



Department of Energy

Oak Ridge Operations
Paducah Site Office
P.O. Box 1410
Paducah, KY 42001

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RECORD COPY

October 26, 2001

Mr. Carl R. Froede Jr., P. G.
United States Environmental Protection Agency
Region IV
DOE Remedial Section
Federal Facilities Branch
Waste Management Division
61 Forsyth Street
Atlanta, Georgia 30303

Mr. Michael V. Welch, P.E.
Manager
Hazardous Waste Branch
Kentucky Department for Environmental Protection
14 Reilly Road, Frankfort Office Park
Frankfort, Kentucky 40601

Dear Mr. Froede and Mr. Welch:

PADUCAH FEDERAL FACILITY AGREEMENT - CLOSURE OF INFORMAL DISPUTE REGARDING THE NONCONCURRENCE WITH THE REQUEST FOR SCHEDULE EXTENSION AND MODIFICATIONS TO APPENDIX C AND APPENDIX G OF THE FEDERAL FACILITY AGREEMENT; SUBMITTAL DATES OF DELIVERABLES FOR THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980 WASTE DISPOSAL OPTIONS PROJECT AT THE PADUCAH GASEOUS DIFFUSION PLANT

The purpose of this letter is to document the resolution of the informal dispute regarding the schedule extension and modification of the submittal dates for deliverables prepared for the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Waste Disposal Options Project. The resolution is in accordance with agreements reached October 17, 2001, by representatives of the Department of Energy (DOE), the Kentucky Department for Environmental Protection (KDEP), and the Environmental Protection Agency, who were all participants in the Paducah Gaseous Diffusion Plant (PGDP) Core Team meeting in Nashville.

In accordance with the agreement reached, enclosed is a projected schedule which reflects the time needed to scope, plan, fund, procure, and perform a seismic investigation field program, as well as to incorporate the field program results into an Remedial Investigation/Feasibility Study (RI/FS) report. Based on the discussions during the Core Team meeting, the schedule also reflects the following: 1) additional time required for the parties to come to an agreement on the

I-05302-0003

issues of footprint reduction and long-term stewardship (three months); and 2) additional time required to accomplish the added scope for the inclusion of a detailed evaluation of the C-746-U Landfill as a disposal option (two months).

Background

DOE's original approach for the *Remedial Investigation/Feasibility Study on Disposal Options for Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)-Derived Waste at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky* (DOE/OR/07-1935&D1) document was that it would utilize existing information only. This approach was based on the approach taken for a similar activity performed at the Oak Ridge Facility. However, at the March 14, 2001, Project Core Team meeting to resolve regulator comments on a technical memo discussing seismic conditions in the PGDP vicinity (compiled from existing information), regulator representatives took the position, and DOE agreed, that a major seismic investigation field program should be conducted and that the results from the field program should be evaluated, considered, and presented in the RI/FS report.

Subsequently, face-to-face Project Core Team meetings to develop data quality objectives and to scope and plan field activities were conducted on the following dates: March 15, 2001 (Paducah); April 4-5, 2001 (Nashville); June 6-7, 2001 (Nashville); and July 11-12, 2001 (Paducah). Additionally, conference calls to discuss planning documents being developed were conducted May 22, 2001; July 26, 2001; and August 3, 2001. Agreement on the finalized version of the implementation plan to perform the seismic investigation field program was received August 30, 2001.

In a letter dated August 21, 2001, DOE requested a schedule extension and milestone date modifications to Appendix C and Appendix G of the Federal Facility Agreement (FFA) to accommodate performance of the field program. In a letter dated September 13, 2001, KDEP denied the extension request, stating that "there is not sufficient information for the Division to evaluate the appropriateness of the extensions proposed by DOE." DOE invoked informal dispute resolution in a letter dated October 1, 2001.

