DRAFT

FINDING OF SUITABILITY

FOR EARLY TRANSFER

(FOSET)

TARHEEL ARMY MISSILE PLANT (TAMP)

BURLINGTON, NC

APRIL 2003

FINDING OF SUITABILITY FOR EARLY TRANSFER FOR THE TARHEEL ARMY MISSILE PLANT BURLINGTON, NORTH CAROLINA

1.0 PURPOSE

The purpose of this Finding Of Suitability For Early Transfer (FOSET) is to document the environmental suitability of the Tarheel Army Missile Plant (TAMP) Tract 1 for a public sale by the General Services Administration (GSA). The Tract 1 parcel will be transferred prior to completion of all remedial action, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120 (h)(3) and Department of Defense (DoD) policy. The FOSET also identifies use restrictions, as specified in the attached Environmental Protection Deed Provisions, necessary to protect human health or the environment after the early transfer, and to prevent interference with any existing or planned environmental restoration activities.

When a federal agency transfers real property on which hazardous substances are known to have been released, disposed of or stored for one year or more, the deed must contain a covenant warranting that all remedial action necessary to protect human health and the environment has been taken before the date of transfer. However, CERCLA Section 120(h)(3)(C) authorizes the Governor of the State where federal property which has not been listed on the National Priorities List (NPL) is located to approve the deferral of the covenant requirement, upon the satisfaction of certain enumerated conditions. This FOSET is intended to provide the necessary information to allow the Governor of North Carolina to approve the deferral of the covenant requirement for the Tract 1 parcel.

2.0 DESCRIPTION OF PROPERTY, INTENDED REUSE, AND ASSOCIATED RISK

2.1 Description of Property

TAMP was acquired by the Army in 1942 and consists of 32 acres. The property has been leased to various defense contractors who performed tank rebuilding operations, manufacturing of commercial electronic devices, and other defense-related work from 1942 to 1992 (See Enclosure 1, Figure 1 – TAMP Map). The property consists of two tracts of land. Tract 1 is 22 acres with 25 buildings and Tract 2 is 10 acres with a paved parking lot (See Enclosure 1, Figure 2 – Tract 1 and Tract 2 map). This Tract 2 property has been determined to be uncontaminated under CERCLA 120(h)(4). Therefore, this FOSET only addresses the Tract 1 property. Additional information on the property is provided in See Table 1 – Description of Property (Enclosure 2).

2.2 Intended Reuse

The identity of the future property owner and the intended reuse of the property are not known at this time since the property will be transferred by GSA through a public sale. However, the Army, the Division of Waste Management (DWM) of the North Carolina Department of Environment and Natural Resources (NCDENR), the City of Burlington and Alamance County will be able to prevent unsafe use of the property through inclusion of the FOSET environmental protection deed provisions in the deed transferring the property. The surrounding area and the facility are zoned light industrial by the City of Burlington. It is expected that any future reuse will be consistent with local zoning. Until the Tract 1 soil and groundwater remediation activities are completed, the Tract 1 land use restrictions will restrict the property to non-residential use, prohibit excavation in certain areas without DWM approval, and restrict use of or access to the groundwater without DWM approval. See the attached Environmental Protection Deed Provisions (Enclosure 3).

2.3 Associated Risk

In 1994, a former lessee, AT&T, developed a human health risk assessment. The risk assessment concluded that the concentrations of volatile organic compounds (VOCs) in the soils were below risk-based cleanup levels but that the VOC concentrations in the groundwater were above risk-based cleanup levels. In 1995, the Army conducted a baseline risk assessment to evaluate the potential risk to human health and the environment from exposure to chemical contaminants identified in site investigations at TAMP. The Army's baseline risk assessment determined that the greatest risk associated with future use of the TAMP facility is associated with future use as a residential property. Under an industrial use scenario, the contaminated soil and groundwater would pose some risk with ingestion as the primary intake route. Although there is no current or anticipated future use of off-site groundwater, there is a potential risk of off-site groundwater exposure. Due to this potential risk, the contaminated soil and groundwater is being remediated, and land use restrictions are being placed on the property limiting access to groundwater and soil.

3.0 ENVIRONMENTAL DOCUMENTATION

A determination of the environmental condition of the property has been made based on the Site Investigation Report dated June 1994; the Weston Semi-Annual Monitoring Reports, May 2002 to October 2002; and other relevant documents. A complete list of relevant documents is provided in Enclosure 4. The information provided is a result of a complete search of Army files during the development of this FOSET. Relevant TAMP environmental documents , which include documents prepared under federal and state programs, are available for public viewing at the headquarters of the Central North Carolina Regional Library at May Memorial Library, 342 South Spring Street, Burlington, NC 27215, (336) 229-3588. Those and other TAMP environment-related documents may be viewed, and copied at cost, by contacting the Custodian of Records of DENR's Superfund Section, Mr. Scott Ross, at 401 Oberlin Road, Suite 150, Raleigh, NC 27605-1350, at (919) 733-2801 ext. 328, or at Scott.Ross@ncmail.net.

4.0 ENVIRONMENTAL CONDITION OF PROPERTY

4.1 Environmental Classifications of Property (ECP) Categories:

The Department of Defense (DOD) Environmental Condition of Property (ECP) Categories[1] for the property are as follows:

ECP Category 4: Tract 1 - Building 4

ECP Category 5: Tract 1 – Groundwater and soils

For maps of soil investigation/remediation sites see enclosure 1, figures 3, 4, and 5. Maps of the groundwater contamination plume are included at enclosure 1, figures 6 and 7.

[1] The ECP categories applicable to the property are defined as:

- ECP Category 4: Areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken; and

ECP Category 5: Areas where release, disposal, and/or migration of hazardous substances has occurred, and remedial actions are underway, but all required remedial actions have not yet been taken.

4.2 Storage, Release, or Disposal of Hazardous Substances

Hazardous substances were stored for one year or more in the following areas: Building 2, 3, 4, 5, 6, 7, 11, 13, 14, 16, 19, 20, 21, 22, 23, 28, 29, 30, 31, Waste Accumulation Pad, Duke Power Substation. As historical inventories typically do not identify quantities, all areas where hazardous substances were stored have been identified. Hazardous substances were released or disposed of at the Waste Accumulation Pad. The release apparently occurred from spills associated with storing chlorinated solvents at this location. However, since no spills were ever recorded, release quantities are not known. A summary of the Waste Accumulation Pad remediation is provided in Section 4.4 below. A summary of the buildings or areas in which hazardous substances were stored, released or disposed of is provided in Table 2 – Notification of Hazardous Substance Storage, Release, or Disposal (Enclosure 2).

4.3 Storage, Release, or Disposal of Petroleum Products

Current UST/AST sites:
There are 2 underground and 3 aboveground storage tanks (USTs/ASTs) on the property that are currently used for storage of petroleum products. There is no evidence of petroleum releases at the following UST/AST sites: UST 1, UST 2, AST 3a, 4 and 8a.

Former UST/AST sites:
There were 6 underground and no aboveground storage tanks previously on the property that were used for storage of petroleum products. Petroleum products in excess of 55 gallons, were stored for one year or more in the following USTs: 3, 5, 6, 7, 8, and 9. Releases in excess of 55 gallons of petroleum products occurred at USTs 5, 6, 7, 8, and 9. The releases were most likely caused by degradation of the integrity of the tanks. No specific spills of petroleum products were reported so the release quantities are not known. All of the USTs listed above have been removed per North Carolina regulations. A summary of the spills at USTs 5, 6, 7, 8, and 9 is provided in Section 4.4 below. A summary of the USTs in which petroleum products were stored is provided in Table 3 – Notification of Petroleum Product Storage, Release, or Disposal (Enclosure 2). An inventory of all USTs/ASTs is presented in Table 4 (Enclosure 2).

4.4 Investigation/Remediation Sites

During the routine removal of UST 9, a petroleum release to the soil and groundwater was confirmed and AT&T received a NOV from NCDENR on March 9, 1993. While performing other investigative work not related to the NOV, AT&T discovered that chlorinated solvents were also present in the soil and groundwater. In August 1993, AT&T performed a Comprehensive Site Assessment (CSA) to characterize the extent of soil and groundwater contamination in order to develop a Corrective Action Plan (CAP). AT&T prepared a Corrective Action Plan (CAP) including a human health risk assessment in November 1994. In January 1995, three USTs were removed and evidence of gasoline leakage was found. In March 1995, two more USTs were removed and evidence of diesel leakage was found. These areas are being treated by the remedial systems currently in place at TAMP.

The following remediation systems have been installed to address soil and groundwater contamination on the Tract 1 property:

- Soil Vapor Extraction/Air Sparging (SVE/AS) system. Remedial action to address both the petroleum and chlorinated solvent contamination in the soil and groundwater from USTs 5, 6, 7, 8 and 9 and the Waste Accumulation Pad is currently underway. The plumes are being treated with

a Soil Vapor Extraction/Air Sparging (SVE/AS) system which has been in operation since January 1996.

- Pump and Treat (P&T) System. In 1997, data indicated that chlorinated solvents appeared to be migrating off-site from the Waste Accumulation Pad. No groundwater sampling has been performed outside the TAMP boundaries. In February 1998, AT&T installed a small groundwater P&T facility in the northwest corner to control the migration of the plume. The P&T system began operation in April 1999.

The petroleum products have responded to the treatment and are close to the required cleanup limits in both the soil and the groundwater. However, the chlorinated solvents, particularly in the groundwater, have responded more slowly. The most recent data (October 2002) show levels of up to 1500 µg/L of trichloroethylene (TCE) in the groundwater in the interior of the site, and levels of up to 2800 µg/L of TCE in the groundwater in the northwest corner of TAMP (Enclosure 1, Figure 6).

