



ENERGY AND ENVIRONMENT CABINET

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Governor

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Leonard K. Peters
Secretary

April 28, 2014

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

RE: Approval of the Extension Request for Submittal of the D2 Feasibility Study for Solid Waste Management Units 2, 3, 7 and 30 of the Burial Grounds Operable Unit (DOE/LX/07-1274&D2)
Paducah Gaseous Diffusion Plant
Paducah, McCracken County, Kentucky
KY8-890-008-982

Ms. Blumenfeld:

The Kentucky Division of Waste Management (Division) acknowledges receipt of DOE's latest extension request for the subject project dated April 14, 2014. This request seeks to extend the submittal date for the D2 Feasibility Study for SWMUs 2, 3, 7 and 30 of the Burial Grounds Operable Unit from April 15, 2014 to June 15, 2014, an extension of 60 days. The request cites competing priorities as an element of good cause for the requested extension. The competing priorities cited were correctly identified in DOE's extension request as enforceable commitments in the FY 2014 Site Management Plan (SMP).

This extension request is the latest in a growing list of such requests for this project. On June 12, 2013, due to the stated complexity of the document and the existence of competing priorities, an extension in excess of nine months was granted for this project. A considerable amount of time was then expended to develop a schedule and process for comment resolution so that an approvable D2 document could be developed and delivered by March 31, 2014. Unfortunately, DOE's extended internal document and comment reviews made it impossible to adhere to this agreed-upon schedule. As the end of the extended review period neared, DOE notified the Division that it would require at least 15 days (but likely 30 days) additional time to

deliver the required document. It is now regrettable that at the end of approximately 10 months, without having completed the extended comment resolution process, DOE still does not have a final version of the document ready for regulatory review and is requesting another extension, this time for two months.

The Division is very dissatisfied and frustrated with the lack of progress on this project. Given the workload faced by DOE and its contractors and the potential for a more complete and thorough document review, the Division was willing to grant DOE considerable flexibility by allowing it extra time to generate a D2 revision to the Feasibility Study. However, it appears that DOE may be taking advantage of the Division's good faith effort to work together along with EPA to generate a better final document. Since DOE continues to assert that competing priorities are at the heart of the problem, the Division is quite concerned that the gridlock experienced on this project may affect other projects as well.

In the interest of avoiding dispute and in hopes that this project can be brought back on track, the Division hereby concurs with DOE's April 14, 2014 extension request and the revised June 14, 2014 submittal date. In the future, please understand that the Division's acceptance of competing priorities as "good cause" for an extension will exist only in isolated circumstances.

In accordance with the Federal Facilities Agreement (FFA) Section XXIX.B.6, good cause exists for the requested extension, which is hereby granted. If you have any questions or require additional information, please contact Gaye Brewer at (270) 898-8468, or e-mail gayebrewer@ky.gov.

Sincerely,

A handwritten signature in black ink that reads "April J. Webb". The signature is written in a cursive, slightly slanted style.

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

AJW:tm:lww:geb

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DWM File: #1100-E, Graybar ARM20120012 (FS for SWMUs 2, 3, 7 & 30)