

November 16, 2009

REG-L-0374

Mr. Reinhard Knerr, Paducah Site Lead
Portsmouth/Paducah Project Office
U.S. Department of Energy
P.O. Box 1410
Paducah, Kentucky 42002-1410

Dear Mr. Knerr:

**DE-AC30-06EW05001: TRANSMITTAL OF FISCAL YEAR 2010 D1 SITE
MANAGEMENT PLAN AND PROPOSED FEDERAL FACILITY AGREEMENT
MODIFICATION**

Date Due to Regulators: November 15, 2009

Under cover of this letter, Paducah Remediation Services, LLC, (PRS) is providing copies of the certified D1 version of the *Site Management Plan, Paducah Gaseous Diffusion Plant, Paducah, Kentucky*, Annual Revision FY 2010, DOE/LX/07-0305&D1 (SMP) and the proposed modification language for Section XVIII.B and Section XVIII.C of the Federal Facility Agreement (FFA), to the U.S. Department of Energy (DOE) Paducah Site Office for submittal to the Kentucky Department for Environmental Protection (KDEP), Division of Waste Management, and the U.S. Environmental Protection Agency (EPA).

The document has undergone DOE technical and legal review and is ready for concurrence and submittal to the regulators. In accordance with Section XVIII of the Paducah FFA, DOE is required to submit a D1 annual SMP to KDEP and EPA no later than November 15 of each year. Since the due date falls on a Sunday, submittal of the document to the regulators may occur no later than November 16, 2009.

The document reflects an updated list of enforceable milestones, the status of operable units with a signed Record of Decision or Action Memorandum, and any changes to the site cleanup strategy. This version of the SMP is consistent with the scoping discussions held by the FFA Managers between August and September 2009 and reflects the verbal agreements reached by the FFA parties.

Enclosed for transmittal to KDEP and EPA is a draft letter, copy of the document, a redline version of the document, and the proposed FFA modification. This redline version of the document reflects the changes made between the fiscal year (FY) 2009 D2 approved SMP and the D1 FY 2010 SMP. Please note that the enclosed Comment Response Summary table reflects the changes

made to the FY 2010 document in response to DOE's technical and legal review and is for DOE internal use only. In accordance with Section XVIII of the FFA, KDEP and EPA have a 30-day review period to provide comments and/or approval of the document.

If you have any questions or need any additional information, please contact JanaWhite at (270) 441-5185.

Sincerely,



Dennis Ferrigno, PM, Site Manager
Paducah Remediation Services, LLC

DF:JW:bem

Enclosures:

1. Suggested Text for D1 Transmittal Letter
2. FY 2010 D1 SMP
3. Redline FY 2010 D1 SMP
4. Comment Response Summary
5. Certification Form
6. Proposed FFA Modification

cc w/enclosures:

D. Dollins, PPPO/Paducah
File-DMC-RC

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In accordance with the requirements of Contract DE-AC30-06EW05001 and as acknowledged by the above signature, I hereby certify that the information provided in this transmittal has been prepared in accordance with all applicable requirements and the information is, to the best of my knowledge and belief, true, accurate, and complete.

Mr. Turpin Ballard
U.S. Environmental Protection Agency, Region 4
Federal Facilities Branch
61 Forsyth Street
Atlanta, Georgia 30303

PPPO-02-XXX-10

Mr. Edward Winner, FFA Manager
Kentucky Department for Environmental Protection
Division of Waste Management
200 Fair Oaks Lane, 2nd Floor
Frankfort, Kentucky 40601

Dear Mr. Ballard and Mr. Winner:

**TRANSMITTAL OF THE D1 FISCAL YEAR 2010 SITE MANAGEMENT PLAN,
PADUCAH GASEOUS DIFFUSION PLANT, PADUCAH, KENTUCKY, AND
PROPOSED FEDERAL FACILITY AGREEMENT MODIFICATION**

In accordance with Section XVIII of the Paducah Federal Facility Agreement (FFA), U.S. Department of Energy (DOE) is submitting the D1 *Site Management Plan, Paducah Gaseous Diffusion Plant, Paducah, Kentucky*, Annual Revision FY 2010, DOE/LX/07-0305&D1 (SMP) and the proposed modification language for Section XVII.B and Section XVIII.C of the FFA, for your review and comment. The document reflects an updated list of enforceable milestones, the status of operable units (OUs) with a signed Record of Decision (ROD) or Action Memorandum, and any changes to the site cleanup strategy.

This version of the SMP is consistent with the scoping discussions held by the FFA Managers between August and September 2009 and reflects the verbal agreements reached by the FFA parties. The following are some of the major changes to note when comparing this document to the fiscal year (FY) 2009 D2 approved SMP.