In _____200_, the Army and the State of North Carolina entered into a Consent Agreement (Enclosure 7) setting forth additional remedial action to be taken by the Army with respect to chlorinated solvent contamination in the groundwater. Under the Consent Agreement, the Army shall prepare a remedial action plan and perform remediation activities in accordance with the milestones in the Consent Agreement. In addition, the Army will impose land use restrictions on the Property, and prepare and record a survey plat. Finally, the deed will include provisions reserving the right of Lucent Technologies, Inc. (successor to AT&T) and the Army to conduct ongoing and future remediation activities at the property.

5.0 OTHER ENVIRONMENTAL CONDITIONS

Other than as described in Section 4.0, there are no environmental conditions which require remediation by the government prior to transfer pursuant to CERCLA section 120(h). This section of the FOSET describes other environmental conditions of the property relating to the suitability of the property for early transfer.

5.1 Radiological Materials

TAMP records indicate that radiological substances have been stored or utilized in Buildings 4, 13, and 16. All identified radiological substances were removed from the facilities. Wipe sampling was performed in 1992 to determine if any radiological contamination remained after the buildings were vacated. In Room 12 of Building 4, AT&T spilled liquid Cesium – 137. In response to the spill, approximately 10 square feet of flooring were removed and sent to Chem Nuclear Systems, Inc. in Barnwell, South Carolina. The wipe sampling found that some radiological material remained in the room after the flooring was removed. No radiological substances were detected in Buildings 13 and 16. A more detailed wipe sampling and radiological survey was performed in Building 4 in 1996. As a result of the additional survey work, removal actions took place in November 1999 and in March 2000 in Room 12 of Building 4 to remove all materials contaminated with the Cesium – 137 spill. A radiological survey completed after the second removal action indicated that no residual contamination is present within building 4 at levels that require further action. The North Carolina Division of Radiation Protection issued a concurrence letter on 22 February 2001. A summary of the building or areas in which radiological materials were stored, released, or disposed of is provided in Table 1 – Description of Property (Enclosure 2).

5.2 Polychlorinated Biphenyls (PCB)

The Army believes that it has identified all PCB-containing transformers and other PCB-containing equipment at TAMP. Transformers 1 and 2 are south of building 18 and transformers 3 and 4 are west of

building 22. One voltage regulator (transformer 3) was found to be contaminated with PCBs. Both compartments of the voltage regulator have been drained and refilled with mineral oil. This voltage regulator may now be classified as non-PCB electrical equipment. The site investigation work performed in 1991 detected no PCBs in the soil or groundwater samples taken at the TAMP. Currently, there are no PCB-containing transformers or other PCB-containing equipment located on the property and no evidence of releases from the former PCB equipment.

5.3 Asbestos Containing Materials

There is asbestos-containing material (ACM) in the following buildings: Buildings 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 22, 29, and the utility tunnel. The ACM includes: insulation for piping and pipe fittings, trawled surfacing, floor tile and mastic, roll floor covering (asbestos- backed), roll insulation (with asbestos paper backing), friable ACM ceiling tiles, roof shingles, nonskid painted surfaces, caulking, roof felts/flashing, HVAC "flex joint," transit pipe, asbestos gaskets/wiring, and textured exterior silver paint.

In 1991, 1996, and 2001 surveys were conducted to identify ACM at the TAMP. All friable asbestos that posed an unacceptable threat to human health has been removed or encapsulated. If left undisturbed the ACM does not pose a threat to human health or the environment. Enclosure 5 sets forth the disclosure of conditions concerning ACM that will be provided to prospective purchasers of the Property.

5.4 Lead-Based Paint (LBP)

No lead-based paint testing has been conducted in buildings located on the property, as they do not qualify as target facilities under the Lead-Based Paint Poisoning Prevention Act or the Residential Lead-Based Paint Hazard Reduction Act. However, based on the year of their construction (prior to 1978), it is assumed that lead-based paint may be present in all of the structures on the property. Enclosure 6 constitutes a Notice of Lead-Based Paint for Non-Residential Real Property Constructed Prior to 1978 that will be provided to prospective purchasers of the Property.

5.5 Unexploded Ordnance and Explosive Waste

Based on a review of historical information and from the site investigations, none of the buildings or surrounding land proposed for transfer are known to contain unexploded ordnance. TAMP was used for the manufacturing of rayon yarn in the 1920s and 1930s, aircraft from 1942 to 1944, tank rebuilding in 1944 to 1945, and electronic equipment manufacturing from 1946 to 1992. The facility has not been in use since 1992. None of the operations at the plant involved ordnance or explosives.

6.0 RESPONSE ACTION ASSURANCES

As property owner, the Army is ultimately responsible for ensuring that all necessary response action is performed at TAMP. The deed environmental protection provisions (Enclosure 3) include all necessary restrictions on the use of the property to ensure protection of human health and the environment and ensure that required remedial investigations, response action, and oversight activities will not be disrupted. In addition, the Army/State of North Carolina Consent Agreement (Enclosure 7) establishes schedules for investigation and completion of all necessary response actions and requires the Army to submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules for investigation and completion of all necessary response action.

7.0 REGULATORY/PUBLIC COMMENTS

The Army provided public notice of, and invited comments on, its contemplated use of the Early Transfer Authority and its intent to request approval by the Governor of North Carolina of a covenant deferral, by

publishing a notice in the Burlington Daily Times-News on April 9, 2003. The Army's response to any comments received is attached as Enclosure 8 and incorporated into the final document where appropriate.

8.0 FINDING OF SUITABILITY FOR EARLY TRANSFER

All Department of Defense requirements to reach a finding of suitability for early transfer of the TAMP Tract 1 property have been met, subject to the terms and conditions set forth in this FOSET, in the attached Environmental Protection Deed Provisions which shall be included in the deed for the property, and in the Army/State of North Carolina Consent Agreement. The Environmental Protection Deed Provisions also include the appropriate CERCLA covenant and access provisions. Finally, the hazardous substance notification (Enclosure 2, Table 2) shall be included in the deed as required under the CERCLA Section 120(h)(C) and DOD Guidance.

_____ _____

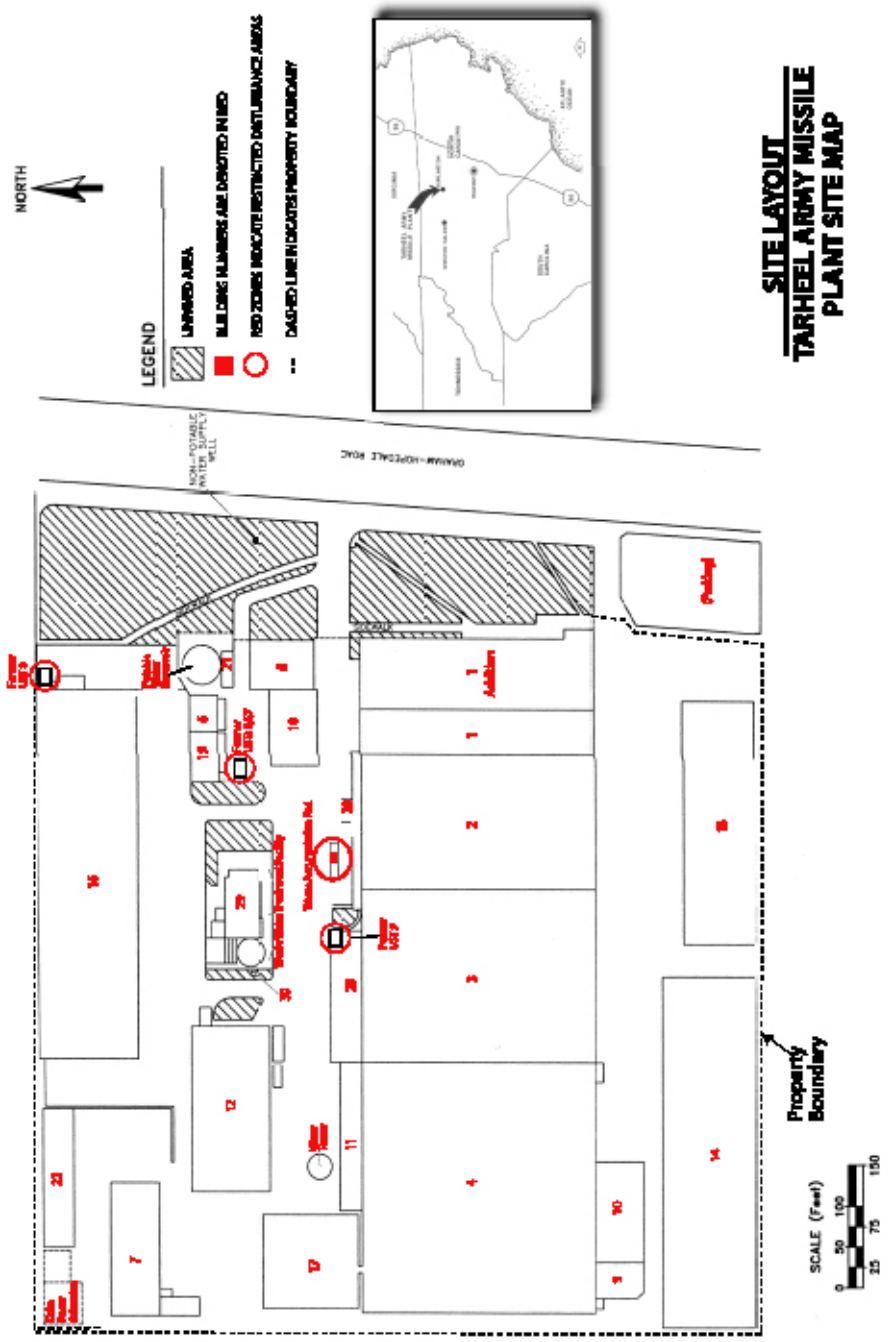
Date

Raymond J. Fatz
Deputy Assistant Secretary of the Army
(Environment, Safety, and Occupational Health
OASA (Installation and Environment)

