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Date 9/11/17 Date Release is Required 9/12/17
 Person Requesting Release Karen Walker Phone Number 5194
 Mailing Address 5511 Hobbs Rd, Kevil Ky 42053
 Organization Regulatory Affairs
 Document Number PPPO-02-4394247-17 Number of Pages 7
 Accession Number (DMC only) ENV 1.A-01430
 Document Title/Date SIGNED MEMORANDUM OF AGREEMENT ON THE C-400 COMPLEX UNDER THE
 FEDERAL FACILITY AGREEMENT FOR THE PADUCAH GASEOUS DIFFUSION PLANT, PADUCAH,
 KENTUCKY AND PATH FORWARD FOR THE FISCAL YEAR 2017 AND 2018 SITE MANAGEMENT PLANS

Author Tracey Duncan Corporate Author DOE
Media (Check all that apply)
 Paper Photo Diskette Drawing Video CD Report/Letter Other _____
 Project Subcontract/Task Order E22400
 Requestor/Purpose of Release AR Record

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ECI Yes No

UCNI Yes No
OUO Yes No

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Reason/Exemption (Check all that apply)

3. Statutory 5. Privileged 7. Law Enforcement Other¹ _____
 4. Commercial/Proprietary 6. Personal Privacy OPSEC _____

Other/Comments _____

DC RH. Watson Date 9-11-17
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 Reviewing Official² RH. Watson Date 9-11-17
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¹ Provide exemption number and category; contact the Classification Office prior to use of circumvention of statute.
² Signature of UCNI Reviewing Official is required for documents containing information in UCNI subject area.

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By J. Burnett at 10:22 am, Sep 27, 2017



Department of Energy

Portsmouth/Paducah Project Office
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SEP 06 2017

Mr. Brian Begley
Federal Facility Agreement Manager
Division of Waste Management
Kentucky Department for Environmental Protection
300 Sower Boulevard, 2nd Floor
Frankfort, Kentucky 40601

PPPO-02-4394247-17

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

Dear Mr. Begley and Ms. Corkran:

PADUCAH FEDERAL FACILITY AGREEMENT—SIGNED MEMORANDUM OF AGREEMENT ON THE C-400 COMPLEX UNDER THE FEDERAL FACILITY AGREEMENT FOR THE PADUCAH GASEOUS DIFFUSION PLANT, PADUCAH, KENTUCKY AND PATH FORWARD FOR THE FISCAL YEAR 2017 AND 2018 SITE MANAGEMENT PLANS

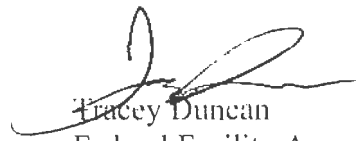
Please find enclosed the signed *Memorandum of Agreement on the C-400 Complex under the Federal Facility Agreement for the Paducah Gaseous Diffusion Plant, Paducah, Kentucky* (MOA). The enclosed MOA memorializes the agreement reached by the Federal Facility Agreement (FFA) Senior Managers to resequence the approved Fiscal Year (FY) 2015 Site Management Plan (SMP) milestones and integrate the C-400 Phase IIb Interim Action source area into the Final Action for the C-400 Complex with a Remedial Action start date of the first quarter of 2024.

In addition, the FFA Senior Managers agreed to suspend efforts to finalize the FY 2017 SMP considering the timing of the execution of the enclosed MOA. Rather, the FFA Senior Managers agreed to focus efforts to finalize the submittal of the D1 FY 2018 SMP, consistent with the enclosed MOA and the FFA, on or before November 15, 2017.

ENV 1.A-01430

If you have any questions or require additional information, please contact me at (270) 441-6862.

Sincerely,



Tracey Duncan
Federal Facility Agreement Manager
Portsmouth/Paducah Project Office

Enclosure:

Signed Memorandum of Agreement

e-copy w/enclosure:

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MEMORANDUM OF AGREEMENT

on the C-400 Complex under the Federal Facility Agreement for the Paducah Gaseous Diffusion Plant, Paducah, Kentucky

Background

In April 2016, due to the return of the enrichment facilities (including the C-400 Cleaning Building); the need to perform work in a comprehensive manner at the C-400 Complex; and the expected impacts of anticipated future funding limitations across the U. S. Department of Energy (DOE) Complex, the DOE Portsmouth Paducah Project Office (hereinafter DOE) approached the U. S. Environmental Protection Agency (EPA) Region 4 Superfund Division Director and the Commonwealth of Kentucky (KY) Energy and Environment Cabinet Secretary to propose reprioritization of DOE mission-related activities at the Paducah Gaseous Diffusion Plant (PGDP). This reprioritization included environmental cleanup activities under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) process, as required by the Federal Facility Agreement (FFA) and as identified in the Site Management Plan (SMP), with particular focus on the next ten years.