The resolution of the dispute was discussed by the Parties during a Project Core Team conference call October 10, 2001, and during the Core Team meeting October 17, 2001. A project schedule, laying out the steps required to perform the field program work (starting from initial scoping March 15, 2001), was a key element of the discussions. The dispute resolution reached by the Parties was to accept the schedule extension required to perform and report on the seismic investigation field program. The Parties also agreed to include time in the schedule to reach agreement on the issues of footprint reduction and long-term stewardship, as well as to accomplish the additional scope related to a comprehensive analysis of the C-746-U Landfill as a disposal option. The enclosed schedule incorporates these agreements.

Deadline to be Extended (Section XXIX.A.1)

The initial deadline to be modified, per the agreed dispute resolution, is for delivery of the D1 report entitled *Remedial Investigation/Feasibility Study on Disposal Options for Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)-Derived Waste at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky (DOE/OR/07-1935&D1)*. Milestone dates for subsequent decision documents also require corresponding modifications. Additionally, the milestone date for the D1 Record of Decision (ROD) has also been modified to account for the public comment period on the proposed plan.

Length of Extension (Section XXIX.A.2)

The milestone date modifications, per the agreed dispute resolution, are listed below:

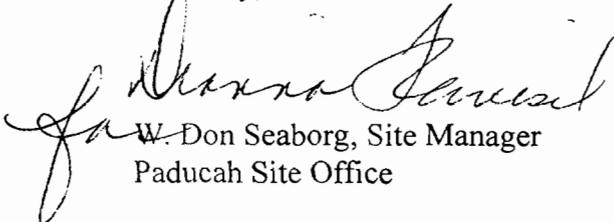
<u>Deliverable</u>	<u>Current Milestone Date</u>	<u>Revised Date</u>
D1 RI/FS	06/25/01	11/24/02
D1 Proposed Plan	09/08/01	04/01/03
D1 ROD	03/17/02	10/09/03
ROD Signature	05/17/02	02/09/04

Good Cause for Extension (Section XXIX.A.3)

As discussed earlier in this letter, the Parties have agreed that the extension is warranted to: 1) plan, perform and evaluate the results from the seismic investigation field program; 2) reach an agreement on the issues of footprint reduction and long-term stewardship; and 3) accomplish the additional scope related to the evaluation of the C-746-U Landfill.

A compilation of the revised milestone dates is provided on the enclosed FFA forms, submitted in accordance with the terms of FFA Section XXXIX. If the schedule extension and the enclosed modification package are satisfactory, please sign the forms and return them to DOE for inclusion in the Administrative Record. If you have any questions or require additional information, please call David Dollins at (270) 441-6819.

Sincerely,



W. Don Seaborg, Site Manager
Paducah Site Office

Enclosures

cc w/enclosure:

G. Brewer, KDEP/PGDP
J. Crane, EPA/Atlanta
S. Hampson, CHS/Frankfort
T. Hatton, KDEP/Frankfort
D. Keefer, Parallax/Atlanta
T. M. Taylor, KDEP/Frankfort
J. A. Volpe, CHS/Frankfort

cc w/o enclosure:

R. H. Blumenfeld, CC-10
N. L. Carnes, CC-10
DMC/Kevil
G. L. Dover, BJC/Kevil
C. A. Hudson, CJE/Kevil
J. W. Morgan, BJC/Kevil
J. C. Skridulis, BJC/Kevil
T. J. Wheeler, BJC/Kevil
M. Williams, KDEP/Paducah