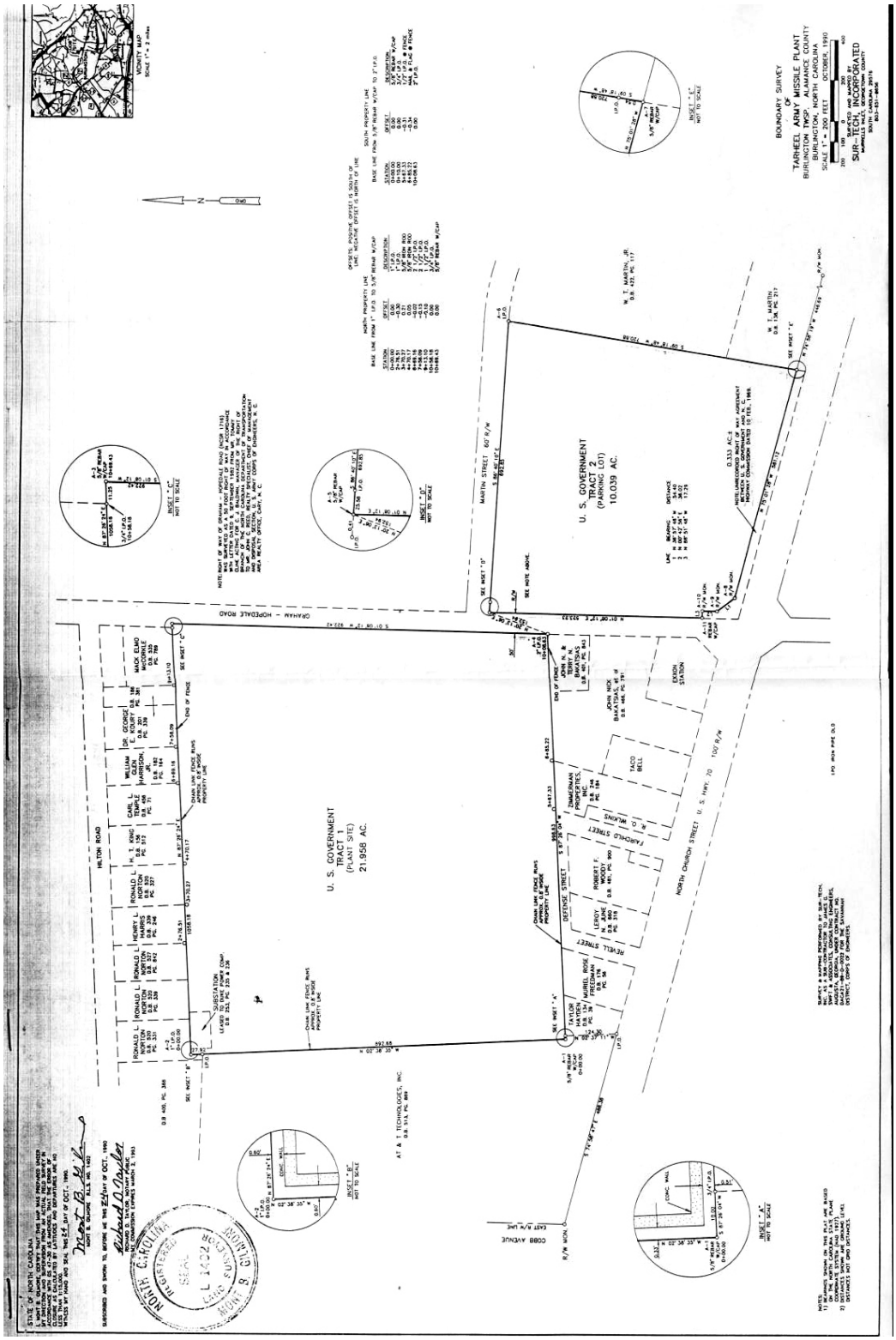
Enclosures:

1 - Site Maps
Figure 1 – Site map
Figure 2 – Tract 1 and Tract 2 map
Figure 3 – Analytical Results for Soil Samples Collected in the Vicinity of the Waste Accumulation Pad and Former UST 9
Figure 4 – Analytical Results for Soil Samples Collected in the Vicinity of Former USTs 5, 6, and 7
Figure 5 – Analytical Results for Soil Samples Collected in the Vicinity of Former UST 8
Figure 6 – Trichloroethene Concentrations in Groundwater for October 2002
Figure 7 – Benzene Concentrations in Groundwater for October 2002
2 - Tables
Table 1 - Description of Property
Table 2 - Notification of Hazardous Substance Storage, Release, or Disposal
Table 3 - Notification of Petroleum Substance Storage, Release, and Disposal
Table 4 – Inventory of all USTs/ASTs
3 - Environmental Protection Deed Provisions
4 - List of environmental documents relating to TAMP
5 - Asbestos Purchaser Notice
6 - Lead Based Paint Purchaser Notice
7 – Army/State of North Carolina Consent Agreement
8 - Regulatory and Public Comment

