National Nuclear Security Administration Request for A Covenant Deferral for the Proposed Transfer of USDOE/NNSA-Owned Property Adjacent to the Pantex Plant East of FM 2373 to Texas Tech University System

USDOE/NNSA Pantex Plant
FM 2373 and U.S. Highway 60
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Prepared for
U.S. Department of Energy/National Nuclear Security Administration Pantex Field Office
Environmental Compliance Department and the Environmental Projects Department
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Attachment B - Pump and Treat System Effluent Data for Per- and Poly-Fluoro Alkyl Substances

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Acronyms

CDR	Covenant Deferral Request
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
COC	Contaminant of Concern
DoW	Department of War
ESD	Explanation of Significant Difference
FM	Farm to Market
FGZ	Fine Grained Zone
GAC	Granular Activated Carbon
GPD	Gallons per Day
HE	High Explosives
HPA	High Plains Aquifer
HW-50284	Hazardous Waste Permit 50284
IAG	Interagency Agreement
IC	Institutional Controls
JCDC	John C. Drummond Center
ISB	In Situ Bioremediation
LGUCIP	Land and Groundwater Use Controls Implementation Plan
NCP	National Contingency Plan
ND	None Detected
NPL	National Priority List
PFAS	Per- and poly-fluoroalkyl substances
PTS	Pump and Treat System
PXD	PanTeXas Deterrence, LLC
RCRA	Resource Conservation and Recovery Act
RDX	hexahydro-1,3,5-trinitro-1,3,5-triazine
ROD	Record of Decision
TCEQ	Texas Commission on Environmental Quality
TLAP	Texas Land Application Program
TTUS	Texas Tech University System
µg/L	micrograms per liter
USEPA	United States Environmental Protection Agency
USDOE/NNSA	United States Department of Energy / National Nuclear Security Administration

1 Introduction

The Pantex Plant is an active federal facility owned by the U.S. Department of Energy/National Nuclear Security Administration (USDOE/NNSA), managed and operated by PanTeXas Deterrence, LLC (PXD). It was established in 1942 by the Department of War (DoW) to produce conventional munitions and high explosives (HE) in support of World War II. The Pantex Ordnance Plant closed in August 1945, and the property was sold to Texas Technological University (currently known as Texas Tech University System) subject to recall by the War Assets Administration. In 1951, the Atomic Energy Commission reclaimed the majority of the property for use as a nuclear weapons production facility. Current operations include the development, testing, and fabrication of HE components as well as other nuclear weapons supportive program activities.

Historic operations and waste management practices resulted in the release of both chemical and radionuclide constituents to the environment at the Pantex Plant. Soil contamination and contaminated perched groundwater resulted from the past releases of HEs from DoW activities related to conventional munitions processing during World War II, and later from historic HE fabrication processes in support of Cold War efforts. Currently, the Pantex Plant is a large-quantity generator of hazardous materials and operates under a Resource Conservation and Recovery Act (RCRA) Permit/Compliance Plan 50284 (HW-50284) for the management of hazardous wastes. The Pantex Plant was designated as a Superfund site pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and added to the National Priorities List (NPL) in 1994 (USEPA ID No. TX4890110527). Consequently, the management of past releases and remediation of contaminants is governed by both RCRA and CERCLA.

Pantex identified 254 soil units; completed investigation of 238 units and deferred 16 units for future investigation and cleanup due to ongoing active mission. None of the soil units exist on the property USDOE/NNSA seeks to transfer, thus the proposed transfer would not impact future soil remediation. Remediation of the investigated perched groundwater and soil units is governed by the United States Environmental Protection Agency's (USEPA's) selected remedy as outlined in the CERCLA Record of Decision (ROD) and Compliance Plan that is included in the Pantex Hazardous Waste Permit 50284 issued by the Texas Commission on Environmental Quality (TCEQ). The main focus of the selected remedy is long-term remediation of a perched layer of groundwater to prevent intrusion into the High Plains aquifer system (comprised of waters in the Ogallala and Dockum geologic strata).

The USDOE/NNSA proposes to transfer 713.19 acres of land east of Farm to Market (FM) 2373, at or adjacent to the Pantex Plant Superfund Site (USEPA ID No. TX4890110527) in Carson County, Texas (the Exchange Property) to the Texas Tech University System (TTUS). The transfer to TTUS facilitates a significant economic development opportunity on TTUS property, *i.e.,* a data center and associated power generation construction and operation), for which additional land is required. In exchange for this land transfer, TTUS will transfer in fee to DOE/NNSA, a critical parcel of land (the TTUS Land Transfer Property), consisting of approximately 1,278 acres along the southern boundary of the Pantex Plant. Fee title to the TTUS Land Transfer Property provides land management efficiencies for USDOE/NNSA (fee title in lieu of yearly lease agreements) and presents a permanent solution to ensure USDOE/NNSA's compliance with security and safety requirements for Pantex Plant operations consistent with Section 229 of the Atomic Energy Act of 1954, as amended. The areas involved in the proposed transfer are

shown in Figure 1-1. The blue outlined area in the figure is proposed for transfer to TTUS, while the green outlined area will be transferred to USDOE/NNSA.

Long-term remedial activities are ongoing at the Pantex Plant Superfund Site. The land proposed for transfer currently supports implementation of the selected remedy for perched groundwater contamination through land application of treated water, groundwater monitoring, and plays a role in the operation of related pump-and-treat systems. However, the property itself was acquired after Superfund designation, specifically to support remedial activities. USDOE/NNSA submits this Covenant Deferral Request (CDR) pursuant to Section 120(h)(3) of CERCLA and applicable USEPA guidance, to facilitate development of the Exchange Property while also ensuring the continued efficacy of the Site's Selected Remedy.