In June 2016, DOE provided a written proposal, which would accelerate the investigation and cleanup of the C-400 Complex for all sources of contamination associated with and underlying the C-400 Building. In April 2017, a final version of the proposal was provided. This proposal included resequencing the approved Fiscal Year (FY) 2015 SMP milestones and integration of the Phase IIb Interim Action source area into the Final Action for the C-400 Complex with a Remedial Action start date of 2023. The C-400 Complex action will address all sources of contamination including but not limited to principal threat waste (e.g., Trichloroethylene (TCE) Dense Non-Aqueous Phase Liquid (DNAPL) and high-concentration TCE contamination).

Purpose of Agreement

The purpose of this Memorandum of Agreement (MOA) is to memorialize the agreement reached by FFA Senior Managers and to document the priorities for development and submission to EPA and KY of the D1 FY 2018 SMP. The Senior Managers also agree that the FY 2017 SMP will not be finalized considering the timing of the execution of this MOA; and instead, the FY 2018 SMP will be finalized consistent with this MOA and the FFA. This MOA incorporates the FFA Senior Managers agreements related to reprioritization of the work at the PGDP for the C-400 Complex including integration of the Phase IIb source area Interim Action.

Terms and Conditions

The D1 FY 2018 SMP will be drafted consistent with this MOA and the requirements of the FFA and submitted to EPA and KY on or before November 15, 2017. The components of the agreement are as follows:

- 1. Deactivation of the C-400 Building – Completed 1st Quarter 2019.**

No milestones related to the C-400 Building deactivation will be added to the SMP since this work is being performed outside of the FFA.

2. C-400 Building Decommissioning and Demolition will be addressed by a CERCLA Non-Time Critical Removal Action (NTCRA) under the PGDP FFA – Field Start 1st Quarter 2019.

Removal Action will include demolition of the C-400 Building structure(s). The building foundation (i.e., slab) will remain in place.

3. C-400 Complex Remedial Investigation (RI) – Field Start 1st Quarter 2020.

- a. Physical demolition of the C-400 Building down to slab will be completed prior to the C-400 Complex RI field start date in order to facilitate a comprehensive remedial investigation in support of remedy selection. DOE will conduct a combined Remedial Investigation/Feasibility Study (RI/FS) for the C-400 Complex area that includes an investigation of all remaining building structure(s) (e.g., slab and subsurface structures) and releases of any hazardous substances to soils and groundwater associated with the C-400 Building and C-400 Complex area operations (including, but not limited, to TCE DNAPL areas considered principal threat waste). The D1 RI/FS Report will identify remedial alternatives based on the results of the RI.
- b. If during the RI/FS the FFA parties agree that the data and other relevant information supports the need for conducting either a CERCLA Time-Critical or Non-Time Critical Removal Action(s), or Interim Remedial Action(s) is warranted under the NCP or FFA, then the decision to undertake such action(s) will be addressed in accordance with the PGDP FFA.
- c. If the FFA Parties determine to take actions under 3.b., the ensuing actions (including submittal of Primary Documents) within the appropriate three-year window will be assigned enforceable dates and the other actions (including submittal of Primary Documents) outside the three-year window will have planning date(s). These milestones and planning dates will be added to the SMP in effect at the time.
- d. If either CERCLA Removal Action(s), Interim Remedial Action(s) or both are necessary, DOE Portsmouth Paducah Project Office and DOE Headquarters will pursue all means available to secure additional funding for these Action(s).

4. C-400 Complex Record of Decision – D1 Submittal 4th Quarter 2022

- a. If the FFA Parties determine that the multiple Remedial Actions are most appropriate to address the sources of contamination associated with the C-400 Complex, the ensuing Remedial Actions will be assigned within the three-year window enforceable milestone(s) because those actions will be viewed as subparts of the Remedial Action Field Start Date of 1st Quarter 2024, which will have an enforceable milestone in the FFA and is the subject of the Final Record of Decision.
- b. TCE source area contamination identified for remediation as the Phase IIb Interim Action that is a source of RGA groundwater contamination to the Northwest Plume and is located up-gradient of the C-400 Building footprint will be addressed in the remedy selected as a Final Action for the C-400 Complex, unless determined by the FFA Parties as provided in Section 3.b. above. The C-400 Complex Action will address all sources

of contamination including principal threat waste (e.g., TCE DNAPL and high-concentration TCE contamination).