Enclosure 1, Figure 1
Site Map

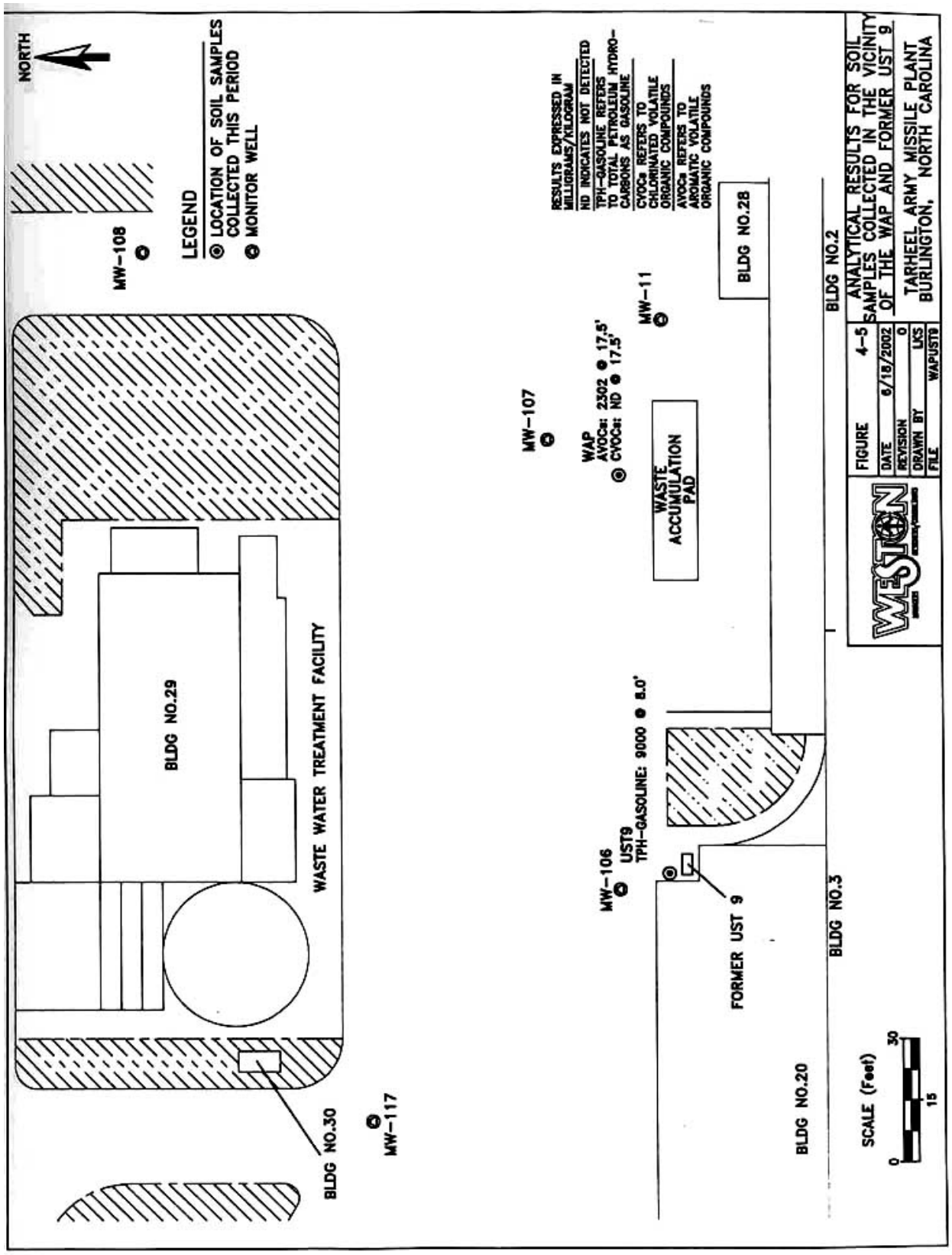


Enclosure 1, Figure 2
Map of Tracts 1 and 2



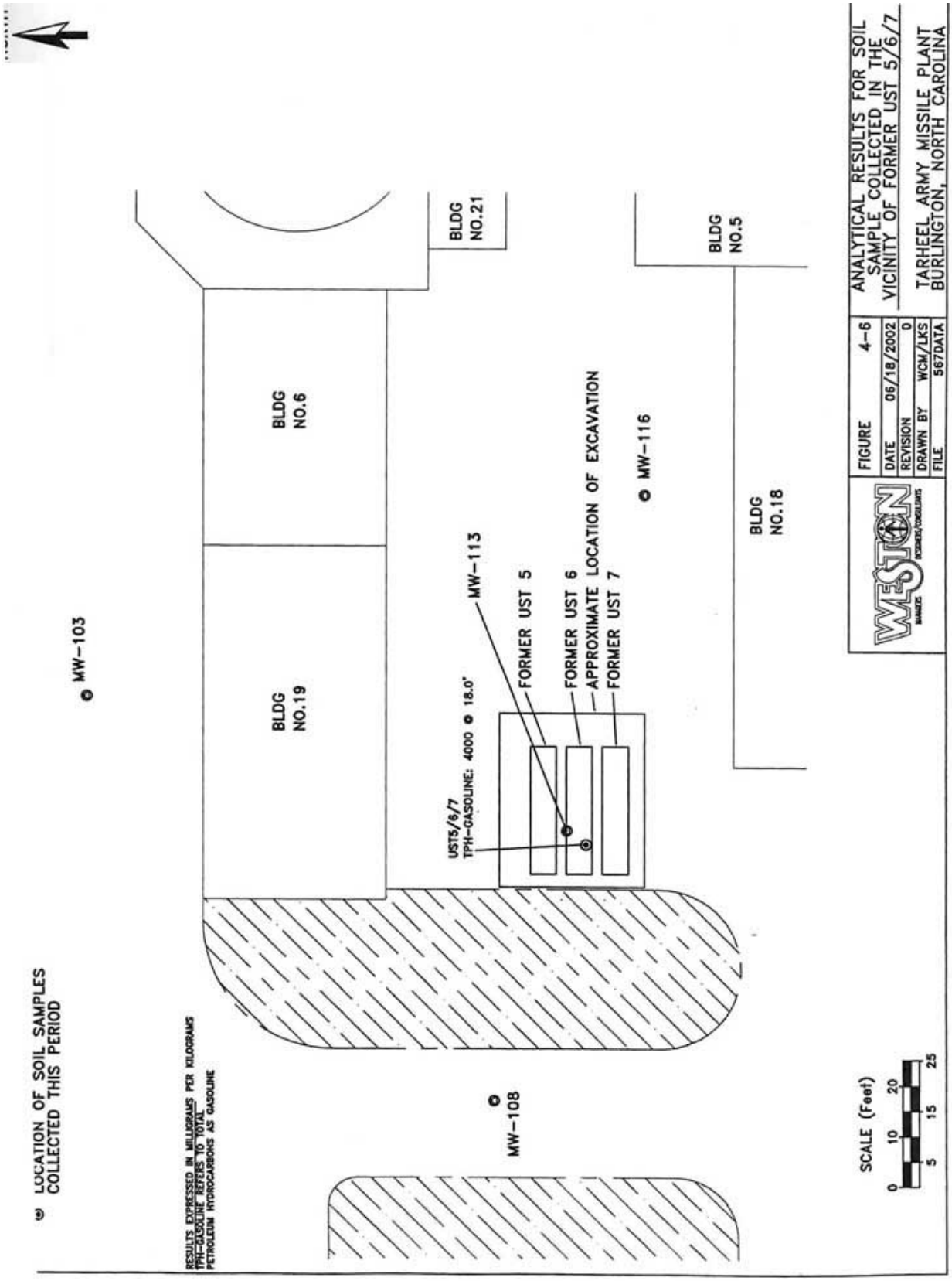
Enclosure 1, Figure 3

Analytical Results for Soil Samples Collected in the Vicinity of the Waste Accumulation Pad and Former UST 9

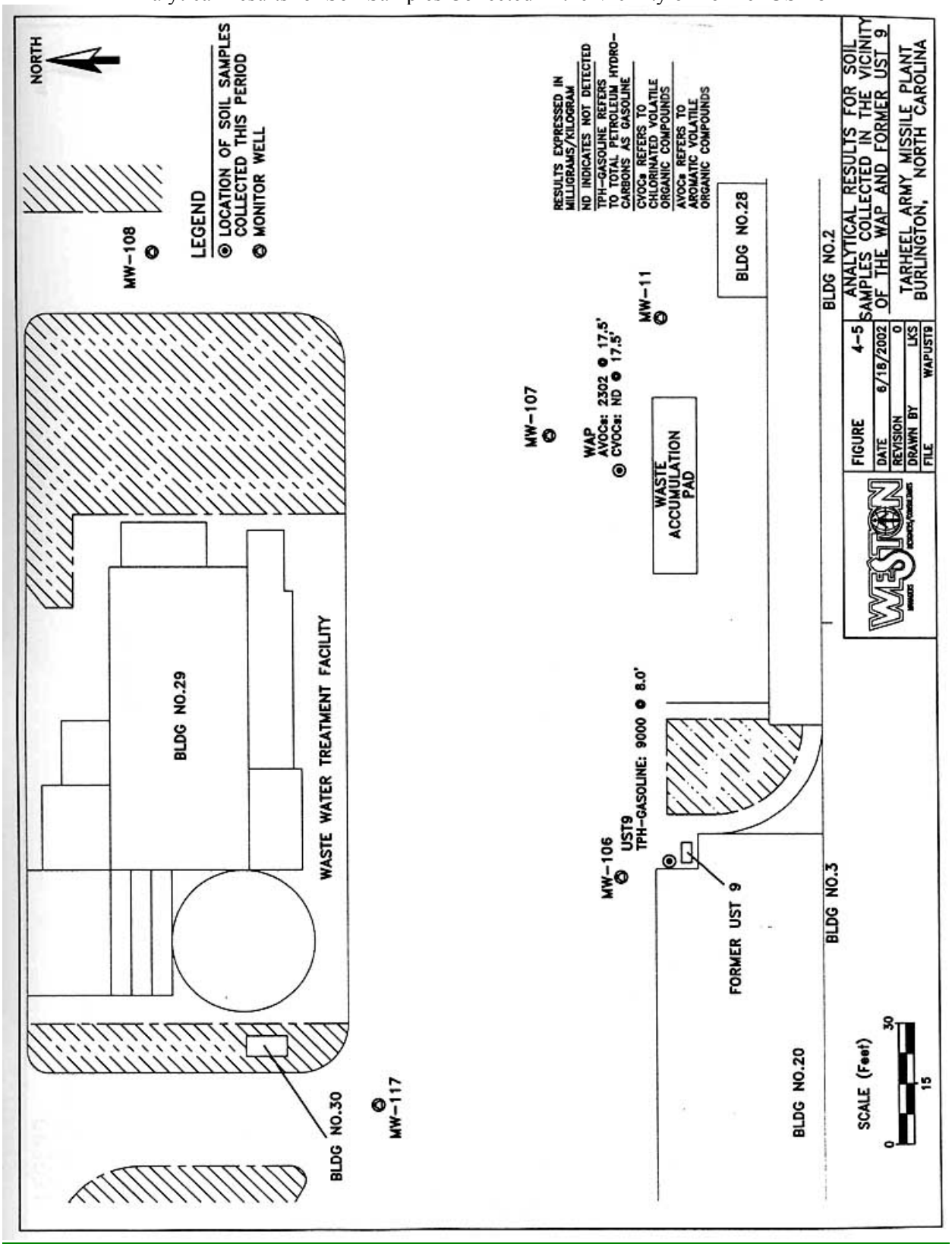


Enclosure 1, Figure 4

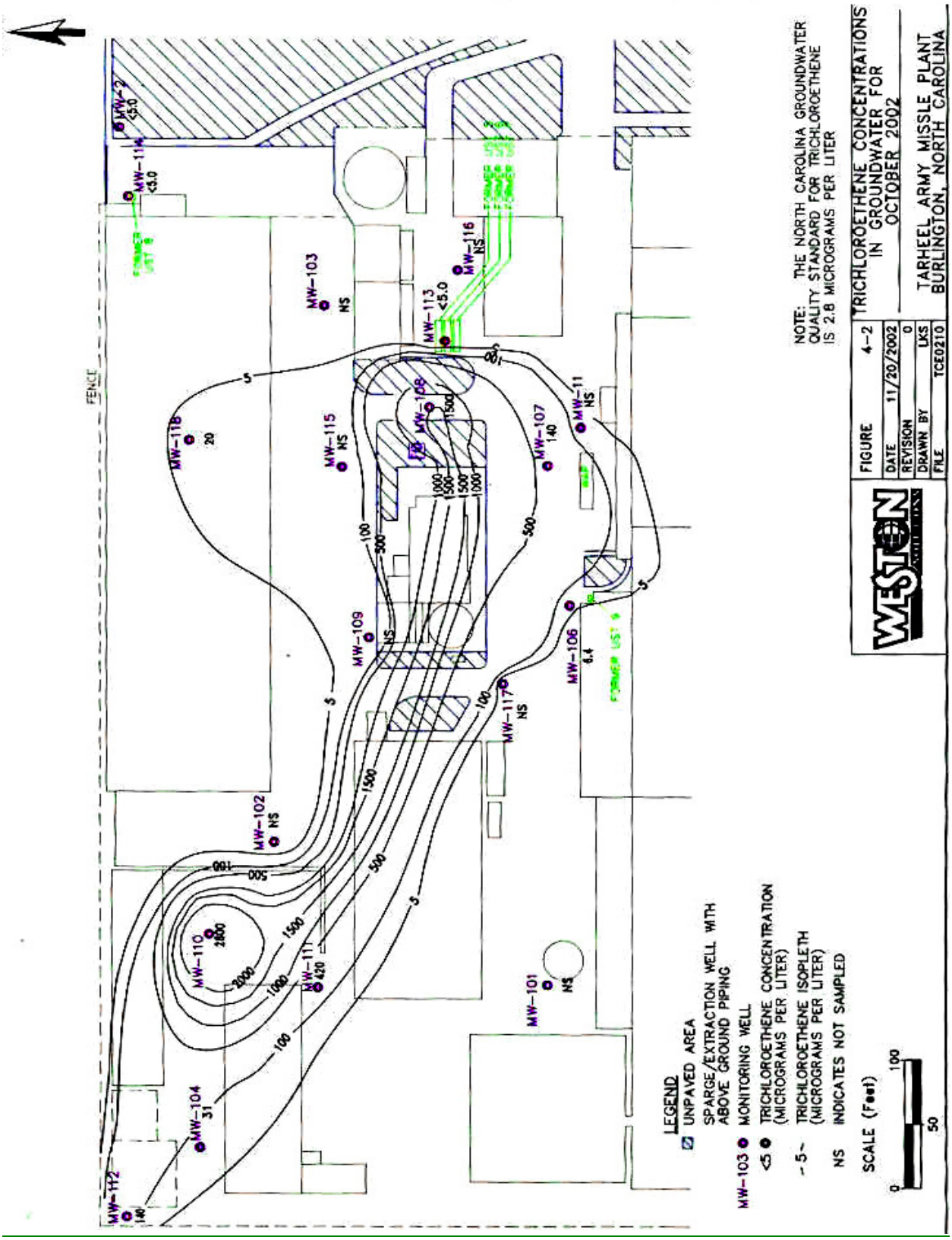
Analytical Results for Soil Samples Collected in the Vicinity of Former USTs 5, 6, and 7



