



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

June 18, 2007

4WD-FFB

Mr. William E. Murphie, Manager
Portsmouth/Paducah Project Office
United States Department of Energy
Paducah Site Office
P.O. Box 1410
Paducah, Kentucky 42001

JUN 25 AM 11:46

Mr. Russ Boyd, Site Manager
Paducah Remediation Services LLC
101 Liberty Drive, Suite #3
Kevil, Kentucky 42053

SUBJ: Concurrence Letter for the Community Relations Plan under the Federal Facility Agreement at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky (DOE/OR/07-2099&D2R5), Primary Document

Dear Mr. Murphie and Mr. Boyd:

The Environmental Protection Agency (EPA) has reviewed the Community Relations Plan under the Federal Facility Agreement at the Paducah Gaseous Diffusion Plant, Paducah, Kentucky (DOE/OR/07-2099&D2R5). The D2R5 Community Relations Plan satisfies the conditions set forth under EPA's Conditional Concurrence letter dated January 11, 2007. The EPA has no additional comments on the D2R5 Community Relations Plan and accepts the D2R5 Community Relations Plan as final.

If you have any questions or require additional information, please contact me at (404) 562-8554.

Sincerely,

A handwritten signature in black ink, appearing to read "David G. Williams".

David G. Williams
PGDP FFA Project Manager

cc: Bruce Scott, KDEP-Frankfort



ERNIE FLETCHER
GOVERNOR

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT
14 REILLY ROAD
FRANKFORT, KENTUCKY 40601
www.kentucky.gov

TERESA J. HILL
SECRETARY

May 10, 2007

Mr. William E. Murphie, Manager
US Department of Energy
Portsmouth/Paducah Project Office
P.O. Box 1410
Paducah, Kentucky 42002

Mr. Russ Boyd, Paducah Manager of Projects
Paducah Remediation Services LLC
101 Liberty Drive, Suite #3
Kevil, Kentucky 42053

RE: Community Relations Plan (DOE/OR/07-2099&D2R5)
Approval and Resolution of Informal Dispute
Paducah Gaseous Diffusion Plant
Paducah, Kentucky, McCracken County
KY8-890-008-982

Dear Mr. Murphie and Mr. Boyd:

The Division of Waste Management received the subject document on April 30, 2007. The document satisfies our comments and concerns with previous versions of the plan. The Division hereby approves the D2R5 version of this document. Our approval also serves to resolve the informal dispute on the D2 R4 version of the document.

Mr. Murphie & Mr. Boyd
May 10, 2007
Page 2 of 2

If you have any questions or require additional information, please contact Jon Maybriar at (502) 564-6716.

Sincerely,

A handwritten signature in black ink that reads "April J. Webb". The signature is written in a cursive, slightly slanted style.

April J. Webb, P.E., Manager
Hazardous Waste Branch

AJW/JMG/ksr

c: David Williams, USEPA
Reinhard Knerr, USDOE– Paducah
Nick Stanisich, PRS
Virginia Baker, OLS
Margie Williams, KDWM – Paducah
Bill Clark, KDWM – Paducah
DWM File # 610 (ARM20050020)
DOE Reading File

**Statement of Formal Dispute/ Basis for Non-concurrence
Community Relations Plan (DOE/OR/07-2099&D2R4)**

The Federal Facility Agreement (FFA) in Section XXXIX. C., states that: Modifications shall be considered major modifications under Subsection A, if designated “major” by any Party. If any party disagrees with the designation of a modification as major, it may invoke dispute resolution pursuant to Section XXV of this Agreement. A major modification is subject to public participation to the extent required by DOE’s Community Relations Plan under Section XXXIII (Public Participation) of this Agreement. ...

The Federal Facility Agreement (FFA) in Section XXXIII. A., states that: The Parties agree that the CRP shall, to the extent practicable, coordinate the public participation requirements of CERCLA, RCRA, and KRS 224 for activities undertaken pursuant to this agreement.