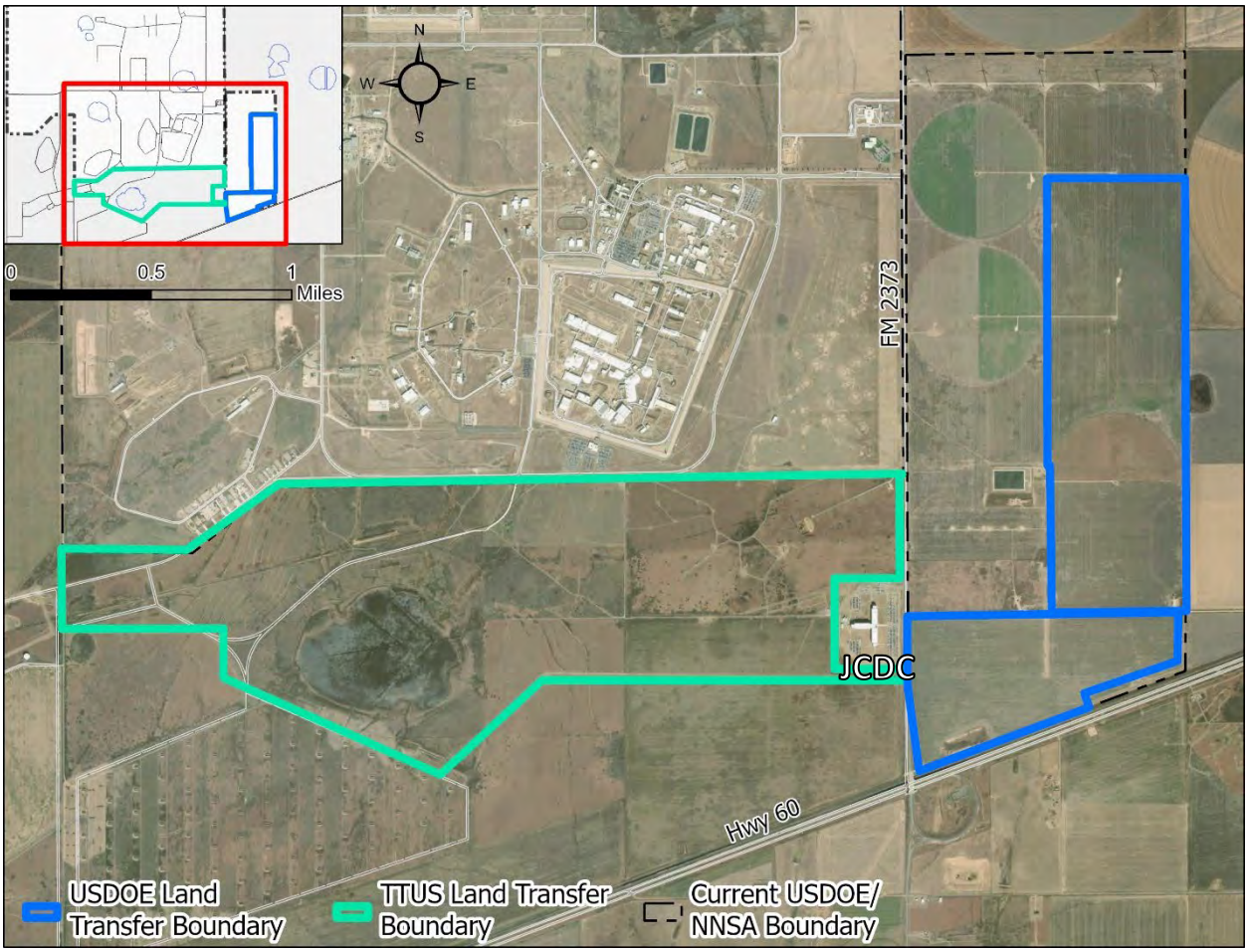


Figure 1-1: Overview of land transfer areas.

Purpose

The USDOE/NNSA submits this CDR pursuant to Section 120(h)(3)(C) of CERCLA, to facilitate transfer of 713.19 acres of USDOE/NNSA Property to TTUS, prior to completion of selected remedial action at the Pantex Plant Superfund Site. While CERCLA Section 120(h)(3)(A) requires federal agencies to include a covenant warranting that all remedial action necessary to protect human health and the environment

has been completed before transferring property, Section 120(h)(3)(C) allows USEPA to grant a deferral of the covenant requirement when the transferring agency demonstrates that:

1. The transfer will not impede implementation of any institutional controls or selected remedy;
2. The proposed transfer is suitable for the identified intended use; and
3. The intended use of the transferred property is consistent with protection of human health and the environment.

The proposed transfer implicates:

- The perched groundwater remedy selected in the 2008 ROD for the Pantex Plant (USDOE/NNSA, 2008) and later expanded as provided in an Explanation of Significant Difference (ESD) (USDOE/NNSA, 2022).
- Ongoing remedial implementation and monitoring activities documented in the Remedial Action Progress Five-Year Report and the Pantex Progress Reports: Remedial Action Progress, prepared in support of HW-50284 and the Pantex Interagency Agreement.
- The ongoing investigation of recently identified contamination in the High Plains Aquifer beneath the Pantex Plant and property east of FM 2373.

Additionally, USDOE/NNSA is in the planning stage (and seeking to identify funds) for investigation of per- and poly-fluoroalkyl substances (PFAS) in soil and groundwater at and near the Pantex Plant, as related to its operations.

Early investigation of PFAS in perched groundwater indicates limited PFAS co-occurrence with hexahydro-1,3,5-trinitro 1,3,5-triazine (RDX), in the southeast plume. Future PFAS investigation and any associated remedial action are anticipated to largely overlap with the ongoing remediation for RDX, although the persistence and mobility of PFAS may require modification or changes to the current remedy.