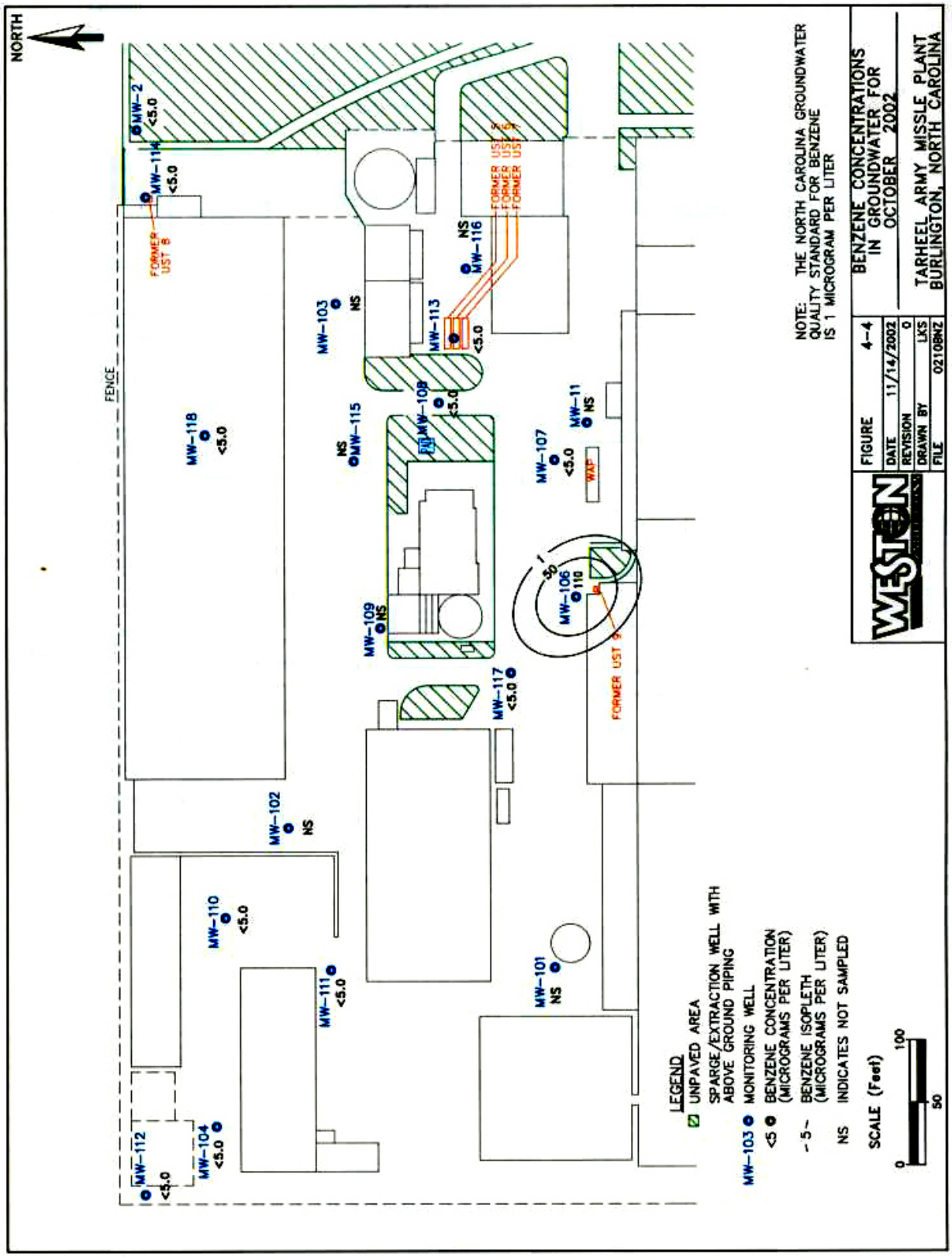
Enclosure 1, Figure 5
Analytical Results for Soil Samples Collected in the Vicinity of Former UST 8



Enclosure 1, Figure 6
Trichloroethene Concentrations in Groundwater for October 2002



Enclosure 1, Figure 7
Benzene Concentrations in Groundwater for October 2002



ENCLOSURE 2

Table 1 – Description of Property

Building Number and Property Description	Year Built	Condition Category	Date of Storage, Release or Disposal	Remedial Actions
Bldg. 1 is 79,601 sq. ft. and was used for an administrative building	1943	1	A 600 gallon diesel UST was removed near building 1. Age was estimated to be 3 years a time of removal. Known as UST 3	Sampling was performed and no leakage was found that required any action. The UST was removed and replaced with a 250 gallon AST.
Bldg. 2 is a 55,983 sq. ft. building used for manufacturing and assembly of electronic equipment for weapon systems	1927	1	Chlorinated solvent cleaning machine	None.
Bldg. 3 is a 63,544 sq. ft. building used for manufacturing and assembly of electronic equipment for weapon systems	1928	1	Painting and degreasing activities took place in this building from 1950's until the early 1990's. Paint spray booths, spray paint bench, paint baking oven and degreasers were used. The AT&T facility air permit issued by the state covered these VOC sources.	None
Bldg. 4 is a 166,259 sq. ft. building used for manufacturing and assembly of electronic equipment for weapon systems	1943	4	Americium 241, Cesium 137 Thorium 232, Tritium, and Cobalt were used for electronic equipment leak testing from the 1960's until 1992. Most sources used were sealed sources. The exception is that liquid Cesium 137 was used for a few years in the late 1960's until the late 1970's. All materials were properly licensed for their use by the State of NC.	Radiological materials contamination was found in Room 12. A Cesium-137 spill in the 1970s is documented. The contamination included loose material in the ductwork and material embedded in areas of the concrete floor that appear to have been caused by the spill. In addition, contamination was found in the drain pipes that appears to have been caused by the material being poured into the two sinks in the room. Several removal actions have been performed to remove all

Building Number and Property Description	Year Built	Condition Category	Date of Storage, Release or Disposal	Remedial Actions
				material to below background radiation levels. The site has been given a clean closure by the State of NC.
Bldg. 5 is 5,063 sq. ft. and was used as a power plant	1943	1	Two 20,000 gallon USTs containing no. 2 fuel oil. Known as USTs 1 and 2. USTs are approximately 30 years of age. Boiler house stored flammable materials, freon, acids and bases.	These USTs held No. 2 fuel oil for the boiler operations. They are exempt from regulations requiring their removal because they are used for holding heating oil. Therefore, both remain on site, but are not in use. No remedial action required.
Bldg. 6 is a 1,692 sq. ft. general purpose warehouse	1943	1	Storage of large volume of hazardous materials	None
Bldg. 7 is a 10,640 sq. ft. general purpose warehouse	1955	1*	Paint storage	This building is underlain by groundwater contaminated with chlorinated solvents. Remediation is currently underway. The performance of industrial and/or commercial operations at this site in accordance with the Deed Restrictions will not pose an unacceptable risk to human health. The soil around this building was sampled to determine if material stored in this building could have contributed to the chlorinated solvent contamination in the groundwater. No evidence was found that this building was ever a source of release.
Bldg. 9 is 4,616 sq. ft. and was used as a maintenance building	1959	1		None.
Bldg. 10 is a 7,200 sq. ft. general purpose warehouse	1943	1		None.

Building Number and Property Description	Year Built	Condition Category	Date of Storage, Release or Disposal	Remedial Actions
Bldg. 11 is a 4,568 sq. ft. building used for manufacturing and assembly of electronic equipment for weapon systems	1943	1	Chemical storage	None.
Bldg. 12 is a 20,600 sq. ft. general purpose warehouse building	1972	1*		This building is underlain by groundwater contaminated with chlorinated solvents. Remediation is currently underway. The performance of industrial and/or commercial operations at this site in accordance with the Deed Restrictions will not pose an unacceptable risk to human health. From investigations, activities in this building do not appear to have contributed to the contamination.
Bldg. 13 is a 48,000 sq. ft. administrative building	1952	1	Chemical storage. Thorium 232, Tritium, and Cobalt 60 were used for electronic equipment leak testing from the 1960's until 1992. Most sources used were sealed sources. The exception is that liquid Cesium 137 was used for a few years in the late 1960's until the late 1970's. All materials were properly licensed for their use by the State of NC.	Wipe sampling was performed in 1992 in the room where the radiation sources were used. The samples were analyzed for alpha, beta and gamma radiation. No evidence of leakage was found in the samples analyzed.
Bldg. 14 is a 51,532 sq. ft. general purpose warehouse	1951	1	Paint storage	None.
Bldg. 16 is 156,074 sq. ft. and was used for testing and assembly of electronic	1958	1*^	Americium 241, Cesium 137, Thorium 232, Tritium, and Cobalt were used for electronic equipment leak testing from the 1960's until 1992. Most sources used were sealed sources. The	Wipe sampling was performed in 1992 in the room where the radiation sources were used. The samples were analyzed for alpha, beta and gamma radiation. No evidence of leakage was

Building Number and Property Description	Year Built	Condition Category	Date of Storage, Release or Disposal	Remedial Actions
equipment for weapon systems			exception is that liquid Cesium 137 was used for a few years in the late 1960's until the late 1970's. All materials were properly licensed for their use by the State of NC. Trichloroethylene and 1,1,1-trichloroethane were used in degreasing operations UST 8 is a 250 gall on UST containing diesel. Approximately 1 year at time of removal.	found in the samples analyzed. This building is underlain by groundwater contaminated with chlorinated solvents. Remediation is currently underway. One of the vent and sparge well locations is inside this building. There were no reported spills at this building. However, an underground storage tank was located adjacent to this building. Evidence of petroleum product leakage from this tank was found during removal. The petroleum products have been found in the soil, but not in the groundwater. The performance of industrial and/or commercial operations at this site in accordance with the Deed Restrictions will not pose an unacceptable risk to human health. Evidence of leakage was found during the UST removal. The tank was replaced with a 20 gallon AST. Diesel contamination was found in the soil, but not in the groundwater. The soil has been undergoing remediation since January 1996 via soil vapor extraction. Appropriate land use restrictions will be placed in the deed to ensure the protection of human health during the remediation activities.
Bldg. 17 is a 16,604 sq. ft. general purpose warehouse	1952	1		None.