5. C-400 Complex Remedial Action – Field Start 1st Quarter 2024

The Final Remedial Action(s) will be completed in a manner consistent with the Final Record of Decision.

D1 FY 2018 SMP

The D1 FY 2018 SMP will provide enforceable milestones and planning dates from the Terms and Conditions outlined in this MOA. C-400 Complex milestones and planning dates are based on streamlined assumptions (no extensions and no disputes). If extension(s) or dispute(s) occur, then future milestones and planning dates may be adjusted pursuant to the FFA. The D1 FY 2018 SMP will include milestones [mm/dd/yy] and planning dates [Qtr/yy] for completion of the projects and submittal of primary documents associated with other CERCLA projects from the approved FY 2015 SMP in addition to the C-400 Complex (shown below). The FY 2018 SMP will integrate the pre- and post- GDP Shutdown projects and schedules into the overall cleanup scope of the FFA. All projects (except the Southwest Plume Solid Waste Management Unit 211A) will be re-sequenced in the FY 2018 SMP.

The D1 FY 2018 SMP will include creation of a new Operable Unit identified as the C-400 Complex. Enforceable milestones [mm/dd/yy] will be established in the three-year window for the projects and primary documents that follow:

C-400 Building Non-Time Critical Removal Action:

- D1 Removal Notification 2nd Quarter FY 2018
- D1 Engineering Evaluation Cost Analysis 3rd Quarter FY 2018
- D1 Action Memorandum 4th Quarter FY 2018
- D1 Removal Action Work Plan 4th Quarter FY 2018
- Field Start Date for Demolition of C-400 Complex 1st Quarter FY 2019

C-400 Complex Remedial Investigation:

- D1 Remedial Investigation Work Plan 1st Quarter FY 2019
- Remedial Investigation Field Start Date of 1st Quarter FY 2020

The D1 FY 2018 SMP will also provide planning dates [Qtr/yy] for the projects and primary documents that follow:

C-400 Complex Remedial Investigation:

- D1 Remedial Investigation/Feasibility Study Report 3rd Quarter FY 2021

- D1 Proposed Plan 1st Quarter FY 2022
- D1 Record of Decision 4th Quarter FY 2022

The D1 FY 2018 SMP will also provide out year enforceable milestone [Qtr/yy] for the project below:

- Remedial Action Field Start 1st Quarter FY 2024

Other Terms and Conditions

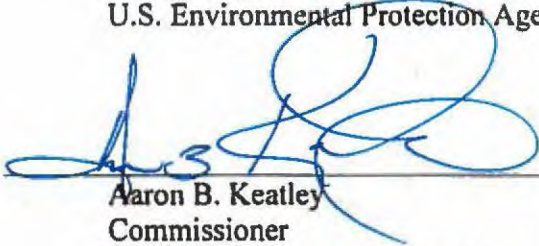
This MOA (as evidenced by the FFA Senior Managers signatures) constitutes a final agreement, which will be incorporated into the FY 2018 SMP as described above. Upon approval of the SMP, the parties will modify Appendix B, Appendix C and Appendix G of the FFA to incorporate the projects and milestones in accordance with Section XXXIX of the FFA. Nothing in this MOA modifies other FFA Terms and Conditions or other CERCLA projects at the PGDP except as specifically stated above. To the extent authorized under the FFA, nothing in this MOA shall prevent any of the Parties from disputing any other matters related to the aforementioned projects.

Authorizing Signatures



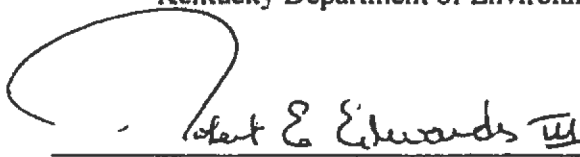
V. Anne Heard
Acting Regional Administrator
U.S. Environmental Protection Agency, Region 4

8/7/17
Date



Aaron B. Keatley
Commissioner
Kentucky Department of Environmental Protection

8/8/17
Date



Robert E. Edwards, III
Manager
U.S. Department of Energy, Portsmouth Paducah
Project Office

8/7/17
Date