



ENERGY AND ENVIRONMENT CABINET

Steven L. Beshear
Governor

Leonard K. Peters
Secretary

Department for Environmental Protection
Division of Waste Management
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August 21, 2014

Mrs. Jennifer Woodard, Site Lead
Portsmouth/Paducah Project Site Office
US Department of Energy
PO Box 1410
Paducah, Kentucky 42002

RE: Approval of the Federal Facility Agreement Milestone Modification for the Proposed Plan for the Burial Grounds Operable Unit Source Areas Solid Waste Management Units 5 and 6 (DOE/LX/07-1275&D2) and Subsequent Documents.
Paducah Gaseous Diffusion Plant
Paducah, McCracken County, Kentucky
KY8-890-008-982

Mrs. Woodard:

The Kentucky Division of Waste Management (Division) acknowledges receipt of the DOE's August 18, 2014 Federal Facility Agreement (FFA) Milestone Modification for the D2 *Proposed Plan for the Burial Grounds Operable Unit Source Areas Solid Waste Management Units 5 and 6* and subsequent documents. This extension is based on the Division's July 28, 2014 request that its deadline for responding to the D2 Proposed Plan for SWMUs 5 and 6 be extended until such time as the Waste Disposition Alternatives (WDA) project Record of Decision has been approved.

Consistent with its previous letters, the Division continues to assert that it is premature to finalize the Proposed Plan for SWMUs 5 and 6 prior to WDA ROD signature. In accordance with Sections XXIX.B.4 and XXIX.B.6 of the FFA, the Division agrees that good cause exists for this Modification, which is hereby granted.

If you have any questions or require additional information, please contact Gaye Brewer at (270) 898-8468, or e-mail gaye.brewer@ky.gov.

Sincerely,



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

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DWM File: #1100-E, Graybar ARM20130010 (Rev PP for BGOU SWMUs 5 & 6)

DWM File: #505-B; Graybar: AIN20140002 (2014 SMP FFA Mods)

Attachment: Signed FFA Milestone Modification Form

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

Modification requested by: **Jennifer Woodard** Date: August 15, 2014

Requester's Organization: **U.S. Department of Energy**

Section to be modified: **Appendices C and G**

Reason for modification: To modify upcoming Burial Grounds Operable Unit (BGOU) Solid Waste Management Units (SWMUs) 5 and 6 Federal Facility Agreement (FFA) milestones to allow for extension of the D1 Record of Decision, D1 Remedial Design Work Plan, D1 Remedial Design Report, D1 Remedial Action Work Plan, Field Start, and D1 Remedial Action Completion Report by 45 days. On October 17, 2013, the U.S. Environmental Protection Agency (EPA) provided conditional concurrence on the *Proposed Plan for the Burial Grounds Operable Unit Source Areas at the Paducah Gaseous Diffusion Plant, Kentucky: Solid Waste Management Units 5 and 6*, DOE/LX/07-1275&D2 (D2 Proposed Plan). On July 28, 2014, the Kentucky Department for Environmental Protection (KDEP), in accordance with Section XXIX.B.6 of the Federal Facility Agreement (FFA), requested an additional 45 days to review and respond to the D2 Proposed Plan, extending KDEP's comment review period from July 28, 2014 to September 11, 2014. As a result of KDEP's extension, which extends the period of review for the subject document, the U.S. Department of Energy's (DOE's) resubmittal of the document or invocation of dispute in response to EPA conditions also is extended until after such time that KDEP issues a letter of concurrence, nonconcurrence, or conditional concurrence on the subject document and the period of review terminates.

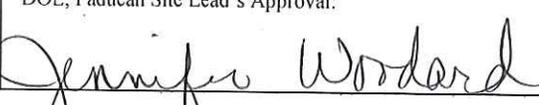
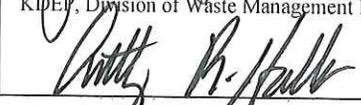
Based on KDEP's extension, and in accordance with Section XXIX.B.4 of the FFA, good cause exists for this 45-day milestone extension of the subsequent documents associated with BGOU SWMUs 5 and 6.

Modification requested:

| <u>Project</u> | <u>Deliverable</u> | <u>Current FFA Date¹</u> | <u>New Date</u> |
|----------------|--------------------------------------|---|---|
| BGOU 5 and 6 | D1 ROD | 10/23/2014 | 12/07/2014 |
| BGOU 5 and 6 | D1 Remedial Design Work Plan | 11/22/2014 | 1/06/2015 |
| BGOU 5 and 6 | D1 Remedial Design Report | 11/22/2015 | 1/06/2016 |
| BGOU 5 and 6 | D1 Remedial Action Work Plan | 12/22/2015 | 2/05/2016 |
| BGOU 5 and 6 | Field Start | 7/03/2016 | 8/17/2016 |
| BGOU 5 and 6 | D1 Remedial Action Completion Report | 4 th Quarter 2017 ² | 1 st Quarter 2018 ² |

Notes:
¹The currently approved FFA dates are based on the milestone modification for BGOU SWMUs 5 and 6, dated July 23, 2014.
²Indicates a planning date.

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.

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|--|---|---|
| <p>DOE, Paducah Site Lead's Approval:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;">  </div> | <p>Major modification?</p> <p>YES NO</p> | <p>Date:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;">  </div> <p>8/15/14</p> |
| <p>KDEP, Division of Waste Management Director's Approval:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;">  </div> | <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> | <p>Date:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;">  </div> <p>8/20/14</p> |
| <p>EPA, Region 4, Remedial Project Manager's Approval:</p> <div style="border: 1px solid black; height: 40px;"></div> | <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p> | <p>Date:</p> <div style="border: 1px solid black; height: 40px;"></div> |

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