With the above citations to the FFA as background, the following statements provide the Kentucky Environmental and Public Protection Cabinet (Cabinet)s basis for non-concurrence on the subject document and consequently our statement of formal dispute: DOE, with their drafting of the D2R4 version of the Community Relations Plan (CRP), is attempting to utilize the CRP in a manner that overwrites and conflicts with the terms and conditions of the FFA. Specifically, the proposed language in Section 2 of the CRP (Decision Making and Public Involvement), attempts to redefine the FFA criteria for declaring modifications as major and also attempts to create categories of FFA major modifications which require either no public involvement or notices to the public after finalization of major modifications. The Cabinet’s sole criterion for declaring an FFA modification as major is the need for meaningful stakeholder involvement, prior to finalization of a modification



Department of Energy

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

APR 27 2007

Mr. R. Bruce Scott, Director
Division of Waste Management
Kentucky Department for Environmental Protection
Frankfort Office Park
14 Reilly Road
Frankfort, Kentucky 40601

PPPO-02-416-07

Mr. David G. Williams
U.S. Environmental Protection Agency, Region 4
Waste Management Division
DOE Remedial Section
Federal Facilities Branch
61 Forsyth Street
Atlanta, Georgia 30303

Dear Mr. Scott and Mr. Williams:

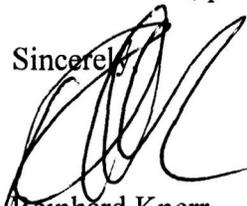
COMMUNITY RELATIONS PLAN UNDER THE FEDERAL FACILITY AGREEMENT AT THE U.S. DEPARTMENT OF ENERGY PADUCAH GASEOUS DIFFUSION PLANT (DOE/OR/07-2099&D2R5)

Enclosed for your review and approval is the *Community Relations Plan Under the Federal Facility Agreement at the U.S. Department of Energy Paducah Gaseous Diffusion Plant (DOE/OR/07-2099&D2/R5)* (CRP). The CRP has been revised to incorporate the comments received in the U.S. Environmental Protection Agency's (EPA) conditional concurrence letter dated January 11, 2007, and the Kentucky Division of Waste Management's (KDWM) non-concurrence and invocation of informal dispute letter dated February 2, 2007. The document also includes an update of contact information to reflect changes that have occurred since the last draft of the CRP. Appendix B has also been updated to incorporate a list highlighting the 2006 public involvement activities.

The Federal Facility Agreement (FFA) parties have worked closely to discuss and understand the issues that led KDWM to invoke the FFA informal dispute process on the CRP. The U.S. Department of Energy (DOE) believes that the enclosed version of the CRP addresses those issues. Therefore, DOE requests written confirmation from both EPA and KDWM that the enclosed revision serves to resolve the informal dispute on the CRP. Following receipt of such confirmation, the enclosed non-redline/strikeout version of the CRP will become the final version of the document.

If you have any questions or require additional information, please contact me at (270) 441-6825.

Sincerely,



Reinhard Knerr
Paducah Site Lead
Portsmouth/Paducah Project Office

Enclosures:

1. Community Relations Plan
2. Community Relations Plan Redline/Strikeout Version

cc w/enclosure:

DCC/Kevil
J. Maybriar, KDEP/Frankfort

cc w/o enclosure:

R. Blumenfeld, PPPO/LEX
R. Boyd, PRS/Kevil
D. Dollins, PPPO/PAD
R. Knerr, PPPO/PAD
D. Massey, Navarro/PAD
M. Redfield, PRS/Kevil

CERTIFICATION

Document Identification:

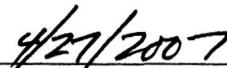
Community Relations Plan under the Federal Facility Agreement at the U.S. Department of Energy Paducah Gaseous Diffusion Plant (DOE/OR/07-2099&D2R5)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Paducah Remediation Services, LLC
Co-Operator



Peter W. Coutts, Deputy Site Manager/Manager of Projects



Date Signed

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

U.S. Department of Energy (DOE)
Owner and Operator



William E. Murphie, Manager
Portsmouth/Paducah Project Office



Date Signed