A recently initiated investigation of contaminants in the HPA at the Pantex Plant was prompted by RDX detections in existing monitoring wells. Subsequent testing also identified the presence of PFAS. Given that PFAS contaminants in the southeast perched groundwater plume most likely emanated from the same operational sources as RDX, further investigation of PFAS in the High Plains Aquifer is proposed to initially focus on RDX-affected areas and locations where surface use or runoff may have contributed to soil or shallow groundwater impacts.

Based on the evaluations presented in this CDR, USDOE/NNSA posits that the proposed transfer meets the three criteria for covenant deferral under CERCLA Section 120(h)(3)(C) as the transfer and proposed future use will not interfere with ongoing or potential future remedial action related to ground water quality at the Pantex Plant Superfund Site.

Covenant Deferral Request

This CDR provides detailed information, risk assessment and recommendations to support USEPA's and TCEQ's review and consideration of the proposed property transfer to facilitate development of a data center and supporting power generation by a private entity. The intended use of the property is compatible with the current environmental condition of the Exchange Property and consistent with CERCLA's objective of remediating contaminated sites to enable their safe and beneficial reuse.

Consistent with CERCLA Section 120(h)(3)(C)(iv), USDOE/NNSA as the identified responsible party will retain responsibility for the selected remedial action during the covenant deferral period (until remedial actions have been completed and documented in the Final Remedial Action Report). Given that the selected and implemented remedy has been determined to be protective of human health and the environment, and that the investigation of the HPA indicates that the trajectory of the contaminant plume within it is toward the northwest corner of the Exchange Property, the proposed transfer is not expected to alter that determination. This conclusion is further supported by the existing and proposed deed restrictions and assurances that will continue to govern use of the Exchange Property (reference Section 6 and Attachment C for details).

Description of Property to be Transferred (Exchange Property)

The Exchange Property consists of a 713.19-acre tract of land located in Sections 21 (Abstract Number 70), 22 (Abstract Number 1078), and 23 (Abstract Number 71), Block M-4, John H. Gibson Survey, Carson County, Texas. This tract is a portion of land previously purchased by the USDOE in 2007 and 2008 to facilitate the Pantex Plant remedial action reflected in the CERCLA ROD. The property is described in deeds recorded in Volume 472, Page 263; Volume 477, Page 120; Volume 463, Page 59; and Volume 489, Page 245 of the Official Public Records of Carson County, Texas. The description of the tract by metes and bounds is described in the survey plat presented in Attachment A.

2 Nature and Extent of Contamination at Exchange Property

Past Land Use

The prior use of the Exchange Property is not fully reflected in records. Based on historical land use patterns in Carson County and surrounding areas, and consistent with available historical aerial images and information about neighboring landowner properties, the land was most likely used for agricultural purposes, including pasture for grazing, hay production, and row cropping.

Records do not indicate the creation, handling, disposal, or releases of hazardous chemicals on these properties prior to acquisition by USDOE/NNSA. Pantex did not use the Exchange Property parcel for its mission-based activities, but rather, to implement the remedy identified in the CERCLA ROD.

Table 2-1 provides the dates of transfer to USDOE/NNSA for each parcel involved in the land acquisition. The parcels involved in the transfer are shown in Figure 2-1.

Table 2-1: Dates of prior transfer.

Parcel	Previous Owner	DOE Purchase Date
3242	Richard E Crawford	1/9/2008
6370	Billie B Poteet	10/5/2007
6371	Billie B Poteet	10/5/2007
12150	Virginia Vincent	9/24/2008

Shortly after parcels 6370 and 6371 were transferred to USDOE/NNSA, an unregistered, out of service tank and dispenser were discovered that appear to have been used to hold and dispense diesel fuel for former farming operations. The tank was visually confirmed to be in good shape with no evidence of leakage when excavated in 2010, and soil sampling was performed. Sampling results indicated there was

no release of a petroleum substance. Six confirmation soil samples were collected from the excavation; all but one indicated no detection of hydrocarbons. One sample adjacent the dispenser showed the presence of 37 ppm of diesel range organics, supporting no further action. The excavation was closed in conformance with Texas regulations, with a closure report (B&W Pantex, 2010) submitted to the TCEQ Registration and Self-Certification Team (USDOE/NNSA, 2011).