- Text was added to the main body of the SMP to do the following:
 - Discuss pre-gaseous diffusion plant (GDP) shutdown scope and post-GDP shutdown scope and how each relates to the Comprehensive Site Operable Unit (CSOU), and
 - Clarify how out-year enforceable completions dates will be satisfied.
- A new figure was added to the SMP to depict the OU framework.
- Appendix 1 includes an updated status of the removal and remedial actions.

- Appendix 3 includes the OU scope descriptions and key project assumptions. The language in Appendix 3 is consistent with language discussed among U.S. Environmental Protection Agency (EPA), Kentucky Department for Environmental Protection (KDEP), Division of Waste Management, and DOE during the August and September 2009 scoping meetings. As discussed during the FFA Managers Meeting, the scope and key project assumptions for the Dissolved-Phase Plumes have been expanded, and a new figure has been added that illustrates the scope. In addition, scope discussions for the Decontamination and Decommissioning (D&D) OU and the CSOU have been expanded to reflect pre- and post-GDP shutdown strategies.
- Appendix 4 has been modified to reflect the changes discussed among EPA, KDEP, and DOE during the D1 SMP FY 2010 scoping meetings. Specific changes to Appendix 4 are as follows:
 - Subproject titles were added and/or modified to be consistent with titles used in Appendix 3 and to reflect pre- and post-GDP shutdown activities.
 - Various footnotes were added to clarify scope (pre- and post-GDP shutdown, CSOU) and project acceleration in support of D&D.
 - Solid waste management units (SWMUs) “pending no further action decision” have been resolved and moved to other areas within the appendix based upon agreement among the FFA parties.
- Appendix 5 includes enforceable commitments for FY 2010, FY 2011, and FY 2012. The enforceable dates for the Southwest Plume Sources and Dissolved-Phase Plume have been modified to reflect agreement by the FFA parties to establish the out-year completion date for the Dissolved-Phase Plume as the final completion date for the Groundwater Operable Unit pre-GDP shutdown groundwater scope. Enforceable dates for the D1 Remedial Action Completion Report for C-400, D1 ROD for Dissolved-Phase Plume, D1 ROD for Soils Operable Unit (SOU), Sitewide Evaluation Work Plan for SOU, and the Burial Ground Operable Unit Feasibility Study and Proposed Plan also have been revised based upon discussions among EPA, KDEP, and DOE during the D1 SMP FY 2010 scoping meetings. During these scoping meetings, the parties also agreed to develop an enforceable date for the D1 Site Evaluation Report for SWMU 13 and add enforceable milestones for the three specific projects requested by EPA, as well as the inclusion of the Five-Year Review. In addition, planning dates for American Recovery and Reinvestment Act have been added to D&D.

Please note that the enforceable dates for the Southwest Plume Sources and Dissolved-Phase Plume in the enclosed SMP are predicated upon the discussions that the FFA parties held on October 19, 2009. During those discussions, DOE acknowledged its intent to initiate

negotiations with KDEP of enforceable completion dates for post-GDP shutdown work six months prior to plant shutdown. EPA, in turn, acknowledged that it would not unilaterally require establishment of out-year enforceable completion milestones for post-GDP shutdown scope and that EPA was willing to accept the outcome of the DOE and KDEP negotiations provided they were consistent with the FFA. As a result, DOE agreed to move forward with the submittal of the FFA modification for the inclusion of out-year completion dates for the following pre-GDP shutdown OUs: surface water, groundwater, soils, burial grounds, and D&D. DOE, in good faith, has included enforceable dates for the Southwest Plume Sources and Dissolved-Phase Plume in the enclosed SMP and has developed draft modification language to the FFA. A draft of the modification language is enclosed for your review and comment.

If you have any questions or require additional information, please contact David Dollins at (270) 441-6819.

Sincerely,



Reinhard Knerr
Paducah Site Lead
Portsmouth/Paducah Project Office

cc:

AR File/Kevil

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for the following pre-GDP shutdown OUs: surface water, groundwater, soils, burial grounds, and D&D, shall be considered enforceable timetables and deadlines in accordance with the provisions of Subsection C (Timetables and Deadlines) of this Section. Commitments for FY+1 and FY+2 shall become current FY commitments in accordance with the provisions of Subsection C (Timetables and Deadlines) of this Section.