Working Schedule: Seismic Investigation and Decision Documents

ID	Task Name	Duration	Start	Finish	2001	2002	2003	Q1
					Gantt Chart			
1	PROJECT CORE TEAM SCOPING ACTIVITIES	170 days	3/14/01	8/30/01	[Gantt bar]			
2	Project Core Team meeting at PGDP (Decision to delay RI/FS and conduct seismic invest.)	2 days	3/14/01	3/15/01	[Task bar]			
3	Project Core Team meeting in Nashville ("Seismic DQO Meeting")	2 days	4/4/01	4/5/01	[Task bar]			
4	Seismic Assessment Plan: Part I issued to EPA & KY for review	1 day	5/3/01	5/3/01	[Task bar]			
5	Project Core Team teleconference (Resolution of comments on Part I)	1 day	5/22/01	5/22/01	[Task bar]			
6	Project Core Team meeting in Nashville (Detailed scoping for Part II)	2 days	6/6/01	6/7/01	[Task bar]			
7	Seismic Assessment Plan: Part II (w/out Reg Fault Study text) issued to EPA & KY for review	1 day	6/22/01	6/22/01	[Task bar]			
8	Project Core Team meeting in Kevll ("Target Fault Workshop")	2 days	7/11/01	7/12/01	[Task bar]			
9	Project Core Team teleconference (Resolution of comments on Part II w/out Reg Fault Study)	1 day	7/26/01	7/26/01	[Task bar]			
10	Seismic Assessment Plan: Part II (w/ Reg Fault Study text) issued to EPA & KY for review	1 day	7/27/01	7/27/01	[Task bar]			
11	Project Core Team teleconference (Resolution of comments on Reg Fault Study text)	1 day	8/3/01	8/3/01	[Task bar]			
12	Seismic Assessment Plan: Part II (finalized) issued to EPA & KY for approval	1 day	8/16/01	8/16/01	[Task bar]			
13	Seismic Assessment Plan: receipt of approvals for Parts I & II (verbal/e-mail) from EPA & KY	1 day	8/30/01	8/30/01	[Task bar]			
14	FUNDING & CONTRACTING	106 days	7/27/01	11/9/01	[Gantt bar]			
15	BJC secure funding via BCP	34 days	7/27/01	8/29/01	[Task bar]			
16	BJC prepare, approve and issue RFP	41 days	7/27/01	9/5/01	[Task bar]			
17	BJC secure subcontractor via RFP (phased into three subcomponents)	65 days	9/6/01	11/9/01	[Task bar]			
18	SEISMIC INVESTIGATION FIELDWORK & REPORTING	339 days	6/27/01	5/31/02	[Gantt bar]			
19	Preliminary Characterization of Site 3A	87 days	6/27/01	9/21/01	[Gantt bar]			
20	Develop sampling and analysis plan; obtain funding and approvals	57 days	6/27/01	8/22/01	[Task bar]			
21	Conduct sampling	2 days	8/23/01	8/24/01	[Task bar]			
22	Analyze data	17 days	8/25/01	9/10/01	[Task bar]			
23	Evaluate data	11 days	9/11/01	9/21/01	[Task bar]			
24	Paleollquefaction study	106 days	9/28/01	1/11/02	[Gantt bar]			
25	Conduct 25-km radius field investigation (requires access agreements)	106 days	9/28/01	1/11/02	[Task bar]			
26	Field inspections and collect samples for C-14 dating	70 days	9/28/01	12/6/01	[Task bar]			
27	Final laboratory analysis (C-14 dating)	30 days	12/7/01	1/5/02	[Task bar]			

Date: 10/22/01
Page: 1

Durations presented in calendar days.