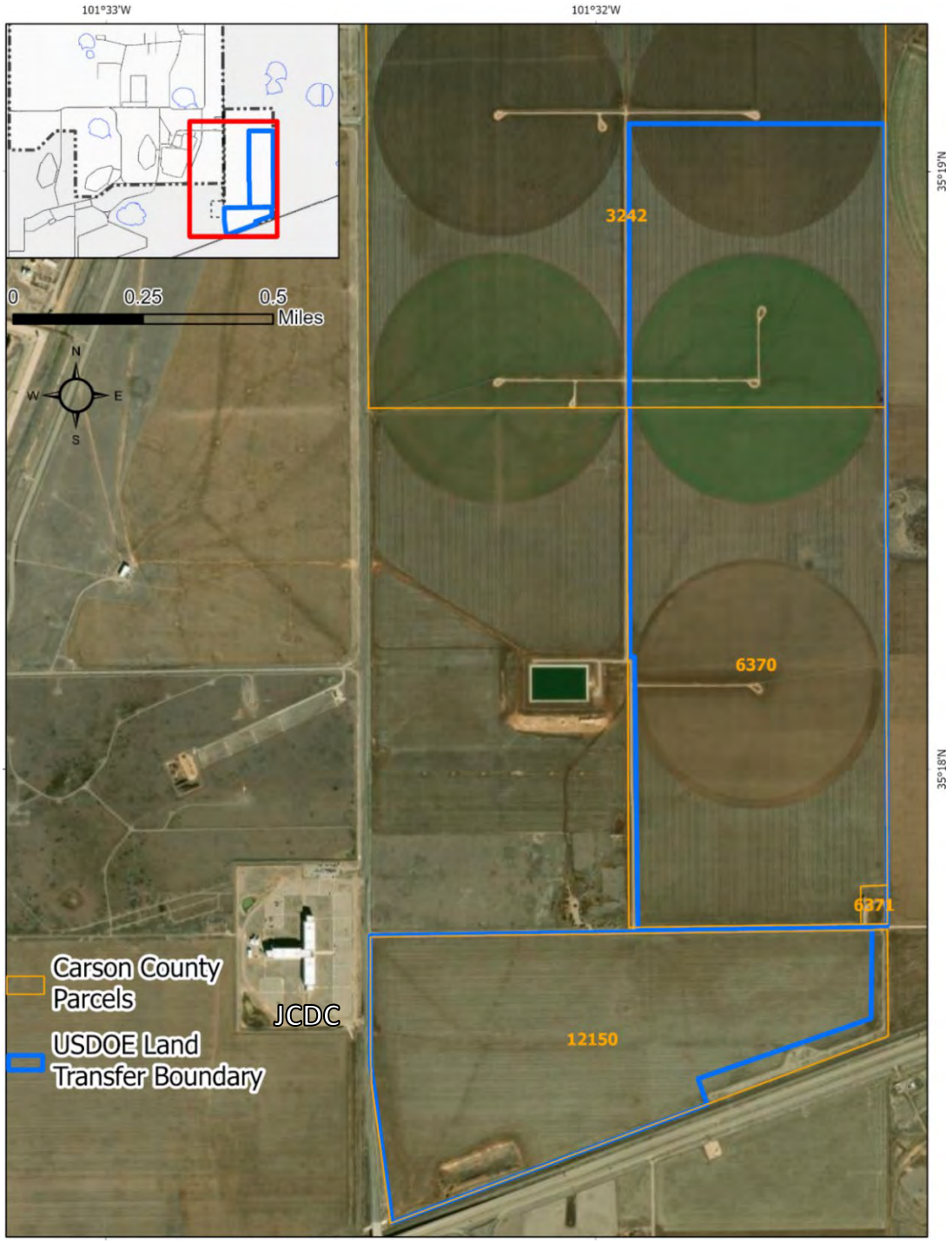


Figure 2-1: Carson County parcel numbers for land to be transferred to TTUS.

Current Land Use

The proposed Exchange Property was purchased by USDOE/NNSA to facilitate implementation of Pantex Plant's remedial action.

Consistent with the CERCLA ROD and Texas Land Application Program (TLAP) permit WQ0004397000 (TCEQ, 2020), the Pantex pump and treat system (PTS) draws RDX-contaminated water from the perched groundwater system. The water is treated using a Granular Activated Carbon filtration system (GAC system) that removes RDX and other high explosive (HE) compounds, solvents, and PFAS from the water. Ion exchange treatment is also employed for other contaminants as part of the process. The treated water is then distributed on the northern portion of the Pantex Plant site, including a portion of the Exchange Property, via a subsurface irrigation system and a five-pivot surface irrigation system. These irrigation systems support crop production pursuant to an agricultural lease agreement.

To date, the pivot irrigation system on the Exchange Property has only supplied treated perched groundwater on the Exchange Property. This treated perched groundwater was applied on the property in accordance with the TLAP permit conditions and subject to TCEQ oversight. The perched groundwater entering the treatment system was historically influenced by infiltration of wastewater discharge flows conveyed through a series of unlined ditches that are approximately 1 mile west of the Exchange Property. PFAS-containing materials were also used in the same areas where RDX contamination originated—for example, in the manufacture of polymer-bonded explosives—and for which the CERCLA remedy was intended to cure. Influent perched groundwater at PTS locations tested positive for PFAS contamination, but effluent from the spray irrigation system has tested below human health/action levels for PFAS, as presented in the 2024 Annual Progress Report and summarized in the table provided in Attachment B (PXD, 2025).

To address PFAS risks, the existing remedy has been adaptively managed through modifications to the GAC system, including more frequent treatment media replacement and use of media formulated for PFAS removal efficiency. Based on available sampling results and continued PTS operation in compliance with USEPA and TCEQ requirements for this group of emerging contaminants, the potential for PFAS contamination of soils on the Exchange Property from application of treated perched groundwater is considered low.

USDOE/NNSA has not yet completed evaluation of potential contamination or impacts to the HPA groundwater system beneath the Exchange Property, stemming from its activities. In the 2023 Five-Year Review, regulators recommended that USDOE/NNSA perform preliminary PFAS sampling and prepare a work plan to investigate potential PFAS releases at or originating from the Pantex Plant. Data are being acquired for evaluation of impacts to cumulative risks presented in Section 2.6 and 2.7 of the Record of Decision (USDOE/NNSA, 2008). This evaluation will be part of the upcoming 2028 Five Year Review.

To facilitate transfer of the Exchange Property, a notification letter was submitted to amend the TLAP permit to exclude the land application areas that would be part of the property transfer. Pantex has a total of five irrigation pivots under the TLAP permit operating on the post-designation acquired property, with 2.5 pivots on the Exchange Property. The 2.5 pivots remaining on the USDOE/NNSA property will continue in operation to support the remediation.

