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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 15 2003

RECEIVED

APR 17 2003

OFFICE OF THE SECRETARY

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Henry C. List, Secretary
Natural Resources and Environmental Protection Cabinet
Commonwealth of Kentucky
Fifth Floor, Capital Plaza Tower
Frankfort, Kentucky 40601

Mr. J.L. Palmer, Jr.
Regional Administrator
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, GA 30303

U.S. EPA REGION 4
OFFICE OF
REGIONAL ADMINISTRATOR
2003 APR 18 A 10 51

IN TURN

Dear Messrs. List and Palmer:

Please find enclosed a copy of the Paducah dispute resolution, which is identical to the one you signed originally on Monday, April 14, 2003, to end the dispute over milestones at the U.S. Department of Energy's Paducah Gaseous Diffusion Plant (PGDP).

We would ask that you sign this version in turn, and then return the signed copy to me for Ms. Roberson's signature and distribution back to you. You may also want to date your signature for April 14, 2003 - to coincide with your original signature.

We've also enclosed pre-labeled, pre-paid Federal Express envelopes to expedite mailing.

If you have any questions, please contact me, Joyce Olin or Priscilla Harrington at (202)564-2510.

Sincerely,

David J. Kling, Director
Federal Facilities Enforcement Office

Enclosure

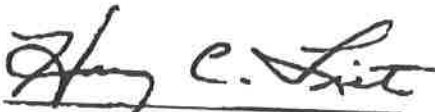
Enforcement Confidential: April 11, 2003 (3:41pm)

**Resolution of Dispute Regarding Department of Energy
Paducah Gaseous Diffusion Plant**


We, the undersigned parties to the 2001 Site Management Plan (SMP) dispute concerning the setting of milestones at the Department of Energy (DOE) Paducah Gaseous Diffusion Plant, acknowledge that the parties have agreed to a SMP milestone schedule with enforceable milestones for FY 2003 to FY 2005, as required by the Federal Facilities Agreement (FFA). In light of this resolution, the dispute resolution process provided for in the FFA is no longer applicable, and the dispute is withdrawn.

DOE submitted a milestone schedule and the U.S. Environmental Protection Agency (EPA) and the Kentucky Natural Resources and Environmental Protection Cabinet (KNREPC) have concurred. Attached hereto are replacement pages for FFA Appendix C (current year time tables and deadlines) and SMP Appendix VIII (enforceable commitments), incorporating the three year schedule of enforceable milestone commitments.

The parties agree to conduct good faith negotiations to develop a complete scope of work (Life Cycle Baseline) for the Paducah Gaseous Diffusion Plant. These negotiations shall be completed by September 15, 2003.


Henry C. List, Secretary
Kentucky Natural Resources and
Environmental Protection Cabinet

4/17/03
Date


Jessie Hill Roberson, Assistant Secretary
for Environmental Management
U.S. Department of Energy

4/28/03
Date


J. J. Palmer, Jr., Regional Administrator
U.S. Environmental Protection Agency

4-22-03
Date

Attachment

FFA MILESTONES PADUCAH PROJECT

SUBPROJECT	DELIVERABLE	DUE DATE
GWOU ROD 1 (Southwest Plume/ Sources)	D1 Sampling and Analysis Plan (SAP)	10/30/03
	D1 Site Investigation/ Risk Assessment Report.	1/03/05
	D1 Proposed Plan	7/02/05
GWOU ROD 2 (C-400)	D1 Proposed Plan	1/30/04
	D1 ROD	8/3/04
	ROD Signature	12/1/04
	D1 RD WP	1/30/05
	D1 RD Report	7/14/05
GWOU ROD 3 (S&T)	D1 RA WP	8/13/05
	Scoping Plan	9/30/03
D&D C-410 Infrastructure	Site Evaluation	9/30/05
	RA Start	Complete
D&D Sulfuric Acid Tanks	Complete Field Work	Complete
Sediment Controls	D1 Sampling & Analysis Plan (SAP)	4/30/04
	D1 Site Investigation/ Risk Assessment Report (SAP).	5/26/05
SWOU N/S Ditch Sect 1&2	ROD Signature	Complete
	D1 RD/RA Phase I WP	Complete
	RA Phase 1 - Field Start	Complete
	Complete (Phase I) Field Work	1/27/04
	D1 RD/RA Phase II WP	9/30/03
	RA Phase II - Field Start	4/28/04
SWOU N/S Ditch Sections 3, 4, 5	D1 Sampling & Analysis Plan (SAP)	4/30/04
	D1 Site Investigation/ Risk Assessment Report.	5/26/05
SWOU Phase I Assessment	D1 Sampling & Analysis Plan (SAP)	4/30/04
	Removal Notification	7/22/05
	D1 Site Investigation/ Risk Assessment Report.	5/26/05
BGOU	D1 R/FS WP	6/30/05

Note:

The Sampling and Analysis Plans and the Site Investigation/Risk Assessment Reports for the GWOU ROD 1 (Southwest Plume/Sources) and SWOU Phase I, including the sediment controls and N/SDD Sections 3, 4, and 5, will be treated as primary documents for purposes of FFA review/approval/dispute procedures.

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Environmental Protection Cabinet

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Jessie Hill Roberson, Assistant Secretary
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U.S. Department of Energy

Date



J. I. Palmer, Jr., Regional Administrator
U.S. Environmental Protection Agency

Date

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04/20/03 11:12 FAX

04/14/03 15:50 FAX 2025865547

EM-01 DEPT OF ENERGY

002

Apr 14 03 12:39pm From EPA, FEDERAL FACILITIES ENFORCEMENT OFC. 2025010000

T-107 P.004/005 F-340

Enforcement Confidential: April 11, 2003 (3:41pm)

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