Summary

Task

Progress

Milestone

Working Schedule: Seismic Investigation and Decision Documents

ID	Task Name	Duration	Start	Finish	2001	2002	2003	Q1
					Gantt Chart Area			
28	Evaluate laboratory results	6 days	1/6/02	1/11/02				
29	Fault studies: Regional (Barnes Creek)	63 days	12/7/01	2/7/02				
30	GPR survey & analysis (requires access agreements)	28 days	12/7/01	1/3/02				
31	Direct push technology (DPT) investigation (requires access agreements)	14 days	1/4/02	1/17/02				
32	Test pit investigation (requires access agreements)	14 days	1/18/02	1/31/02				
33	Shallow trenching study (requires access agreements)	7 days	2/1/02	2/7/02				
34	Fault studies: Site-specific (Site 3A)	127 days	11/13/01	3/19/02				
35	Initial geophysical surveys of Site 3A target fault (non-intrusive)	42 days	11/13/01	12/24/01				
36	Training and calibration	7 days	11/13/01	11/19/01				
37	Seismic reflection survey	21 days	11/20/01	12/10/01				
38	Seismic reflection analysis	14 days	12/11/01	12/24/01				
39	GPR calibration survey & analysis (requires access agreements)	7 days	11/30/01	12/6/01				
40	Project Core Team meeting (Includes time for preparation & travel)	7 days	12/25/01	12/31/01				
41	Follow-up investigations of Site 3A target fault (intrusive)	78 days	1/1/02	3/19/02				
42	Horizontal shear wave / GPR survey at fault	14 days	1/1/02	1/14/02				
43	Direct push technology (DPT) investigation (10 DPTs)	14 days	1/15/02	1/28/02				
44	Test pit investigation (3 pits)	14 days	1/29/02	2/11/02				
45	Shallow trenching study (1 trench)	21 days	2/12/02	3/4/02				
46	Final laboratory analysis (C-14 dating)	30 days	2/12/02	3/13/02				
47	Evaluate laboratory results	6 days	3/14/02	3/19/02				
48	Acquisition of seismic & geotechnical design data: Site-specific	79 days	12/7/01	2/23/02				
49	Deep boreholes (2 boreholes)	43 days	12/7/01	1/18/02				
50	Rotosonic	15 days	12/7/01	12/21/01				
51	Rotosonic: drilling and sampling (350 ft TD)	7 days	12/7/01	12/13/01				
52	Rotosonic: downhole natural gamma log	1 day	12/14/01	12/14/01				
53	Rotosonic: plug and abandon hole	7 days	12/15/01	12/21/01				
54	Mud rotary	28 days	12/22/01	1/18/02				

6

Working Schedule: Seismic Investigation and Decision Documents

ID	Task Name	Duration	Start	Finish	2001	2002	2003	
55	Mud rotary; drilling and sampling (350 ft TD)	14 days	12/22/01	1/4/02				
56	Mud rotary; downhole shear wave velocity log	7 days	1/5/02	1/11/02				
57	Mud rotary; plug and abandon hole	7 days	1/12/02	1/18/02				
58	Seismic cone penetrometer (SCPT) investigation (11 SCPTs)	21 days	12/7/01	12/27/01				
59	Shallow boreholes (7 boreholes; mud rotary; intrusive)	72 days	12/14/01	2/23/02				
60	Drilling & sampling (75 ft TD)	35 days	12/14/01	1/17/02				
61	Laboratory analysis (geotechnical analyses)	30 days	1/18/02	2/16/02				
62	Evaluate laboratory results	7 days	2/17/02	2/23/02				
63	REPORTING	120 days	2/1/02	5/31/02				
64	DOE develop Seismic Assessment Report	120 days	2/1/02	5/31/02				
65	DECISION DOCUMENTS	739 days	2/1/02	2/9/04				
66	Remedial Investigation / Feasibility Study (RI/FS)	482 days	2/1/02	5/28/03				
67	BJC/SAIC develop D0 RI/FS report	224 days	2/1/02	9/12/02				
68	DOE prepare D1 RI/FS report	72 days	9/13/02	11/23/02				
69	EPA & KY review D1 RI/FS report	93 days	11/24/02	2/24/03				
70	DOE prepare D2 RI/FS report	60 days	2/25/03	4/25/03				
74	EPA & KY review D2 RI/FS report and comment response summary	33 days	4/26/03	5/28/03				
75	EPA & KY approve D2 RI/FS report	0 days	5/28/03	5/28/03				
76	Proposed Remedial Action Plan (PRAP)	334 days	10/10/02	9/8/03				
77	BJC/SAIC develop D0 PRAP	101 days	10/10/02	1/18/03				
78	DOE prepare D1 PRAP	72 days	1/19/03	3/31/03				
79	EPA & KY review D1 PRAP [FFA: D1 PRAP due 30 days after D2 RI/FS report]	48 days	4/1/03	5/18/03				
80	DOE prepare D2 PRAP	30 days	5/19/03	6/17/03				
81	EPA & KY review D2 PRAP	33 days	6/18/03	7/20/03				
82	EPA & KY approve D2 PRAP	0 days	7/20/03	7/20/03				
83	Prepare for public comment period	5 days	7/21/03	7/25/03				
84	45-day public comment period	45 days	7/26/03	9/8/03				

Date: 10/22/01
 Page: 3
 Durations presented in calendar days.

