



Department of Energy

Portsmouth/Paducah Project Office
1017 Majestic Drive, Suite 200
Lexington, Kentucky 40513
(859) 219-4000

OCT 31 2013

Mr. Todd Mullins
Federal Facility Agreement Manager
Division of Waste Management
Kentucky Department for Environmental Protection
200 Fair Oaks Lane, 2nd Floor
Frankfort, Kentucky 40601

PPPO-02-2069014-14

Ms. Jennifer Tufts
Federal Facility Agreement Manager
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street
Atlanta, Georgia 30303

Dear Mr. Mullins and Ms. Tufts:

PADUCAH FEDERAL FACILITY AGREEMENT—RESOLUTION OF U.S. DEPARTMENT OF ENERGY NOTIFICATION OF INVOCATION OF INFORMAL DISPUTE ON THE GROUNDWATER OPERABLE UNIT REVISED PROPOSED PLAN FOR THE VOLATILE ORGANIC COMPOUND CONTAMINATION AT THE C-400 CLEANING BUILDING AT THE PADUCAH GASEOUS DIFFUSION PLANT, PADUCAH, KENTUCKY (DOE/LX/07-1263&D2)

Please find enclosed the signed “Memorandum of Agreement of Resolution of Informal Dispute for the D2 Revised Proposed Plan for Volatile Organic Compound Contamination at the C-400 Cleaning Building at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky (DOE/LX/07-1263&D2).” The U.S. Department of Energy (DOE) appreciates the Kentucky Department for Environmental Protection’s and the U.S. Environmental Protection Agency’s efforts and willingness to work with DOE to reach a path forward for this project.

If you have any questions or require additional information, please contact David Dollins at (270) 441-6819.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Woodard".

Jennifer Woodard
Federal Facility Agreement Manager
Portsmouth/Paducah Project Office

Enclosure:

Memorandum of Agreement

e-copy w/enclosure:

brandy.mitchell@lataky.com, LATA/Kevil
brian.begley@ky.gov, KDEP/Frankfort
craig.jones@lataky.com, LATA/Kevil
darla.bowen@lataky.com, LATA/Kevil
dave.dollins@lex.doe.gov, PPPO/PAD
david.buxbaum@epamail.epa.gov, EPA/Atlanta
gaye.brewer@ky.gov, KDEP/PAD
jeff.carman@lataky.com, LATA/Kevil
jeffrey.gibson@ky.gov, KDEP/Frankfort
jennifer.woodard@lex.doe.gov, PPPO/PAD
jessica.lemus@lataky.com, LATA/Kevil
leo.williamson@ky.gov, KDEP/Frankfort
mike.guffey@ky.gov, KDEP/Frankfort
myrna.redfield@lataky.com, LATA/Kevil
pad.dmc@swiftstaley.com, SST/Kevil
rachel.blumenfeld@lex.doe.gov, PPPO/PAD
reinhard.knerr@lex.doe.gov, PPPO/PAD
richards.jon@epamail.epa.gov, EPA/Atlanta
rob.seifert@lex.doe.gov, PPPO/PAD
stephaniec.brock@ky.gov, KDEP/KYRHB
todd.mullins@ky.gov, KDEP/Frankfort
tracey.duncan@lex.doe.gov, P2S/PAD
tufts.jennifer@epamail.epa.gov, EPA/Atlanta

**MEMORANDUM OF AGREEMENT FOR RESOLUTION
of Informal Dispute for the D2 Revised Proposed Plan for Volatile Organic Compound
Contamination at the C-400 Cleaning Building at the Paducah Gaseous Diffusion Plant,
Paducah, Kentucky
(DOE/LX/07-1263&D2)**

The undersigned agree that the Informal Dispute invoked by the U.S. Department of Energy (DOE) in the letter to the U.S. Environmental Protection Agency (EPA) and Kentucky Department for Environmental Protection (KDEP), dated June 4, 2013, is hereby resolved. The resolution documents DOE's commitment to perform a treatability study for steam enhanced extraction prior to amended remedy selection at C-400 Cleaning Building Phase IIb and establishes the following milestones including submittal dates for Primary Documents in support of the treatability study.

| Milestones | Due Dates ¹ | | |
|--|---|---------------------|---------------------|
| D1 Treatability Study Work Plan (TSWP) | 10/21/2013 | | |
| | EPA/KDEP Review of D1 TSWP | 30 calendar days | 10/22/13 – 11/20/13 |
| | EPA/KDEP Review of D2 TSWP | 30 calendar days | 1/21/14 – 2/19/14 |
| D1 Treatability Study Design | 2/26/2014 | | |
| | EPA/KDEP Review of D1 Design | 14 calendar days | 2/4/14 – 2/17/14 |
| | 1 st On-board Review by FFA Parties | 2 full working days | 2/18/14 – 2/19/14 |
| | 2 nd On-board Review by FFA Parties | 2 full working days | 3/6/14 – 3/7/14 |
| | EPA/KDEP Review of D2 Design | 14 calendar days | 4/8/14 – 4/21/14 |
| Construction Start | 07/2014 | | |
| D1 Treatability Study Report | 181 calendar days from completion of treatability study data collection | | |
| | EPA/KDEP Review of D1 TS Report | 30 calendar days | TBD |
| | EPA/KDEP Review of D2 TS Report | 30 calendar days | TBD |
| Revised Proposed Plan | 110 days after approval of the Treatability Study Report | | |

¹ Per agreement of the FFA parties, some durations and approaches for EPA and KDEP document reviews and DOE document development deviate from the standard timeframes and approaches defined in the FFA. As further agreed to by the FFA parties, milestones due dates reflect non-working holiday durations during the Thanksgiving, Christmas, and New Year holidays due to availability of the FFA parties.

² Submittal of the D1 Treatability Study Design assumes a design-bid-build approach.

³ Construction start assumes approval of the D2 Treatability Study Design no later than April 21, 2014.

For the purpose of this agreement, the Federal Facility Agreement (FFA) Managers' have agreed to treat the Treatability Study Work Plan, Treatability Study Design, and Treatability Study Report as primary documents for dispute purposes.

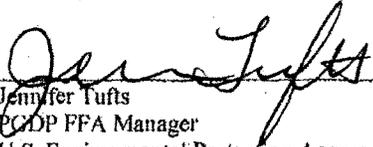
Signature of this Agreement constitutes the FFA Managers' agreement and approval to modify Appendix C and Appendix G of the Paducah Gaseous Diffusion Plant FFA in accordance with Section XXXIX to incorporate the above agreed-to milestones. All parties agree that this is a minor modification to the FFA.

Nothing in this Memorandum of Agreement modifies the FFA Conditions (e.g., related to review and comment on Primary Documents, Extension Requests, and Dispute Resolution) except as specifically stated above. Failure to abide by the terms of the Agreement may result in one or more of the parties taking any action authorized under the FFA.



Todd Mullins
PGDP FFA Manager
Division of Waste Management
Kentucky Department for Environmental Protection

10-25-13
Date



Jennifer Tufts
PGDP FFA Manager
U.S. Environmental Protection Agency, Region 4

10/28/13
Date



Jennifer Woodard
PGDP FFA Manager
DOE Portsmouth/Paducah Project Office

10/25/2013
Date