Following the submittal of the notification to amend the TLAP permit, irrigation ceased at the 2.5 pivots residing on the land to be transferred. TCEQ authorized closure of these pivots in September 2025. Upon transfer of the Exchange Property, demonstrated ability and actual use of treated water, and a subsequent permit modification, USDOE/NNSA intends to eventually decommission the 2.5 pivots on the Exchange Property. Decommissioning activities will be timed to coincide with development of the data center's East campuses (see Sections 3 and 4 for post transfer use information), provided that continued operation of the remaining pivots and other treated water reuse and disposal mechanisms are sufficient to meet remedial objectives and permit requirements. The irrigation pivot coverage areas and their relationship to the Exchange Property transfer are shown in Figure 2-2.

Although reducing the total land application area could have a short-term operational impact on pump-and-treat system treated water disposition, USDOE/NNSA will manage treated water volumes to ensure continued compliance with remedial performance objectives. In addition, the proposed data center will eventually use treated water in its operations pursuant to a water use agreement with USDOE/NNSA, thereby providing a subsequent reuse mechanism that offsets the loss of irrigation capacity. Consequently, decommissioning of the 2.5 pivots on the Exchange Property is not expected to impair remedy performance or compliance with the TLAP permit.

Affected Media on Property to Be Transferred

Although the Pantex Plant remains listed on the CERCLA National Priorities List, the surface parcels to be transferred have not been designated as operable units, areas of concern, or areas requiring remedial investigation or response.

There is currently known contamination of the perched aquifer by HE compounds and PFAS that have migrated east and south via perched groundwater flow from source areas at the Pantex Plant that extend beneath portions of the Exchange Property. The most significant contaminant of concern (COC) is the high explosive RDX, which has been detected in groundwater samples from the perched aquifer on the property to be transferred at concentrations ranging as high as 3,600 micrograms per liter (µg/L). The groundwater protection standard in place at Pantex for this COC is the USEPA Lifetime Health Advisory value of 2 µg/L (TCEQ, 2014).

The perched aquifer is 270-300 feet below ground surface in the vicinity of the Exchange Property; perched groundwater does not discharge to surface water. The saturated thickness of the perched aquifer varies from less than one foot at the margins to 75 feet beneath Playa 1 across the Pantex Site. This aquifer has a very thin saturated thickness (less than 10 ft across most of the area where groundwater is present) and is absent beneath some areas of the land to be transferred. Beneath most of the Pantex site, a competent series of silts and/or clays form a fine-grained zone that perches water recharge from the surface. The fate of water in this aquifer is either to migrate downward in areas where the FGZ that perches the water is more permeable (generally in the area north and west of the JCDC) or to flow laterally south and east beyond the property to be transferred.

The nature and extent of the perched aquifer contamination was characterized in the Final Groundwater RCRA Facility Investigation Report (S.M. Stoller Corp., 2004). Additional data are presented in the Annual Progress Reports for the Pantex Plant (for more information, see Section 5). The highest concentrations of contaminants of concern in perched groundwater flowing beneath property east of FM 2373 are presented in Table 2-2. The most recent RDX concentration data in the perched aquifer beneath the property to be transferred are presented in Figure 2-3.

