

**MEMORANDUM OF UNDERSTANDING  
FOR IMPLEMENTATION OF A  
LAND USE CONTROL ASSURANCE PLAN (LUCAP)  
FOR THE UNITED STATES DEPARTMENT OF ENERGY  
OAK RIDGE RESERVATION**

**SECTION 1**

Purpose and Scope

This Memorandum of Understanding (MOU) is entered into by the United States Department of Energy Oak Ridge Operations Office (DOE-ORO), the United States Environmental Protection Agency Region IV Office (EPA Region IV), and the Tennessee Department of Environment and Conservation (TDEC). The purpose of this MOU, together with the attached Land Use Control Assurance Plan (LUCAP), is to establish and implement procedures to assure the long-term effectiveness of Land Use Controls (LUCs) being relied upon to protect human health and the environment at certain contaminated portions of the Oak Ridge Reservation (ORR) undergoing remediation pursuant to the Federal Facility Agreement for ORR.

On April 21, 1998, the EPA Region IV Federal Facilities Branch issued a memorandum entitled "Assuring Land Use Controls at Federal Facilities" (Johnston, 1998). The purpose of the policy was to ensure the development of LUCAPs and Land Use Control Implementation Plans (LUCIPs) for federal facilities that utilize LUCs as components of remedial actions implemented at those facilities. DOE-ORO recognizes the memorandum as setting forth policy that does not carry the force of law as is established through rulemaking. Thus, as a matter of comity and cooperation and, most importantly, for the purpose of advancing the goal of protecting human health and the environment at the ORR, DOE-ORO, EPA Region IV, and TDEC (hereinafter "the Parties") are entering into this MOU as a means to facilitate accomplishment of this shared objective.

**SECTION 2**

Responsibilities

The responsibilities of the Parties under this MOU shall be as set forth in the attached "Land Use Control Assurance Plan For The Oak Ridge Reservation," which LUCAP is fully incorporated herein. (ATTACHMENT 1) The Parties agree to act in good faith in carrying out their responsibilities under the LUCAP.

### SECTION 3


#### Modification

This agreement may be modified at any time by mutual agreement of the Parties. Any minor modifications to this MOU and/or the LUCAP incorporated herein shall be made effective upon the written approval of the Parties' Federal Facility Agreement Project Managers. Any major modification shall be made effective upon the written approval by each of the signatories to this MOU (or their successors). A modification will be considered major if so determined by any of the three Parties hereto.

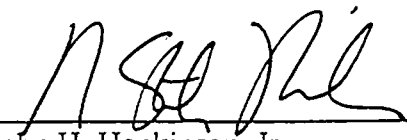
### SECTION 4

#### Termination

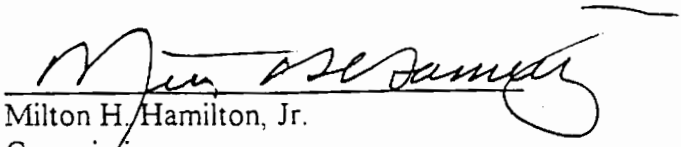
This MOU shall terminate at such time as the undersigned representatives of the Parties or their successors mutually concur that the objectives of the Parties pursuant to this MOU have been fulfilled. Alternatively, any Party may withdraw from this MOU upon sixty (60) days written notice to the other Parties. This 60-day notice requirement is for the purpose of allowing the Parties an opportunity to discuss any issues contributing to a Party's desire to withdraw from this MOU in the interest of reaching resolution so that the MOU can continue. It is understood that, should DOE-ORO withdraw from this MOU, EPA and/or TDEC may, consistent with applicable law, reconsider any remedy(ies) associated with any DOE-ORO area having a LUC in place at the time of such withdrawal.

  
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G. Leah Dever  
Manager  
Oak Ridge Operations

Date: 11/1/99

  
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John H. Hankinson, Jr.  
Regional Administrator  
United States Environmental Protection Agency

Date: 11/23/99



Milton H. Hamilton, Jr.  
Commissioner  
Tennessee Department of Environment and Conservation

Date: 29 04 1979