

**MEMORANDUM OF AGREEMENT
FOR IMPLEMENTATION
OF A LAND USE CONTROL ASSURANCE PLAN (LUCAP)
FOR THE UNITED STATES DEPARTMENT OF ENERGY
PADUCAH GASEOUS DIFFUSION PLANT**

I. PURPOSE AND SCOPE

This Memorandum of Agreement (MOA) is entered into by the United States Department of Energy Paducah Gaseous Diffusion Plant (DOE-PGDP), the United States Environmental Protection Agency Region 4 Office (EPA Region 4), and the Kentucky Natural Resources and Environmental Protection Cabinet (KNREPC). The purpose of this MOA, together with the attached Land Use Control Assurance Plan (LUCAP), is to establish and implement procedures to assure the long-term effectiveness of Land Use Controls (LUCs) being relied upon to protect human health and the environment at certain contaminated portions of the Paducah Gaseous Diffusion Plant (PGDP) that are undergoing remediation pursuant to the *Federal Facility Agreement for the Paducah Gaseous Diffusion Plant* (FFA).

On April 21, 1998, the EPA Region 4 Federal Facilities Branch issued a memorandum entitled "Assuring Land Use Controls at Federal Facilities" (Johnston, 1998). The purpose of the policy was to ensure the development of LUCAPs and Land Use Control Implementation Plans (LUCIPs) for federal facilities that utilize LUCs as components of remedial actions implemented at those facilities. The DOE-PGDP recognizes the memorandum as setting forth policy that does not carry the force of law as is established through rulemaking. Thus, as a matter of comity and cooperation and, most importantly, for the purpose of advancing the goal of protecting human health and the environment at the PGDP, DOE-PGDP, EPA Region 4, and KNREPC (hereinafter "the Parties") are entering into this MOA as a means to facilitate accomplishment of this shared objective.

II. RESPONSIBILITIES

The responsibilities of the Parties shall be as set forth in the attached *Land Use Control Assurance Plan for the Paducah Gaseous Diffusion Plant*, which LUCAP is fully incorporated herein (Attachment 1). The Parties agree to act in good faith in carrying out their responsibilities under the LUCAP.

III. MODIFICATION

This agreement may be modified at any time by mutual agreement of the Parties. Any minor modifications to this MOA and/or the LUCAP incorporated herein shall be made effective upon the written approval of the Parties' *Federal Facility Agreement* Project Managers. Any major modification shall be made effective upon the written approval by each of the signatories to this MOA (or their successors). A modification will be considered major if so determined by any of the three Parties hereto.

IV. TERMINATION

This MOA shall terminate at such time as the undersigned representatives of the Parties or their successors mutually concur that the objectives of the Parties pursuant to this MOA have been fulfilled. Alternatively, any Party may withdraw from this MOA upon sixty (60) days written notice to the other Parties. This 60-day notice requirement is for the purpose of allowing the Parties an opportunity to discuss any issues contributing to a Party's desire to withdraw from this MOA in the interest of reaching resolution so that the MOA can continue. It is understood that, should DOE-PGDP withdraw from this MOA, EPA and/or KNREPC may, consistent with applicable law, reconsider any remedy(ies) associated with any DOE-PGDP area having a LUC in place at the time of such withdrawal.

Signature Blocks:

Signature on file dated 2/23/2000.

J. Dale Jackson
Acting Site Manager
United States Department Of Energy
Paducah Gaseous Diffusion Plant

Signature on file dated 3/30/2000.

John H. Hankinson, Jr.
Regional Administrator
United States Environmental Protection Agency

Signature on file dated 3/02/2000.

James E. Bickford
Secretary
Natural Resources and Environmental Protection Cabinet