Summary
 Task
 Progress
 Milestone

Working Schedule: Seismic Investigation and Decision Documents

ID	Task Name	Duration	Start	Finish	2001			2002			2003			Q1
85	Record of Decision (ROD)	326 days	3/21/03	2/9/04										
86	BJC/SAIC develop D0 ROD	106 days	3/21/03	7/4/03										
87	DOE develop D1 ROD	96 days	7/5/03	10/8/03										
88	EPA & KY review D1 ROD [D1 ROD due 30 days after public comment period closes]	33 days	10/9/03	11/10/03										
89	DOE prepare D2 ROD	28 days	11/11/03	12/8/03										
90	EPA & KY review D2 ROD	63 days	12/9/03	2/9/04										
91	EPA & KY approve D2 ROD (i.e., ROD signature)	0 days	2/9/04	2/9/04										◆

8

**MODIFICATION TO THE PADUCAH FEDERAL FACILITY AGREEMENT
according to the terms of Section XXXIX.**

Modification requested by: W. Don Seaborg		Date: 10/22/01	
Requester's Organization: Department of Energy			
Section to be modified: Appendix C			
Reason for modification: Reflect Schedule Adjustment for FY 01			
Modification requested:			
<u>Project</u>	<u>Deliverable</u>	<u>Current FFA Date</u>	<u>Proposed Date</u>
CERCLA Waste Disposal Options	D1 RI/FS	06/25/01	11/24/02
CERCLA Waste Disposal Options	D1 Proposed Plan	09/08/01	04/01/03

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.

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

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: W. Don Seaborg		Date: 10/22/01	
Requester's Organization: Department of Energy			
Section to be modified: Appendix V of Appendix G (D1 dated May 2001)			
Reason for modification: Reflect Schedule Adjustment for Outyears			
Modification requested:			
Project	Deliverable	Current FFA Date	Proposed Date
CERCLA Waste Disposal Options	D1 ROD	03/17/02	10/09/03
CERCLA Waste Disposal Options	ROD Signature	05/17/02	02/09/04

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.

DOE, Paducah Site Manager's Approval:	Major modification? YES NO <input type="checkbox"/> <input checked="" type="checkbox"/>	Date:
KDEP, Div of Waste Mgmt Director's Approval:	<input type="checkbox"/> <input type="checkbox"/>	Date:
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.



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 (4)
 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 4
 ATLANTA FEDERAL CENTER
 61 FORSYTH STREET
 ATLANTA, GEORGIA 30303-8960

cc: Jim S.
 Dave G.

NOV 07 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

4-WD/FFB

Mr. W. Don Seaborg, Site Manager
 United States Department of Energy
 Paducah Site Office
 P.O. Box 1410
 Paducah, Kentucky 42001

Handwritten signature and date: [Signature] Nov 2001

Mr. Gordon L. Dover, Paducah Manager of Projects
 Bechtel Jacobs Company LLC
 761 Veterans Avenue
 Kevil, Kentucky 42053

SUBJ: Paducah Federal Facility Agreement - Closure of Informal Dispute Regarding the Nonconcurrence with the request for Schedule Extension and Modifications to Appendix C and Appendix G of the Federal Facility Agreement; Submittal Dates of Deliverables for the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 Waste Disposal Options Project at the Paducah Gaseous Diffusion Plant



Gentlemen:

The Environmental Protection Agency (EPA) has received and reviewed the Department of Energy's (DOE) letter with attachments, dated October 26, 2001, requesting resolution of the informal dispute for the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). The letter contains all of the information necessary to justify the extension of CERCLA cell milestones based on the expanded scope of work necessary to collect additional scientific and technical information. EPA approves the following list of new milestone dates:

<u>Project</u>	<u>Deliverable</u>	<u>Current FFA Date</u>	<u>New Milestone Date</u>
CERCLA Cell	D1 RI/FS	06/25/01	11/24/02
CERCLA Cell	D1 Proposed Plan	09/08/01	04/01/03
CERCLA Cell	D1 ROD	03/17/02	10/09/03
CERCLA Cell	ROD Signature	05/17/02	02/09/04

A key decision regarding the possibility of a CERCLA cell at the DOE Paducah Gaseous Diffusion Plant will be based upon the information gained in the seismic study. Additionally, resolving the issues of long-term stewardship and foot-print reduction will require considerable discussions, and these issues will also play a part in the CERCLA cell determination.

Enclosed are the signed modification forms indicating that these extensions are approved and considered minor modifications to the existing Federal Facility Agreement schedule of milestones. The DOE should forward a revised Controlled Copy of Appendix C within ten calendar days of receipt of this signed modification form, per EPA's letter of September 26, 2001.

If you have any questions regarding this letter then please contact me at (404) 562-8550.

Sincerely,



Carl R. Froede Jr., P.G.
Federal Facilities Branch
Waste Management Division
U.S. EPA Region 4

Enclosures

cc: T. Taylor, KDEP/Frankfort
A. Hatton, KDEP/Frankfort
J. Volpe, CHS/Frankfort
D.W. Dollins, DOE-PGDP

**MODIFICATION TO THE PADUCAH FEDERAL FACILITY AGREEMENT
according to the terms of Section XXXIX./**

Modification requested by: W. Don Seaborg		Date: 10/22/01	
Requester's Organization: Department of Energy			
Section to be modified: Appendix C			
Reason for modification: Reflect Schedule Adjustment for FY 01			
Modification requested:			
<u>Project</u>	<u>Deliverable</u>	<u>Current FFA Date</u>	<u>Proposed Date</u>
CERCLA Waste Disposal Options	D1 RI/FS	06/25/01	11/24/02
CERCLA Waste Disposal Options	D1 Proposed Plan	09/08/01	04/01/03

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.

DOE, Paducah Site Manager's Approval:
[Signature]

Major modification?
YES NO

YES NO

Date:
10/26/01

KDEP, Div of Waste Mgmt Director's Approval:

YES NO

Date:

EPA, Region 4, Remedial Project Manager's Approval:
Carl R. Froede

YES NO

Date:
11/2/01

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: W. Don Seaborg		Date: 10/22/01	
Requester's Organization: Department of Energy			
Section to be modified: Appendix V of Appendix G (D1 dated May 2001)			
Reason for modification: Reflect Schedule Adjustment for Outyears			
Modification requested:			
Project	Deliverable	Current FEA Date	Proposed Date
CERCLA Waste Disposal Options	D1 ROD	03/17/02	10/09/03
CERCLA Waste Disposal Options	ROD Signature	05/17/02	02/09/04

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.

DOE, Paducah Site Manager's Approval:
Marie Curie

Major modification?
YES NO

Date:
10/26/01

KDEP, Div of Waste Mgmt Director's Approval:

Date:

EPA, Region 4, Remedial Project Manager's Approval:
Carl R. Friedrich

Date:
11/2/01

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

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JAMES E. BICKFORD
SECRETARY



PAUL E. PATTON
GOVERNOR

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
FRANKFORT OFFICE-PARK
14 REILLY RD
FRANKFORT KY 40601

12 51 NO 15

November 13, 2001

Handwritten: J. R. Reed
19 Dec 2001

Mr. Don Seaborg, Site Manager
US Department of Energy
Paducah Site Office
PO Box 1410
Paducah, Kentucky 42001

RE: Paducah Federal Agreement-Closure of Informal Dispute Regarding the Nonconcurrence with the Request for Schedule Extension and Modifications to Appendix C and Appendix G of the Federal Facility Agreement; Submittal Dates of Deliverables for the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 Waste Disposal Options Project at the Paducah Gaseous Diffusion Plant McCracken County, Kentucky KY8-890-008-982

Dear Mr. Seaborg:

The Division of Waste Management (Division) has reviewed the October 26, 2001 DOE extension and modification request. The submittal includes the necessary information whereby the Division can evaluate the referenced extension and modification request. Extensions are being sought for the D1 Remedial Investigation/Feasibility Study (RI/FS), D1 Proposed Plan, D1 Record of Decision, and ROD signature.

