



## ENERGY AND ENVIRONMENT CABINET

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Governor

Leonard K. Peters  
Secretary

Department for Environmental Protection  
Division of Waste Management  
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March 17, 2014

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 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

Ms. Blumenfeld:

The Kentucky Division of Waste Management (Division) acknowledges receipt of the DOE's March 10, 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 January 27, 2014 request that its deadline for responding to the D2 Proposed Plan for SWMUs 5&6 be extended until such time as the Waste Disposition Alternatives (WDA) project Record of Decision has been approved. In a response letter dated February 19, 2014, the EPA did not agree with the continued delay of the BGOU SWMUs 5 and 6 remedy selection process, but did agree to a 60-day extension request. Consistent with its January 27, 2014 letter, the Division continues to assert that it is premature to finalize the Proposed Plan for SWMUs 5&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](mailto:gaye.brewer@ky.gov).

Sincerely,

*Bill Schneider*

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

AJW:tm:gb:lww

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Ms. Rachel Blumenfeld  
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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**

<b>Modification requested by:</b> Rachel H. Blumenfeld	<b>Date:</b> February 25, 2014
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**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 (ROD), D1 Remedial Design Work Plan, D1 Remedial Design Report, D1 Remedial Action Work Plan, Field Start, and D1 Remedial Action Completion Report. On January 27, 2014, the Kentucky Department for Environmental Protection (KDEP) requested to extend the time to review and respond to 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)* until such time as the Waste Disposal Alternatives project ROD is approved. On February 19, 2014, the U.S. Environmental Protection Agency (EPA) responded to KDEP's request indicating that EPA does not agree with the continued delay of the BGOU SWMUs 5 and 6 project. EPA, however, indicated that they were cognizant of the Citizens Advisory Board's concerns and KDEP's position and, as a result, EPA would agree to a 60-day extension of KDEP's time to review and respond to the D2 Proposed Plan. Based on KDEP's extension request and EPA's agreement to an extension of 60 days, in accordance with Sections XXIX.B.4 and XXIX.B.6 of the FFA, good cause exists for a 60-day milestone extension of the subsequent documents associated with the BGOU SWMUs 5 and 6 project.

Additionally, please note that EPA provided, in accordance with Section XX.I of the FFA, Finalization of Documents, conditional concurrence on the D2 Proposed Plan on October 17, 2013. As a result of KDEP's January 27, 2014, extension request, which extends the period of review for the D2 Proposed Plan, the U.S. Department of Energy's resubmission of the Proposed Plan (D2/R1) or invocation of dispute in response to EPA conditions also is extended until such time as KDEP issues a letter of concurrence, nonconcurrence, or conditional concurrence on the subject document.

**Modification requested:**

<u>Project</u>	<u>Deliverable</u>	<u>Current FFA Date<sup>1</sup></u>	<u>New Date</u>
BGOU 5and 6	D1 ROD	4/26/2014	6/25/2014
BGOU 5and 6	D1 Remedial Design Work Plan	5/26/2014	7/25/2014
BGOU 5and 6	D1 Remedial Design Report	5/26/2015	7/25/2015
BGOU 5and 6	D1 Remedial Action Work Plan	6/25/2015	8/24/2015
BGOU 5and 6	Field Start	1/04/2016	3/05/2016
BGOU 5and 6	D1 Remedial Action Completion Report	2 <sup>nd</sup> Quarter 2017 <sup>2</sup>	3 <sup>rd</sup> Quarter 2017 <sup>2</sup>

**Notes:**  
<sup>1</sup>The currently approved FFA dates are based on the FY 2014 Site Management Plan (DOE/LX/07-1292&D2).  
<sup>2</sup>Indicates 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.

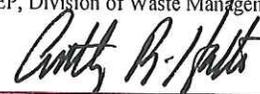
**Major modification?**

YES      NO

DOE, Paducah Site Manager's Approval:  


YES       NO

Date:  
3-10-2014

KDEP, Division of Waste Management Director's Approval:  


YES       NO

Date:  
3/17/14

EPA, Region 4, Remedial Project Manager's Approval:

YES       NO

Date:

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