Hazardous Waste Branch

AJW:tm:lww

ec: Jennifer Tufts, US EPA - Region 4, Tufts.Jennifer@epa.gov
Jon Richards, US EPA – Region 4; Richards.jon@epa.gov
William E. Murphie, DOE – Paducah, William.murphie@lex.doe.gov
Rob Seifert, DOE – Paducah, Rob.Seifert@lex.doe.gov
Jennifer Woodard, DOE – Paducah, Jennifer.Woodard@lex.doe.gov
Kim Crenshaw, DOE – Paducah, kim.crenshaw@lex.doe.gov
Mark J. Duff, LATAKY – Kevil; mark.duff@lataky.com
Myrna Redfield, LATAKY – Kevil, Myrna.Redfield@lataky.com
John Wesley Morgan, LATAKY – Kevil; John.Morgan@lataky.com
Jana White, LATAKY – Kevil; jana.white@lataky.com
Frasier Johnstone, LATAKY – Kevil, edward.johnstone@lataky.com
Darla Bowen, LATAKY – Kevil; darla.bowen@lataky.com
Jessica Lemus, LATAKY – Kevil; Jessica.lemus@lataky.com
Elizabeth Wyatt, LATAKY – Kevil; Elizabeth.wyatt@lata.com
John Gadd, Jacobs – Kevil, John.Gadd@jacobs.com
Tracey Duncan, P2S – Paducah; tracey.duncan@lex.doe.gov
Rebecca Wren, P2S – Paducah; Rebecca.Wren@lex.doe.gov
Christa Dailey, P2S – Paducah; christa.dailey@lex.doe.gov
Bethany Jones, P2S – Paducah; Bethany.jones@lex.doe.gov
Jim Ethridge, CAB – Paducah; jim@pgdpcab.org
Matt McKinley, CHFS – Frankfort, matthewW.mckinley@ky.gov
Stephanie Brock, CHFS – Frankfort; StephanieC.Brock@ky.gov
Nathan Garner, CHFS – Frankfort; Nathan.garner@ky.gov
Todd Mullins, KDWM – Frankfort; Todd.Mullins@ky.gov
Gaye Brewer, KDWM – Paducah; gaye.brewer@ky.gov
Jeff Gibson, KDWM – Frankfort; Jeffrey.Gibson@ky.gov
Leo Williamson, KDWM – Frankfort; Leo.Williamson@ky.gov

DWM File: #505-B; Graybar: AIN20130003 (2013 SMP FFA Mods)

DWM File: #430; Graybar: AIN19970003 (FFA Progress Reports)

DWM File: #1180; Graybar: AIN20140001 (2014 SMP)

DWM File: #1160-E; Graybar: ARM20130012 (SW Plume VOC Sources Final RDR)

DWM File: #1210-G; Graybar: ARM20120005 (NE Plume RAWP)

Attachment: Four Signed FFA Milestone Modification Forms

**MODIFICATION TO THE PADUCAH FEDERAL FACILITY AGREEMENT
ACCORDING TO THE TERMS OF SECTION XXXIX**

Modification requested by: Rachel H. Blumenfeld	Date: October 28, 2013								
Requester's Organization: U.S. Department of Energy									
Section to be modified: Appendices C and G									
Reason for modification: To modify the submittal date of the D1 Federal Facility Agreement (FFA) Semiannual Progress Report—Second Half of Fiscal Year 2013 by 17 days. On October 1, 2013, a budget was not passed by Congress, resulting in partial shutdown of the government. U.S. Environmental Protection Agency (EPA) personnel were furloughed until October 17, 2013. Upon EPA's return to work, the FFA parties convened via conference call on October 21, 2013, to discuss the impacts of government shutdown. During this call, FFA parties agreed verbally that in accordance with Section XXIX.B.6 of the FFA, good cause exists for a day-for-day extension for submittal of the D1 FFA Semiannual Progress Report—Second Half of Fiscal Year 2013.									
Modification requested:									
<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Project</u></th> <th style="text-align: left;"><u>Deliverable</u></th> <th style="text-align: left;"><u>Current FFA Date</u>¹</th> <th style="text-align: left;"><u>New Date</u></th> </tr> </thead> <tbody> <tr> <td>FFA Agreement</td> <td>D1 FFA Semiannual Report Second Half 2013</td> <td>10/30/2013</td> <td>11/16/2013</td> </tr> </tbody> </table>		<u>Project</u>	<u>Deliverable</u>	<u>Current FFA Date</u> ¹	<u>New Date</u>	FFA Agreement	D1 FFA Semiannual Report Second Half 2013	10/30/2013	11/16/2013
<u>Project</u>	<u>Deliverable</u>	<u>Current FFA Date</u> ¹	<u>New Date</u>						
FFA Agreement	D1 FFA Semiannual Report Second Half 2013	10/30/2013	11/16/2013						
Notes: ¹ The currently approved FFA date is in accordance with Section XXIII of the FFA.									