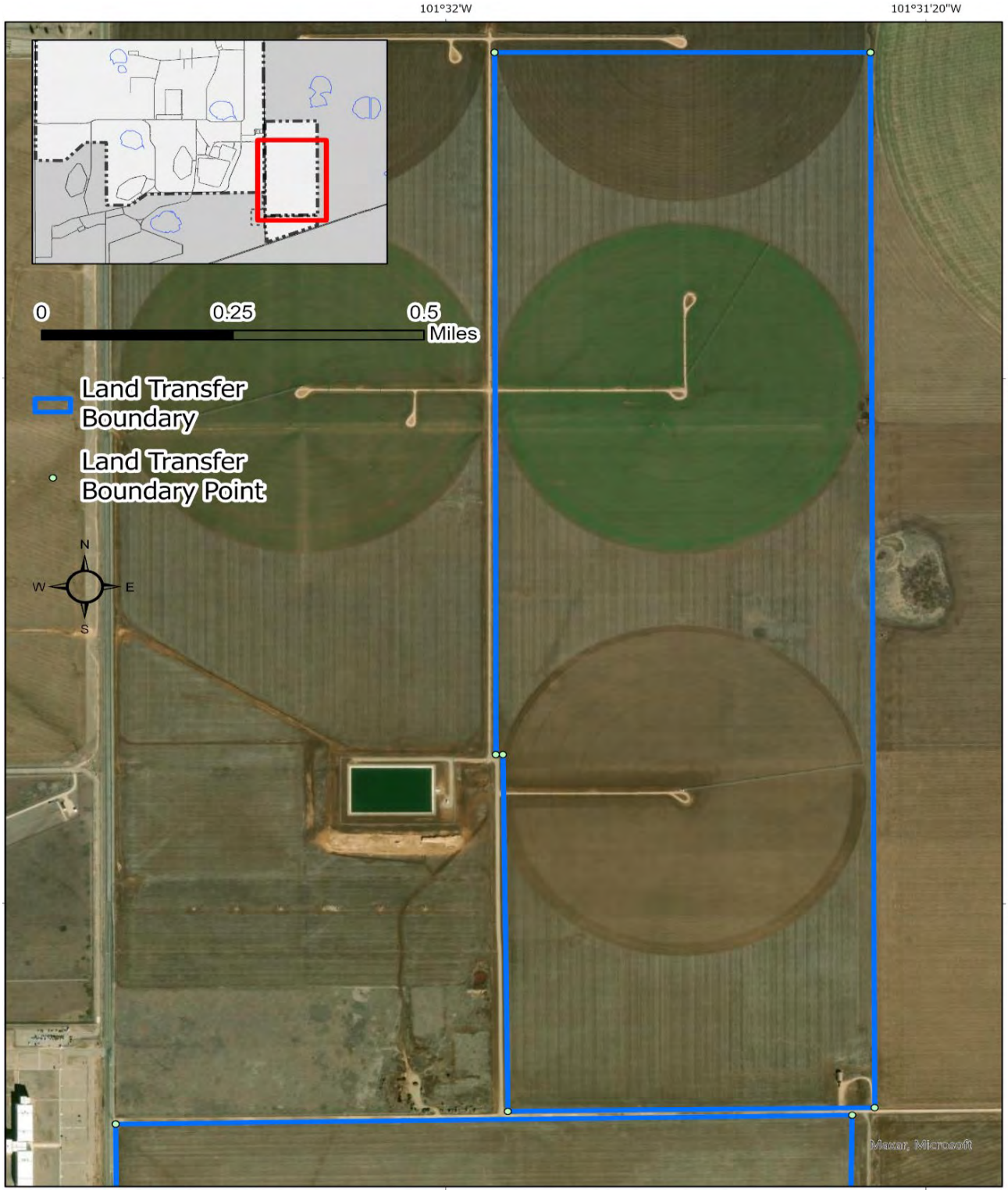


Figure 2-2: Pivot areas involved in the proposed transfer.

Table 2-2: Maximum Concentrations in Perched Groundwater Beneath Property East of FM 2373

Constituent	Maximum Concentration (ug/L)	Well ID
1,3,5-Trinitrobenzene	0.195	PTX06-1034
1,3-Dinitrobenzene	3.2	PTX06-1034
2,4-Dinitrotoluene	0.477	PTX06-1146
2,6-Dinitrotoluene	0.78	PTX06-1034
2-Amino-4,6-Dinitrotoluene	4.15	PTX06-1147
4-Amino-2,6-Dinitrotoluene	34.9	PTX06-1146
DNX (Hexahydro-1,3-Dinitroso-5-Nitro-1,3,5-Triazine)	3.89	PTX06-1147
HMX (Octahydro-1,3,5,7-Tetranitro-1,3,5,7-Tetrazocine)	261	PTX06-1146
MNX (Hexahydro-1-Nitroso-3,5-Dinitro-1,3,5-Triazine)	7.7	PTX06-1147
RDX (Hexahydro-1,3,5-Trinitro-1,3,5-Triazine)	3590	PTX06-1146
TNT (2,4,6-Trinitrotoluene)	0.45	PTX06-1034
TNX (Hexahydro-1,3,5-Trinitroso-1,3,5-Triazine)	84.9	PTX06-1034
Boron	2710	PTX06-1146
Chromium, Hexavalent	21.2	PTX06-1146
Chromium, Total	343	PTX06-1147
Perchlorate	4.1	PTX06-1034
1,2-Dichloroethane	6	PTX06-1034
Tetrachloroethene	0.63	PTX06-1146
Trichloroethene	1.1	PTX06-1034

The HPA below the Exchange Property is not known to contain COCs at levels above their maximum contaminant levels (MCLs) (or other risk-related values protective of human health). Testing shows PFAS contamination at high concentrations at perched aquifer extraction wells immediately upgradient of an area on Texas Tech University Property (currently leased to USDOE/NNSA, northwest of Pantex's John C. Drummond Center (JCDC)), where the fine-grained zone of the perched aquifer is more permeable. Recent sampling has confirmed impacts from the perched groundwater to the HPA in this area (beneath the southern part of the Southeast Pump and Treat extraction well-field west of FM 2373).
An investigation utilizing wells drilled in September 2025 is ongoing in the HPA, focusing on the property west of the Exchange Property and northwest of the JCDC that will not be transferred. Until this investigation is complete, full nature and extent of contaminants has not been determined and it would be premature to conclusively state extent of contamination. However, the maturing assessment suggests that potential contamination and future expansion, before remedial action, will be confined to the far northwest corner of the Exchange Property, and it is unlikely that physical access to the Exchange Property will be required to implement any recommended remedy for the HPA (reference Figure 5-2 for additional context). The focal area, where the COC concentrations in the HPA are known to be greatest, is about 1.5 miles upgradient of the potentially affected area of the Exchange Property, near wells PTX06-1229 and PTX06-1231. The current RDX concentrations in the HPA with respect to the property to be transferred are presented in Figure 2-4.

Remedial actions currently being conducted for the perched groundwater system are discussed in Section 6. Information on the investigation and planned early action for the HPA are also discussed in Section 6.

