



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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Frankfort, Kentucky 40601-1190
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May 23, 2014

Ms. Rachel H. 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

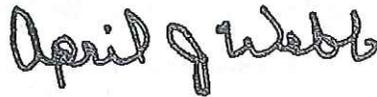
Ms. Blumenfeld:

The Kentucky Division of Waste Management (Division) acknowledges receipt of the DOE's May 20, 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 April 7, 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.

Consistent with its April 7, 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.

Sincerely,



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

AJW:tm:gb:lww

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Ms. Rachel H. 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**

| | |
|---|-----------------------------|
| Modification requested by: Rachel H. Blumenfeld | Date: May 8, 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. 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. On April 7, 2014, the Kentucky Department for Environmental Protection (KDEP), in accordance with Section XXIX.B.6 of the Federal Facility Agreement (FFA), 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) by 30 days, making KDEP comments due on April 28, 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 as KDEP issues a letter of concurrence, nonconcurrence, or conditional concurrence on the subject document and the period of review terminates.

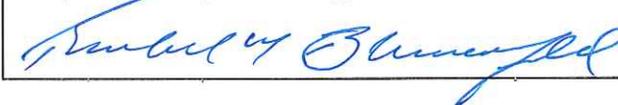
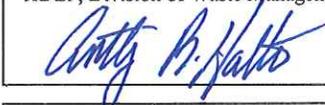
Based on KDEP's extension, in accordance with Section XXIX.B.4 of the FFA, good cause exists for this 30-day milestone extension of the subsequent documents associated with the BGOU SWMUs 5 and 6 project.

Modification requested:

| <u>Project</u> | <u>Deliverable</u> | <u>Current FFA Date¹</u> | <u>New Date</u> |
|----------------|--------------------------------------|---|---|
| BGOU 5 and 6 | D1 ROD | 6/25/2014 | 7/25/2014 |
| BGOU 5 and 6 | D1 Remedial Design Work Plan | 7/25/2014 | 8/24/2014 |
| BGOU 5 and 6 | D1 Remedial Design Report | 7/25/2015 | 8/24/2015 |
| BGOU 5 and 6 | D1 Remedial Action Work Plan | 8/24/2015 | 9/23/2015 |
| BGOU 5 and 6 | Field Start | 3/05/2016 | 4/4/2016 |
| BGOU 5 and 6 | D1 Remedial Action Completion Report | 3 rd Quarter 2017 ² | 3 rd Quarter 2017 ² |

Notes:
¹ The currently approved FFA dates are based on the milestone modification for BGOU SWMUs 5 and 6, dated March 10, 2014.
² 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 Acting Site Lead's Approval:  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Date: 5-20-2014 |
| KDEP, Division of Waste Management Director's Approval:  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Date: 5/22/2014 |
| 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.