Determination by any one of the three project managers that a modification is major will require that the modification be submitted for public participation to the extent required by DOE's Community Relations Plan under Section XXXIII.

	Major modification?		
	YES	NO	
DOE, Paducah Acting Site Manager's Approval: 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date: 10/31/2013
KDEP, Division of Waste Management Director's Approval: 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date: 11/16/2013
EPA, Region 4, Remedial Project Manager's Approval:	<input type="checkbox"/>	<input type="checkbox"/>	Date:

Note: Return to DOE after signature for the Administrative Record and to initiate distribution to FFA "Controlled" copies.

**MODIFICATION TO THE PADUCAH FEDERAL FACILITY AGREEMENT
ACCORDING TO THE TERMS OF SECTION XXXIX**

Modification requested by: Rachel H. Blumenfeld	Date: October 28, 2013								
Requester's Organization: U.S. Department of Energy									
Section to be modified: Appendices C and G									
Reason for modification: To modify the submittal date of the D1 Fiscal Year 2014 Site Management Plan by 17 days. On October 1, 2013, a budget was not passed by Congress, resulting in partial shutdown of the government. U.S. Environmental Protection Agency (EPA) personnel were furloughed until October 17, 2013. Upon EPA's return to work, the Federal Facility Agreement (FFA) parties convened via conference call on October 21, 2013, to discuss the impacts of government shutdown. During this call, FFA parties agreed verbally that in accordance with Section XXIX.B.6 of the FFA, good cause exists for a day-for-day extension for submittal of the D1 FY 2014 Site Management Plan.									
Modification requested:									
<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align:left;"><u>Project</u></th> <th style="text-align:left;"><u>Deliverable</u></th> <th style="text-align:left;"><u>Current FFA Date</u>¹</th> <th style="text-align:left;"><u>New Date</u></th> </tr> </thead> <tbody> <tr> <td>FFA Agreement</td> <td>D1 Site Management Plan</td> <td>11/15/2013</td> <td>12/2/2013</td> </tr> </tbody> </table>		<u>Project</u>	<u>Deliverable</u>	<u>Current FFA Date</u> ¹	<u>New Date</u>	FFA Agreement	D1 Site Management Plan	11/15/2013	12/2/2013
<u>Project</u>	<u>Deliverable</u>	<u>Current FFA Date</u> ¹	<u>New Date</u>						
FFA Agreement	D1 Site Management Plan	11/15/2013	12/2/2013						
Notes: ¹ The currently approved FFA date is in accordance with Section XVIII of the FFA.									

Determination by any one of the three project managers that a modification is major will require that the modification be submitted for public participation to the extent required by DOE's Community Relations Plan under Section XXXIII.

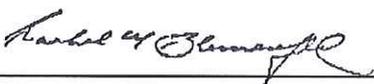
	Major modification?		
	YES	NO	
DOE, Paducah Acting Site Manager's Approval: 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date: 10/31/2013
KDEP, Division of Waste Management Director's Approval: 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date: 11/10/2013
EPA, Region 4, Remedial Project Manager's Approval:	<input type="checkbox"/>	<input type="checkbox"/>	Date:

Note: Return to DOE after signature for the Administrative Record and to initiate distribution to FFA "Controlled" copies.