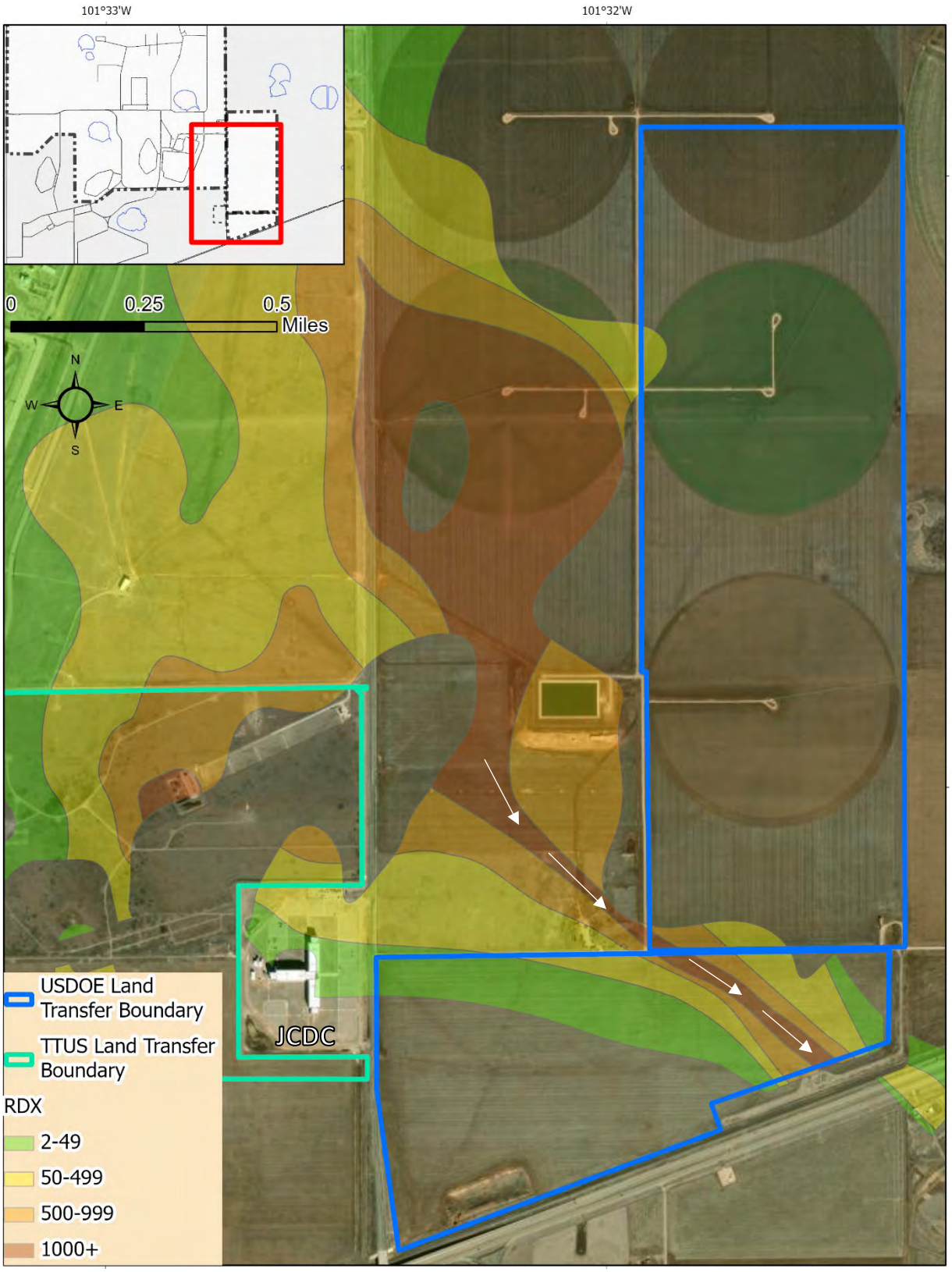


Figure 2-3: Perched groundwater RDX plume, concentrations in µg/L.