In consideration of the good cause presented in the October 26, 2001 DOE submittal, the Division approves the proposed new milestone dates with the following understanding and clarifications:

1. The new milestone dates will not hinder DOE from meeting their commitment date for final cleanup of 2010.

I-05302-0013



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Mr. Seaborg
November 13, 2001
Page 2

2. Approval of this modification and extension request by the Division in no way indicates approval for moving forward with an RI/FS focused on a CERCLA Waste Disposal Facility (CERCLA Cell). Further, as indicated in recent Core Team meetings, a site-wide waste disposition RI/FS to include a robust evaluation of both the C-746-U landfill and off-site disposition is appropriate.
3. Should DOE decide to include an evaluation of a CERCLA Cell in the RI/FS, it should be included as one (1) of several alternatives evaluated. The analysis of the CERCLA Cell alternative must in addition to the seismic concerns, address the Divisions concerns regarding long-term stewardship and footprint reduction.

Enclosed is the signed modification forms indicating that the extensions are approved. Please forward a revised Controlled Copy of Appendix C to the Division in accordance with USEPA letter dated November 2, 2001. If you have any questions or require additional information, please contact Linda Martin or Tony Hatton at (502) 564-6716.

Sincerely,



Robert H. Daniell, Director
Division of Waste Management

RHD/arh

Attachment: Modification Forms

cc: Carl Froede, USEPA Region 4
Dave Dollins, DOE
Margie Williams, DWM-Paducah
Gaye Brewer, AIP - Paducah
Linda Martin, FFA - Frankfort
Tony Hatton, FFA - Frankfort
DWM File# 1040
DOE Reading File

**MODIFICATION TO THE PADUCAH FEDERAL FACILITY AGREEMENT
according to the terms of Section XXXIX.**

Modification requested by: W. Don Seaborg		Date: 10/22/01	
Requester's Organization: Department of Energy			
Section to be modified: Appendix C			
Reason for modification: Reflect Schedule Adjustment for FY 01			
Modification requested:			
<u>Project</u>	<u>Deliverable</u>	<u>Current FFA Date</u>	<u>Proposed Date</u>
CERCLA Waste Disposal Options	D1 RI/FS	06/25/01	11/24/02
CERCLA Waste Disposal Options	D1 Proposed Plan	09/08/01	04/01/03

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.

DOE, Paducah Site Manager's Approval:
[Signature]

Major modification?

YES NO

Date:
10/26/01

KDEP, Div of Waste Mgmt Director's Approval:
[Signature]

YES NO

Date:
11-9-01

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

YES NO

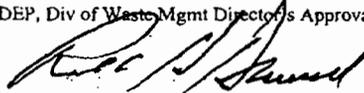
Date:

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

MODIFICATION TO THE PADUCAH FEDERAL FACILITY AGREEMENT
according to the terms of Section XXXIX.

Modification requested by: W. Don Seaborg		Date: 10/22/01	
Requester's Organization: Department of Energy			
Section to be modified: Appendix V of Appendix G (D1 dated May 2001)			
Reason for modification: Reflect Schedule Adjustment for Outyears			
Modification requested:			
<u>Project</u>	<u>Deliverable</u>	<u>Current FFA Date</u>	<u>Proposed Date</u>
CERCLA Waste Disposal Options	D1 ROD	03/17/02	10/09/03
CERCLA Waste Disposal Options	ROD Signature	05/17/02	02/09/04

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?		Date:
	YES	NO	
DOE Paducah Site Manager's Approval: 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10/26/01
KDEP, Div of Waste Mgmt Director's Approval: 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10-9-01
EPA, Region 4, Remedial Project Manager's Approval:	<input type="checkbox"/>	<input type="checkbox"/>	

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