**MODIFICATION TO THE PADUCAH FEDERAL FACILITY AGREEMENT
ACCORDING TO THE TERMS OF SECTION XXXIX**

Modification requested by: Rachel H. Blumenfeld	Date: October 28, 2013
Requester's Organization: U.S. Department of Energy	
Section to be modified: XXXIX – Modification of Agreement	
Reason for modification: On October 1, 2013, a budget was not passed by Congress, resulting in partial shutdown of the government. U.S. Environmental Protection Agency (EPA) personnel were furloughed until October 17, 2013. Upon EPA's return to work, the Federal Facility Agreement (FFA) parties convened via conference call on October 21, 2013, to discuss the impacts of government shutdown. During this call, the FFA parties agreed verbally that in accordance with Section XXIX.B.6 of the FFA, good cause exists for a day-for day extension of DOE's time period for invocation of dispute associated with the D2/R1 Northeast Plume Remedial Action Work Plan since the FFA parties had not had time to meet to discuss the conditions prior to and/or during the partial government shutdown.	
Modification requested:	
1. XX.I Finalization of Documents and XX.V.A Informal Dispute—invocation of dispute extended from 30 days to 47 days for the D2/R1 Northeast Plume Remedial Action Work Plan. New deadline for invocation of dispute modified from October 23, 2013, to November 9, 2013.	

Determination by any one of the three project managers that a modification is major will require that the modification be submitted for public participation to the extent required by DOE's Community Relations Plan under Section XXXIII.

	Major modification?		
	YES	NO	
DOE, Paducah Site Manager's Approval: 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date: 10/31/13
KDEP, Division of Waste Management Director's Approval: 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date: 10/6/13
EPA, Region 4, Remedial Project Manager's Approval:	<input type="checkbox"/>	<input type="checkbox"/>	Date:

Note: Return to DOE after signature for the Administrative Record and to initiate distribution to FFA "Controlled" copies.

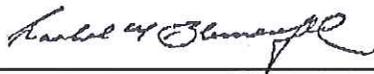
**MODIFICATION TO THE PADUCAH FEDERAL FACILITY AGREEMENT
ACCORDING TO THE TERMS OF SECTION XXXIX**

Modification requested by: Rachel H. Blumenfeld		Date: October 28, 2013	
Requester's Organization: U.S. Department of Energy			
Section to be modified: Appendices C and G			
Reason for modification: To modify upcoming Groundwater Operable Unit Southwest (SW) Plume Sources–Solid Waste Management Units (SWMUs) 211-A and 211-B (Enhanced <i>In Situ</i> Bioremediation) enforceable milestones to allow for the extension of the D1 Remedial Design Report, D1 Remedial Action Work Plan, and D1 Remedial Action Completion Report by 31 days. On October 1, 2013, a budget was not passed by Congress, resulting in partial shutdown of the government. U.S. Environmental Protection Agency (EPA) personnel were furloughed until October 17, 2013. Upon EPA's return to work, the Federal Facility Agreement (FFA) parties convened via conference call on October 21, 2013, to discuss the impacts of government shutdown. During this call, the FFA parties agreed that the priority of the D2 SW Plume Sources SWMUs 211-A and 211-B Final Characterization Report was lower than other documents scheduled to be submitted prior to December 31, 2013. The FFA parties agreed further that the D2 SW Plume Sources SWMUs 211-A and 211-B Final Characterization Report would be extended by 31 days, from November 9, 2013, to December 10, 2013. As a result, and in accordance with Section XXIX.B.4 and Section XXIX.B.6 of the FFA, the FFA parties also agreed to that a 31-day milestone extension of the subsequent SW Plume SWMUs 211-A and 211-B FFA documents was applicable.			
Modification requested:			
<u>Project</u>	<u>Deliverable</u>	<u>Current FFA Date¹</u>	<u>Proposed Date</u>
Southwest Plume Sources – SWMU 211-A & 211-B	D1 Remedial Design Report	1/21/2015	2/21/2015
Southwest Plume Sources – SWMU 211-A & 211-B	D1 Remedial Action Work Plan	2/12/2015	3/15/2015
Southwest Plume Sources – SWMU 211-A & 211-B	D1 Remedial Action Completion Report	5/22/2017	6/22/2017
Notes: ¹ The currently approved FFA dates are based upon the FY 2013 Site Management Plan (DOE/LX/07-1284&D2/R1).			

Determination by any one of the three project managers that a modification is major will require that the modification be submitted for public participation to the extent required by DOE's Community Relations Plan under Section XXXIII.

Major modification?

YES NO

DOE, Paducah Acting Site Manager's Approval: 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date: 10/31/2013
KDEP, Division of Waste Management Director's Approval: 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date: 11/6/13
EPA, Region 4, Remedial Project Manager's Approval:	<input type="checkbox"/>	<input type="checkbox"/>	Date:

Note: Return to DOE after signature for the Administrative Record and to initiate distribution to FFA "Controlled" copies.