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COMMONWEALTH OF KENTUCKY  
**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

JUL 8 AM 10:34

FRANKFORT OFFICE PARK  
14 REILLY RD  
FRANKFORT KY 40601

July 3, 2002

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

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

RE: Resolution of Informal Dispute Invoked by the Department of Energy on  
Conditions Attached to Regulators' Approval of Removal Action Work Plan for  
Scrap Metal Removal and Disposal at the Paducah Gaseous Diffusion Plant  
(DOE/ OR/07-2013&D2), McCracken County, Kentucky

Gentlemen:

The Kentucky Department for Environmental Protection (KDEP) and the Environmental Protection Agency (EPA) have reviewed your letter of June 14, 2002, invoking informal dispute procedures to contest conditions KDEP and EPA set forth when granting conditional approval to the D2 Removal Action Work Plan (RAWP) for the Scrap Metal Removal and Disposal project at the Paducah Gaseous Diffusion Plant (PGDP). Essentially, these conditions express our agencies' shared opinion that additional extensive surface water and sediment sampling is needed for this project beyond that proposed in the RAWP; and that sampling should be done at the sediment basin adjacent to removal action activities, rather than downgradient at KPDES outfall 001 where large volumes of plant effluent are discharged.

We have considered the reasons given in your letter as to why the Department of Energy (DOE) should not have to perform sampling in accordance with these KDEP/EPA conditions, and we remain persuaded that such sampling is necessary in order to insure protection of human health and the environment. However, we also continue to believe that this important PGDP cleanup project should proceed without further delay, and recognize that DOE's resistance to doing more extensive sampling work by means of the Federal Facility Agreement (FFA) dispute resolution procedures would inevitably cause



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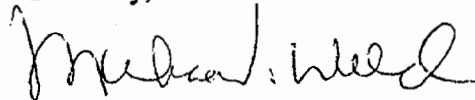
Mr. Don Seaborg  
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such delay. For this reason, KDEP, with EPA cooperation and support, has decided to perform – as an independent oversight activity – the additional sampling work which DOE resists doing. Accordingly, KDEP and EPA are hereby withdrawing all conditions on approval of the above-referenced RAWP over which DOE has invoked the dispute resolution process, and approving the RAWP without these conditions. Therefore, this dispute is resolved, and the project should proceed without further delay.

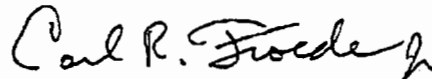
KDEP and EPA will fully evaluate all surface water and sediment sampling data collected for this project, including data collected by DOE under the approved RAWP and the additional data KDEP will be collecting. If, based on our assessment of this data, we determine that further cleanup action is needed, we shall seek such action by DOE under FFA Section XI (Additional Work) and/or pursuant to other appropriate authority.

If you have any questions, please contact Mike Welch at (502) 564-6716 or Carl Froede at (404) 562-8550.

Sincerely,



Michael V. Welch, Manager  
Hazardous Waste Branch



Carl R. Froede, Jr.  
DOE Remedial Section  
EPA Region 4

cc: Gaye Brewer, HWB-Paducah  
John Volpe, CHS  
FFA File (Tony Hatton)  
DWM File #800