Building Number and Property Description	Year Built	Condition Category	Date of Storage, Release or Disposal	Remedial Actions
Bldg. 18 is a 4,631 sq. ft. plant utility building	1960	1	AST 4 is a 120 gallon AST containing gasoline. Approximately 45 years of age.	None.
Bldg. 19 is a 3,728 sq. ft. building used in the fueling operations for vehicles and the boiler	1958	1**^	Storage of flammable, halogenated and combustible materials. 4,000 gallon USTs 5, 6 and 7 containing leaded gasoline, gasoline and diesel. Approximately 4 years of age at time of removal.	All three USTs have been removed. None were replaced. Evidence of gasoline leakage was found in the soil and groundwater. This building is underlain by groundwater contaminated with chlorinated solvents and petroleum products. Remediation is currently underway. There were no reported spills at this building. However, three underground storage tanks were located adjacent to this building. Evidence of petroleum product release was found during their removal. The performance of industrial and/or commercial operations at this site in accordance with the Deed Restrictions will not pose an unacceptable risk to human health. From investigations, activities at this building do not appear to have contributed to the contamination.
Bldg. 20 is a 7,754 sq. ft. building used for manufacturing and assembly of electronic equipment for weapon systems	1958	1**^	UST 9 was a 110 gallon UST containing gasoline. Approximately 9 years of age at time of removal. Perchloroethylene and perchloroethane were used in degreasing operations took place in the deep tank. Also contained chemical finishing basins and chlorinated solvent cleaning machine.	This building is underlain by groundwater contaminated with chlorinated solvents and petroleum products. From investigations, activities at this building do not appear to have contributed to the contamination. However, an underground storage tank was located adjacent to this building. Evidence of petroleum product release from this tank was found during removal. Remediation is currently underway. There were no reported spills at this building. The performance of

Building Number and Property Description	Year Built	Condition Category	Date of Storage, Release or Disposal	Remedial Actions
				industrial and/or commercial operations at this site in accordance with the Deed Restrictions will not pose an unacceptable risk to human health.
Bldg. 21 is a 893 sq. ft. general purpose warehouse	1972	1	Storage of oil, lubricants and petroleum	None.
Bldg. 22 is a 6,800 sq. ft. general purpose warehouse	1958	1*	Perchloroethylene, PCB oil This building was used to store industrial chemicals including acids, alkalis and oils from 1958 until 1992.	This building is underlain by groundwater contaminated with chlorinated solvents. Remediation is currently underway. There were no reported spills at this building. The performance of industrial and/or commercial operations at this site in accordance with the Deed Restrictions will not pose an unacceptable risk to human health.
Bldg. 23 is 293 sq. ft. and was part of the industrial wastewater treatment system	1972	1	Chemical storage associated with industrial waste treatment system.	None.
Bldg. 28 is a 330 sq. ft. general purpose warehouse	1972	1	Chemical storage	None.
Bldg. 29 is 3,475 sq. ft. and was part of the industrial wastewater treatment system	1973	1**	Heavy metals, cyanide, chlorine, sulfuric acid. This building was part of the Industrial Wastewater Treatment System that was in operation from 1973 until 1977. Since 1977, the facility has served as a flowthrough to the city of	This building is underlain by groundwater contaminated with chlorinated solvents and petroleum products. Remediation is currently underway. There were no reported spills at this building. The performance of industrial and/or commercial operations at

Building Number and Property Description	Year Built	Condition Category	Date of Storage, Release or Disposal	Remedial Actions
			Burlington Treatment Plant.	this site in accordance with the Deed Restrictions will not pose an unacceptable risk to human health. From investigations, activities at this building do not appear to have contributed to the contamination.
Bldg. 30 is 276 sq. ft. and was part of the industrial wastewater treatment system	1973	1**	Heavy metals, cyanide, chlorine and sulfuric acid. This building was part of the Industrial Wastewater Treatment System that was in operation from 1973 until 1977. Since 1977, the facility has served as a flowthrough to the city of Burlington Treatment Plant.	This building is underlain by groundwater contaminated with chlorinated solvents and petroleum products. Remediation is currently underway. There were no reported spills at this building. The performance of industrial and/or commercial operations at this site in accordance with the Deed Restrictions will not pose an unacceptable risk to human health. From investigations, activities at this building do not appear to have contributed to the contamination.
Bldg. 31 is a 432 sq. ft. general purpose warehouse	1978	1*	1,2-Dichloroethene, Tetrachloroethylene, Trichloroethylene. Approximately 10 drums, at any point in time, of solvents were stored on the pad associated with this building form 1978 to 1992. The building was also used for painting.	This building is underlain by groundwater contaminated with chlorinated solvents. Remediation is currently underway. This building is adjacent to the Waste Accumulation Pad, which was the source area for the chlorinated solvent contamination. The Waste Accumulation Pad has been removed. Very small amounts of chlorinated solvents were detected in the soil around this building. However, since the operation of the remediation system, soil sampling has resulted in no detections of chlorinated solvents. The performance of industrial and/or commercial operations at this site in accordance with the Deed Restrictions will not pose an unacceptable risk to human health.

Notes:
* Chlorinated solvent, primarily trichloroethylene, contaminated groundwater underlies the building area and is currently undergoing remediation.
** Chlorinated solvent, primarily trichloroethylene, and petroleum product contaminated groundwater underlies the building area and is currently undergoing remediation.
^ An area of petroleum contaminated subsurface soil is located adjacent to this building.

Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas).
Category 2: Areas where only release or disposal of petroleum products has occurred.
Category 3: Areas where release, disposal, and/or migration of hazardous substances has occurred, but at concentrations that do not require a removal or remedial action.
Category 4: Areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken.
Category 5: Areas where release, disposal, and/or migration of hazardous substances has occurred, and removal or remedial actions are underway but all required remedial actions have not yet been taken.
Category 6: Areas where release, disposal, and/or migration of hazardous substances has occurred, but required actions have not yet been implemented.
Category 7: Areas that are not evaluated or require additional evaluation

ENCLOSURE 2

Table 2 - Notification of Hazardous Substance Storage, Release, or Disposal

Building Number	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
Bldg. 2		Chlorinated solvent cleaning machine	
Bldg. 3	Paints and solvents		
Bldg. 4	Americium 241 Cesium 137 Thorium 232 Tritium Cobalt	Radiological materials were used for electronic equipment leak testing from the 1960's until 1992. Most sources used were sealed sources. The exception is that liquid Cesium 137 was used for a few years in the late 1960's until the late 1970's. All materials were properly licensed for their use by the State of NC.	Radiological materials contamination was found in room 12. A Cesium-137 spill in the 1970's is documented. The contamination included loose material in the ductwork and material embedded in areas of the concrete floor that appear to have been caused by the spill. In addition, contamination was found in the drain pipes that appears to have been caused by the material being poured into the two sinks in the room. Several removal actions have been performed to remove all material to below background radiation levels. The site has been given a clean closure by the State of NC.
Bldg. 5		Boiler house storage of flammable materials, freon, acids and bases	
Bldg. 6		Storage of large volume of hazardous materials	
Bldg. 7		Storage of paint	
Bldg. 11		Chemical storage	
Bldg. 13	Thorium 232 Tritium Cobalt	Chemical storage. Radiological materials were used for electronic equipment leak testing from the 1960's until 1992. Most sources used were sealed sources. The exception is that liquid Cesium 137 was used for a few years in the late 1960's until the late 1970's. All materials were properly licensed for their use by the State of	Wipe sampling was performed in 1992 in the room where the radiation sources were used. The samples were analyzed for alpha, beta and gamma radiation. No evidence of leakage was found in the samples analyzed.