Deleted: and

Deleted: OUs

C. Timetables and Deadlines

Enforceable timetables and deadlines for current FY Commitments are contained in Appendix C to this Agreement. Enforceable timetables and deadlines for FY+1 and FY+2 commitments and completion dates for the following pre-GDP shutdown OUs: surface water, groundwater, soils, burial grounds, and D&D are contained in the most recently approved annual SMP. Enforceable timetables and deadlines under this Agreement shall be limited to FY, FY+1, FY+2, and completion dates for the work scope associated with the following pre-GDP shutdown OUs: surface water, groundwater, soils, burial grounds, and D&D, as specified in the most recently approved annual SMP. The FY+1 timetables and deadlines in the most recently approved SMP shall be incorporated into Appendix C to this Agreement and shall become current FY timetables and deadlines on October 1, FY+1.

Deleted: and

Deleted: OUs

Deleted: OUs

D. Budget Planning

1. DOE shall use its best efforts and take all necessary steps to obtain sufficient and timely funding to meet all of its obligations under this Agreement. DOE's compliance with the Budget Planning and Execution provisions of this Agreement shall constitute compliance with the above standard. The Parties

for the following pre-GDP shutdown OUs: surface water, groundwater, soils, burial grounds, and D&D shall be considered enforceable timetables and deadlines in accordance with the provisions of Subsection C (Timetables and Deadlines) of this Section. Commitments for FY+1 and FY+2 shall become current FY commitments in accordance with the provisions of Subsection C (Timetables and Deadlines) of this Section.

C. Timetables and Deadlines

Enforceable timetables and deadlines for current FY Commitments are contained in Appendix C to this Agreement. Enforceable timetables and deadlines for FY+1 and FY+2 commitments and completion dates for the following pre-GDP shutdown OUs: surface water, groundwater, soils, burial grounds, and D&D are contained in the most recently approved annual SMP. Enforceable timetables and deadlines under this Agreement shall be limited to FY, FY+1, FY+2, and completion dates for the work scope associated with the following pre-GDP shutdown OUs: surface water, groundwater, soils, burial grounds, and D&D, as specified in the most recently approved annual SMP. The FY+1 timetables and deadlines in the most recently approved SMP shall be incorporated into Appendix C to this Agreement and shall become current FY timetables and deadlines on October 1, FY+1.

D. Budget Planning

1. DOE shall use its best efforts and take all necessary steps to obtain sufficient and timely funding to meet all of its obligations under this Agreement. DOE's compliance with the Budget Planning and Execution provisions of this Agreement shall constitute compliance with the above standard. The Parties

MODIFICATION TO THE PADUCAH FEDERAL FACILITY AGREEMENT
according to the terms of Section XXXIX.

Modification requested by: William Murphie	Date: 10/2/09
Requester's Organization: Department of Energy	
Section to be modified: Section XVIII.B and Section XVIII.C	
Reason for modification: Inclusion of outyear completion dates for soils, burial grounds and Decontamination and Decommissioning (D&D) Operable Unit (OU) projects and to clarify that the outyear completion dates only apply to pre-Gaseous Diffusion Plant (GDP) shutdown OU projects as defined in the most recently approved annual Site Management Plan. The modification is consistent with discussions held during the September 17, 2009, FFA Managers Meeting and reflects the verbal agreement reached by the FFA parties.	
Modification requested: Language modification to Section XVIII.B "Scoping Work Priorities" and Section XVIII.C "Timetables and Deadlines" for the inclusion of outyear completion dates for soils, burial grounds and Decontamination and Decommissioning (D&D) Operable Unit (OU) projects and to clarify that the outyear completion dates only apply to pre-Gaseous Diffusion Plant (GDP) shutdown OU projects as defined in the most recently approved annual Site Management Plan.	

Determination by any one of the three Project Managers that a modification is major will require that the modification be submitted for public participation to the extent required by DOE's Community Relations Plan under Section XXXIII.

	Major modification?		
	YES	NO	
DOE, Paducah Site Manager's Approval:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Date:
KDEP, Div. of Waste Mgmt. Director's Approval:	<input type="checkbox"/>	<input type="checkbox"/>	Date:
EPA, Region 4, Remedial Project Manager's Approval:	<input type="checkbox"/>	<input type="checkbox"/>	Date:

Note: Return to DOE after signature for the Administrative Record and to initiate distribution to FFA "Controlled" copies.

CERTIFICATION

Document Identification: *Site Management Plan, Paducah Gaseous Diffusion Plant,
Paducah, Kentucky, Annual Revision FY 2010
(DOE/LX/07-0305&D1)*

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



Dennis Ferrigno, PM, Site Manager

11-16-09

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)

Reinhard Knerr, Paducah Site Lead

Date Signed