Building Number	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
		NC.	
Bldg. 14		Storage of paint	
Bldg. 16	Americium 241 Cesium 137 Thorium 232 Tritium Cobalt Trichloroethylene 1,1,1-trichloroethane	Radiological materials were used for electronic equipment leak testing from the 1960's until 1992. Most sources used were sealed sources. The exception is that liquid Cesium 137 was used for a few years in the late 1960's until the late 1970's. All materials were properly licensed for their use by the State of NC. Degreasing operations took place in this building from 1958 until 1992	Wipe sampling was performed in 1992 in the room where the radiation sources were used. The samples were analyzed for alpha, beta and gamma radiation. No evidence of leakage was found in the samples analyzed. The chlorinated solvents in the groundwater underneath this building have been attributed to the Waste Accumulation Pad at Bldg. 31. However, one of the soil vapor extraction/air sparging well locations is inside this building. The remediation system has been operating since January 1996. Appropriate land use restrictions will be placed in the deed to ensure the protection of human health during the remediation activities.
Bldg. 19		Storage of flammable, halogenated combustible materials	
Bldg. 20	Perchloroethylene Perchloroethane	Degreasing operations took place in the deep tank area in the alcove of this building from 1958 until 1992. Also chemical finishing basins and chlorinated solvent cleaning machine	The chlorinated solvents in the groundwater underneath this building have been attributed to the nearby Waste Accumulation Pad at Bldg. 31. The chlorinated solvents in the groundwater are being addressed by a soil vapor extraction/air sparging system that has been operating since January 1996. Investigations have not indicated any releases from the degreasing pits located in this building. Appropriate land use restrictions will be placed in the deed to ensure the protection of human health during the remediation activities.
Bldg. 21		Storage of oil, lubricants and petroleum	
Bldg. 22	Perchloroethylene PCB oil	This building was used to store industrial chemicals including acids, alkalis and oils from 1958 until 1992.	The chlorinated solvents in the groundwater underneath this building have been attributed to the Waste Accumulation Pad at Bldg. 31, which is located in the interior of the property. The contaminated groundwater underneath this building is

Building Number	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
			located in the bedrock. No residuum groundwater was found in this corner of the property, due to the elevation of the bedrock. However, soil sampling was conducted in the area and no evidence of release from this building was found. Appropriate land use restrictions will be placed in the deed to ensure the protection of human health during the remediation activities.
Bldg. 23		Chemical storage associated with Industrial waste treatment system	
Bldg. 28		Chemical storage	
Bldg. 29	Heavy Metals Cyanide Chlorine Sulfuric acid	This building was part of the Industrial Wastewater Treatment System that was in operation from 1973 until 1977. Since 1977, the facility has served as a flowthrough to the City of Burlington Treatment Plant.	The chlorinated solvents in the groundwater underneath this building have been attributed to the nearby Waste Accumulation Pad at Bldg. 31. The remediation system has been operating since January 1996. Investigations have not indicated any evidence of release from the Industrial Wastewater Treatment Plant. Appropriate land use restrictions will be placed in the deed to ensure the protection of human health during the remediation activities.
Bldg. 30	Heavy Metals Cyanide Chlorine Sulfuric acid	This building was part of the Industrial Wastewater Treatment System that was in operation from 1973 until 1977. Since 1977, the facility has served as a flowthrough to the City of Burlington Treatment Plant.	The chlorinated solvents in the groundwater underneath this building have been attributed to the nearby Waste Accumulation Pad at Bldg. 31. The remediation system has been operating since January 1996. Investigations have not indicated any evidence of release from the Industrial Wastewater Treatment Plant. Appropriate land use restrictions will be placed in the deed to ensure the protection of human health during the remediation activities.
Bldg. 31	1,2-Dichloroethene Tetrachloroethylene Trichloroethylene	Approximately 10 drums, at any point in time, of solvents were stored on the pad associated with this building from 1978 until 1992. The building was also used	The chlorinated solvent contamination in the soil and groundwater at this building were found during investigations in response to a Notice of Violation issued to AT&T Technologies by the State of NC for petroleum products releases from a nearby underground storage tank. Lucent has been operating a soil vapor extraction/air

Building Number	Name of Hazardous Substance(s)	Date of Storage, Release, or Disposal	Remedial Actions
		for painting	sparging system since January 1996 to remediate the soil and groundwater for both the chlorinated solvents and the petroleum products. Appropriate land use restrictions will be placed in the deed to ensure the protection of human health during the remediation activities.

The information contained in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Liability, and Compensation Act (CERCLA or "Superfund") 42 U.S.C. section 9620(h). This table provides information on the storage of hazardous substances for one year or more in quantities greater than or equal to 1000 kilograms or the hazardous substance's CERCLA reportable quantity (whichever is greater). In addition, it provides information on the known release of hazardous substances in quantities greater than or equal to the substances CERCLA reportable quantity. See 40 CFR Part 373.

ENCLOSURE 2

Table 3 – Notification of Petroleum Product Storage, Release, and Disposal

Building Number	Name of Petroleum Product(s)	Date of Storage, Release, or Disposal	Remedial Actions
Bldg. 1	Diesel	600 gallon UST. Known as UST 3. Estimated to be 3 years at time of removal.	Sampling was performed and no leakage was found that required any action. The underground tank was removed and replaced with a 250 gallon aboveground storage tank.
Bldg. 5	No. 2 fuel	There are two tanks at this location known as USTs 1 and 2. Both are 20,000 gallon USTs. Estimated to be approximately 30 years of age.	These underground storage tanks held No. 2 fuel oil for the boiler operations. They are exempt from regulations requiring their removal because they are use for holding heating oil. Therefore, both remain on site, but are not in use.
Bldg. 16	Diesel	Known as UST 8. 250 gallon UST. Age was estimated at 1 year at time of removal.	Evidence of leakage was found during removal. The tank was replaced with a 250 gallon aboveground storage tank. Diesel contamination was found in the soil, but not in the groundwater. The soil has been undergoing remediation since January 1996 via soil vapor extraction. Appropriate land use restrictions will be placed in the deed to ensure the protection of human health during the remediation activities.
Bldg. 18	Gasoline	Known as AST 4. 120 gallon aboveground storage tank. Approximately 45 years of age.	This tank is enclosed in a brick enclosure at the plant utility building (Bldg. 18). It is still on site. No evidence of leakage.
Bldg. 19	Leaded gasoline Gasoline Diesel	USTs 5, 6, and 7. UST 5 was a 4,000 gallon leaded gasoline UST. UST 6 was a 4,000 gallon gasoline UST. UST 7 was a 4,000 gallon diesel UST. All were approximately 4 yrs. of age at time of removal.	All three tanks have been removed. None were replaced. Evidence of gasoline leakage was found in the soil and groundwater. The area has been undergoing remediation since January 1996 via soil vapor extraction/air sparging. Appropriate land use restrictions will be placed in the deed to ensure the protection of human health during the remediation activities.
Bldg. 20	Gasoline	Known as UST 9. 110 gallon underground storage tank. It was approximated to be 9 years of age at time of removal.	Evidence of soil and groundwater gasoline contamination was found during removal. The tank was not replaced. In response to notification of the release, the State of NC issued a Notice of Violation issued to AT&T Technologies, now Lucent. During the

			subsequent investigations, chlorinated solvents were found in the soil and groundwater from the nearby Waste Accumulation Pad. Lucent has been operating a soil vapor extraction/air sparging system since January 1996 to remediate the soil and groundwater for both the chlorinated solvents and the petroleum products. Appropriate land use restrictions will be placed in the deed to ensure the protection of human health during the remediation activities.

ENCLOSURE 3

ENVIRONMENTAL PROTECTION DEED PROVISIONS

1. CERCLA Provisions

Introduction

A. Notice

Pursuant to Section 120(h)(3)(A)(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA) (42 U.S.C. §9620(h)(3)(A)(i), and North Carolina General Statutes (N.C.G.S.) 130A-310.3(f), and based upon a complete search of Army files, the Grantor hereby imposes the land use restrictions set forth below and provides notice of: (1) the type and quantity of hazardous substances that were known to have been released or disposed of or stored for one year or more on the property: (2) the time such storage, release or disposal took place; and, (3) a description of remedial action taken, if any.

The property is an inactive hazardous substance or waste disposal site as defined by North Carolina's Inactive Hazardous Sites Response Act, which consists of Section 130A-310 through Section 130A-310.19 of the North Carolina General Statutes (N.C.G.S.). This Declaration is part of a Remedial Action Plan for the property that has been approved by the Secretary of the North Carolina Department of Environment and Natural Resources (or its successor in function), or his/her delegate, as authorized by N.C.G.S. Section 130A-310.3(f).

B. Covenant

Pursuant to Section 120(h)(3)(A)(ii)(II) of CERCLA, Grantor covenants that it shall take any additional response action found to be necessary after the date of this conveyance regarding hazardous substances located on the property on the date of this conveyance.

> (1) This covenant shall not apply with respect to any portion of the Property as to which Grantee, its successor(s) or assign(s), or any successor in interest is a Potentially Responsible Party (PRP) immediately prior to the date of this conveyance.
>
> (2) In the event Grantee, its successor(s) or assign(s), seeks to have Grantor conduct or pay for any additional response action, and, as a condition precedent to Grantor incurring any additional cleanup obligation or related expenses, the Grantee, its successor(s) or assign(s), shall provide Grantor written notice of such a claim and provide credible evidence that the associated contamination existed prior to the date of this conveyance. Grantor shall have 45 days within which to respond to the notice of such claim.

C. Access

Pursuant to Section 120(h)(3)(A)(ii)(III) of CERCLA, Grantor reserves a right of access for itself and Lucent Technologies, Inc. (Lucent) to all portions of the property for environmental investigation, remediation or other corrective action. This reservation includes the right of access to and use of available utilities at reasonable cost to Grantor. These rights shall be exercisable in any case in which an environmental investigation, remedial action, response action or corrective action is found to be necessary after the date of this conveyance, or in which access is necessary to carry out a remedial action, response action, or corrective action on adjoining property. Pursuant to this reservation, Grantor and Lucent and their respective officers, agents, employees, contractors and subcontractors shall have the right (upon reasonable notice to the record title owner) to enter upon the property and conduct investigations and

surveys, to include drilling, test-pitting, borings, data and records compilation and other activities related to environmental investigation, and to carry out remedial or removal actions as required or necessary, including but not limited to the installation and operation of monitoring wells, pumping wells, and treatment facilities. Any such entry, including such activities, responses or remedial actions, shall be coordinated with the record title owner and shall be performed in a manner which minimizes interruption with activities of authorized occupants. Grantor will provide the record title owner reasonable advance notice of such activities, responses, or remedial actions.

D. Non-Interference

Grantee covenants and agrees for itself, its successors and assigns and every successor in interest to the Property, or part thereof, that it or any party occupying the Property shall not disrupt or prevent the Army or Lucent, or their officers, employees, agents, contractors and subcontractors, or any other authorized party or entity from conducting required remedial investigations, response actions or oversight activities or from the proper and necessary construction, upgrading, operating, maintaining and monitoring of any treatment facilities or environmental monitoring network on the Property.

E. CERCLA Warranty

The Grantor warrants that when all response actions to protect human health and the environment with, respect to any substance remaining on the property on the date of transfer has been taken, the Grantor shall execute and deliver to the Grantee an appropriate document containing a warranty that all such response actions have been taken. The making of the warranty shall be considered to satisfy the requirements of CERCLA 120(h)(3)(a)(ii)(I).

2. Land Use Restrictions

A. Non-Residential Use Restriction

Grantee, for itself and its successors and assigns, covenants and agrees, pursuant to N.C.G.S. 130A-310.3(f), that, without the approval of the North Carolina Department of Environment and Natural Resources (NCDENR) or its successor in function, the use of the property shall be limited to commercial and industrial purposes and not residential purposes, the Property having been remediated only for commercial and industrial uses. Commercial and industrial uses include, but may not be limited to, administrative/office space, manufacturing, warehousing, restaurants, hotels/motels, and retail activities. Residential uses include, but may not be limited to, housing, day care facilities, schools, and other child-related uses. In connection with these land use restrictions, NCDENR may be contacted as follows:

Nile Testerman
Superfund Section
401 Oberlin Road, Suite 150
Raleigh, NC 27605

B. Ground Disturbance Restriction

Grantee, for itself and its successors and assigns, covenants and agrees that Grantee, its successor(s) or assign(s), shall not conduct any excavation, digging, drilling or other disturbance of the subsurface of the Property without the written approval of NCDENR, unless:

(i) the disturbance occurs outside of a ten (10) foot radius surrounding the former Underground Storage Tank and Waste Accumulation Pad areas, as indicated on the plat and

(ii) the total depth of the disturbance is at least five feet above the permanent high water table.

A map illustrating these areas is provided on the survey plat map (Attachment _____).

C. Groundwater Use Restriction

Grantee, for itself and its successors and assigns, covenants and agrees that Grantee, its successors or assign(s), shall not construct or permit to be constructed any well, and shall not extract, utilize, consume or permit to be extracted, any water from any aquifer below the surfaces of the ground for the purpose of human consumption, or other use, unless such has been expressly approved, in writing, by the NCDENR.

D. Remediation Equipment Disturbance Restriction

Grantee, for itself and its successors and assigns, covenants and agrees that Grantee, its successors or assign(s), shall not disturb environmental remediation equipment without the written approval of the NCDENR.

E. Modification of Use Restrictions

(1) In the event Grantee, its successors or assigns, desires to use the property for any use other than non-residential use or remove the ground disturbance or groundwater use restrictions, then Grantee, its successors or assigns, shall perform all additional environmental remediation required by law and NCDENR for such other uses.

(2) Any such additional remediation beyond non-residential use, or requests to remove the ground disturbance or groundwater use restrictions, by Grantee, its successors or assigns shall also be subject to the review and advance approval of the applicable federal or state authorities. All costs associated with any such additional environmental remediation necessary shall be the sole responsibility of Grantee, its successors or assigns.

(3) Upon written request by Grantee, its successors or assigns, and without any payment of funds by Grantor, Grantor agrees, upon completion of any additional remedial action performed by Grantee, its successors or assigns, under this paragraph, to cooperate with Grantee, its successors or assigns, in any application, permit, order, or effort to obtain approval from appropriate regulators for other than non-residential use or to remove ground disturbance or groundwater use restrictions and the removal or revision of the restriction.

ENCLOSURE 4

LIST OF ENVIRONMENTAL DOCUMENATION PREPARED FOR THE TARHEEL ARMY MISSILE PLANT

U.S. Army Engineer Division Laboratory, South Atlantic, 1991. Preliminary Assessment Screening Asbestos Survey and Laboratory Final Report, Tarheel Army Missile Plant, Burlington, NC. Prepared for the U.S. Army Corps of Engineers, Savannah District.

B&V Waste Science and Technology Corporation (BVWST), 1992. Site Investigation Report for the Tarheel Army Missile Plant, Burlington, NC. Prepared for the U.S. Army Corps of Engineers, Savannah District.

Weston, Roy F., Inc. (Weston), 1993a. Comprehensive Site Assessment Subsurface Soil and Groundwater Investigation at the Waste Accumulation Pad and Underground Storage Tank Area, Tarheel Army Missile Plant, Burlington, NC. Prepared for AT&T Technologies, Guilford Center, Raleigh, NC.

B&V Waste Science and Technology Corporation (BVWST), 1994. Site Investigation Report for the Tarheel Army Missile Plant, Burlington, NC. Prepared for the U.S. Army Corps of Engineers, Savannah District.

Weston, Roy F., Inc. (Weston), 1994. Corrective Action Plan for the Waste Accumulation Pad and Former Underground Storage Tank Areas, Tarheel Army Missile Plant, Burlington, NC. Prepared for AT&T Technologies, Guilford Center, Raleigh, NC.

Rust Environment & Infrastructure (Rust E&T), 1995. Addendum – Site Investigation Report for the Tarheel Army Missile Plant, Burlington, NC. Additional Sampling, Testing, and Baseline Risk Assessment. Prepared for the U. S. Army Corps of Engineers, Savannah District.

U.S. Army Engineer Division Laboratory, South Atlantic, 1996. Asbestos Reinspection Report, Tarheel Army Missile Plant, Burlington, NC. Prepared for the U.S. Army Corps of Engineers, Savannah District.

Environmental Science and Engineering, Inc. (ESE), 1997. Final Environmental Assessment for the Tarheel Army Missile Plant, Burlington, NC. Prepared for the U.S. Army Corps of Engineers, Savannah District.

Weston, Roy F., Inc. (Weston), 1998. Corrective Action Plan Addendum, Tarheel Army Missile Plant, Burlington, NC. Prepared for Lucent Technologies, Burlington, NC.

Allied Technology Group (STG), 1999. Final Report Building 4, Room 12 Environmental Restoration for the Tarheel Army Missile Plant, Burlington, NC. Prepared for the U.S. Army Corps of Engineers, Savannah District.

Allied Technology Group (STG), 2000. Interim Report. Building 4, rooms 12 and 10 Environmental Restoration for the Tarheel Army Missile Plant, Burlington, NC. Prepared for the U.S. Army Corps of Engineers, Savannah District.

DNL Company Inc., 2001. Building 4 Sanitary Drain Line Remediation and Downstream Characterization Survey for Tarheel Army Missile Plant, Burlington, NC. Prepared for the U.S. Army Corps of Engineers, Savannah District.

Froehling and Robertson, Inc., 2001. Asbestos Re-Assessment Survey for Tarheel Army Missile Plant, Burlington, NC. Prepared for the U.S. Army Aviation and Missile Command.

IT Corporation, 2001. Report on Voltage Regulator Retrofilling for Tarheel Army Missile Plant, Burlington, NC. Prepared for the U.S. Army Corps of Engineers, Savannah District.

Weston, Roy F., Inc. (Weston), 2002. Semi-Annual Monitoring Report, May 2001 – October 2001 for the Tarheel Army Missile Plant, Burlington, NC. Prepared for Lucent Technologies, Burlington, NC.

Weston, Roy F., Inc. (Weston), 2002. Semi-Annual Monitoring Report, November 2001 – April 2002 for the Tarheel Army Missile Plant, Burlington, NC. Prepared for Lucent Technologies, Burlington, NC.

ENCLOSURE 5

ASBESTOS

Asbestos Notice 41 CFR 101-47.304-13 Provisions Relating To Asbestos

The purchaser is warned that the property offered for sale contains asbestos-containing materials. The unprotected or unregulated exposures to asbestos in product manufacturing, shipyard, and building construction places have been associated with asbestos-related diseases. Both the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) regulate asbestos because the potential hazards associated with exposure to airborne asbestos fibers. Both OSHA and EPA have determined that such exposure increases the risk of asbestos related diseases, which include certain cancers and which can result in disability or death.

Bidders (Offerors) are invited, urged, and cautioned to inspect the property to be sold prior to submitting a bid (offer). More particularly, bidders (offerors) are invited, urged, a d cautioned to inspect the property as to its asbestos content and condition and any hazardous or environmental conditions relating thereto. The disposal agency will assist bidders (offerors) in obtaining any authorization(s) which may be required in order to carry out any such inspection(s). Bidders (offerors) shall be deemed to have relied solely on their own judgment in assessing the overall condition of all or any portion of the property including, without limitation, any asbestos hazards or concerns.

No warranties either express or implied are given with regard to the condition of the property including, without limitation, whether the property does or does not contain asbestos or is not safe for a particular purpose. The failure of any bidder (offeror) to inspect, or to be fully informed as to the condition of all or any of the any portion of the property offered, will not constitute grounds for any claim or demand for adjustment or withdrawal of a bid or offer after its opening or tender.

The description on the property set forth in the Invitation To Bids (Offer To Purchase) and any other information provided therein with respect to said property is based on the best information available to GSA Property Disposal Division and is believed to be correct, but an error or omission, including but not limited to the omission of any information available to the agency having custody over the property and/or any other federal agency, shall not constitute grounds or reason for non-performance of the contract of sale, or any claims by the Purchaser against the Government including without limitation, any claim for allowance, refund, or deduction from the purchase price.

The government assumes no liability for damages for personal injury, illness, disability or death, to the Purchaser, or to the Purchaser's successors, assigns, employees, invitees, or any other person subject to Purchaser's control or directions, or to any other person, including members of the general public, arising from or incident to the purchase, transportation, removal, handling, use, disposition, or other activity causing or leading to contact of any kind whatsoever with asbestos on the property which is the subject of this sale, whether the Purchaser, its successors or assigns has or have properly warned or failed properly to warn the individual(s) injured.

The Purchaser further agrees that in its use and occupancy of the property it will comply with all Federal, state and local laws relating to asbestos.

ENCLOSURE 6

NOTICE OF LEAD-BASED PAINT FOR NON-RESIDENTIAL REAL PROPERTY CONSTRUCTED PRIOR TO 1978

Every purchaser of any interest in real property on which a building was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to converting the property to a residential dwelling.