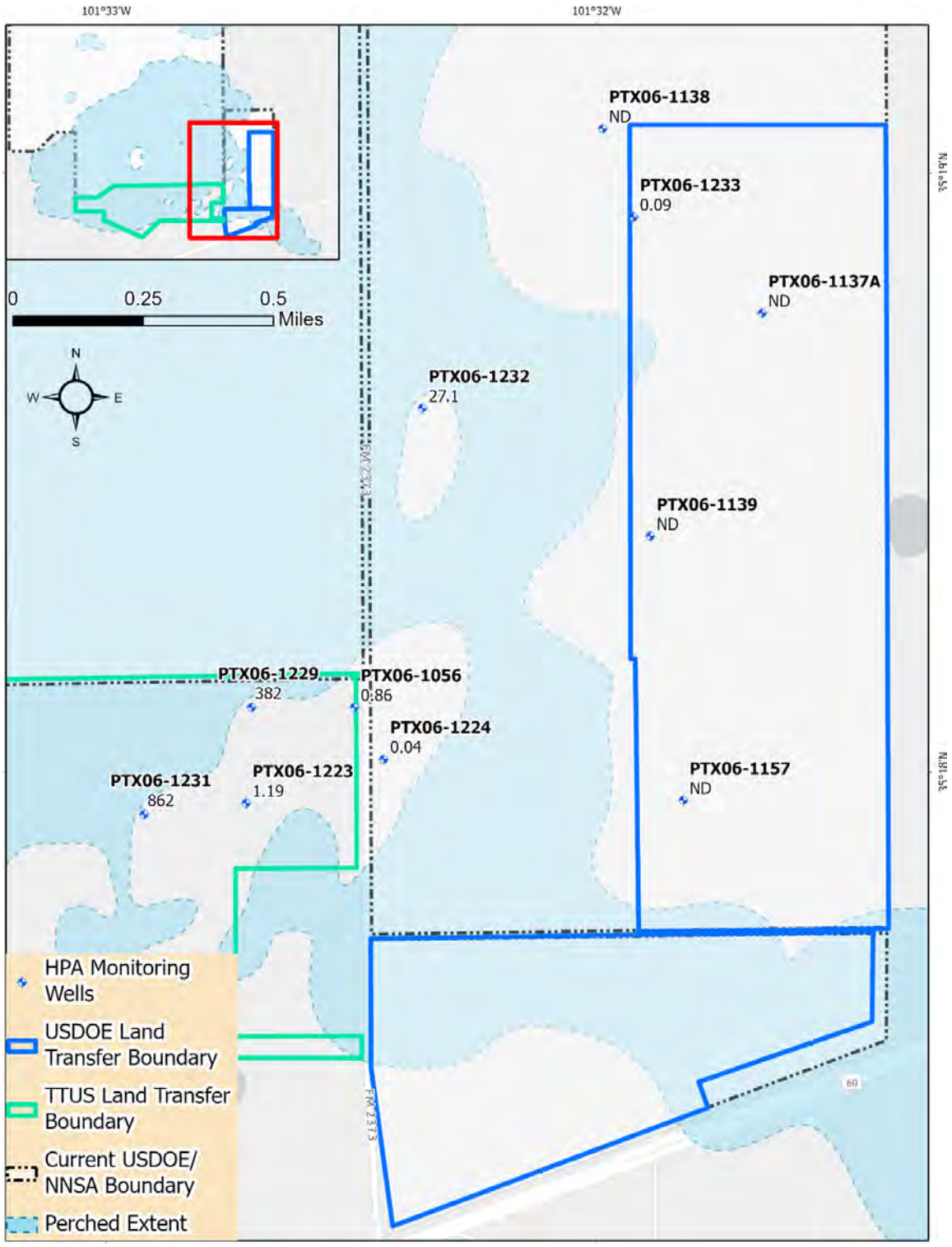


Figure 2-4: RDX concentrations (µg/L) in the High Plains Aquifer.

3 Analysis of Intended Land Use Supported By Deferral

Since 2023, five center-pivot irrigation systems have been operated for agricultural purposes, with irrigated acreage spanning both the Exchange Property and other adjacent USDOE/NNSA property east of FM 2373 that is associated with the Pantex Plant. Approximately 2.5 of these five pivot circles are situated within the boundaries of the Exchange Property. Irrigation is supplied by treated water from Pantex PTSs under TLAP Permit WQ0004397000 (TCEQ, 2020).

Proposed development of the Exchange Property, subsequent to its transfer, envisions a blend of industrial and commercial uses. TTUS intends to lease the Exchange Property to a third party for construction of buildings and supportive infrastructure for the operation of a data center, including power generation facilities. Current conceptual plans for the 713.19-acre Exchange Property indicate the development of two campuses on the northern portion, each approximately 150 acres, totaling 300 acres. Each campus is anticipated to include data center buildings, access roads, parking lots, and improved landscaping that support tenant needs via an established agreement of occupancy and use. Potable water will be provided to the facilities on this property via extension of a domestic water loop from the western development near FM 683 that will be supplied via a water agreement with the City of Amarillo. An estimated 70% of these 300 acres, subject to final landscaping decisions, will comprise impermeable surfaces. Stormwater runoff will be managed through the construction of channels, as required, on either the east or west portion of the property (or both), directing flow to fully lined retention ponds along the southern boundary. This captured water will subsequently be utilized for cooling systems and landscaping needs in a manner that supports Pantex remedial actions.

Use of the southern portion of the Exchange Property is anticipated for energy generation through the installation of combustion and steam turbines. These systems are typically situated on a series of cement pads with gravel infill. The construction of an electrical substation and other supportive facilities is also projected for the southern area.

As detailed in Section 2, Nature and Extent of Contamination, known contamination primarily exists within the perched groundwater aquifer, located approximately 270 feet below ground surface near and beneath the Exchange Property. These perched groundwater plumes generally move toward the southeast beneath the Pantex Plant and portions of the Exchange property (especially the southern portion between County Road 8 and Highway 60). Without continued remedial actions, the downward migration of contaminated perched groundwater poses a potential risk to the underlying High Plains aquifer, a regional drinking water source. The cleanup strategy is to continue to protect human health and the environment through control of potential exposure to contaminated perched groundwater, restore the perched groundwater to drinking water standards, and protect the underlying regional aquifer (High Plains Aquifer which is comprised of waters in both Ogallala and Dockum geologic strata). Reducing the possibility of vertical mobility minimizes potential cross contamination at the site, as pump and treat systems are removing water from the perched groundwater system and In Situ Bioremediation systems are treating contaminants in select areas of the system that are moving toward areas sensitive to vertical migration. The selected remedial action is specifically designed to limit or prevent contamination of this regional aquifer.

Conceptual designs for the intended use of the Exchange Property present the following potential conflicts with the ongoing remedial action:

1. Existing monitor well PTX06-1137A is located within the footprint of a proposed building and would necessitate plugging and abandonment.
2. Proposed power generating facilities and the electrical substation overlay conveyance lines that supply treated water from PTSs to the Southeast Extension and the County Road 8 In Situ Bioremediation (ISB) systems.
3. Power generating facilities and electrical substations also overlay County Road 8, thereby reducing access to vital remedial infrastructure.
4. Planned stormwater retention basins could induce focused recharge to the perched aquifer if not specifically designed and constructed to prevent such point source recharge.

Post-transfer land use conflicts with the selected remedy have been thoroughly vetted, and corresponding mitigation measures have been outlined and agreed upon by TTUS and the present third-party lessee. These mitigations include the following with TTUS/and lessee bearing the costs associated with each item:

- Plugging and abandonment of PTX06-1137A, with construction of the new monitoring well(s) to meet remedy objectives within the Long-Term Monitoring network.
- Relocation of conveyance lines supplying treated water to the ISB Systems to the property edges, thereby eliminating land use conflicts and ensuring treated perched groundwater supply to ISB Systems and potential lessee systems in the future.
- Design and construction of perimeter roads for the data center to support the transport of bulk molasses loads to the ISB systems.
- Design and construction of new stormwater retention basins with low-permeability liners to prevent focused artificial recharge.

To ensure the integrity of the remedial action and the timely completion of post-transfer mitigations, the draft final Deed Exhibit and Information provided as Attachment C incorporates additional and enhanced restrictions, as discussed in Section 6. These restrictions prohibit the use of perched groundwater without treatment, prevent enhanced artificial recharge of the perched groundwater system, prohibit drilling through the FGZ that supports the perched groundwater system beneath the Exchange Property, and prohibit changes or impacts to the remedial system without USDOE/NNSA approvals.

Given the proposed future uses of the Exchange Property, which include significant amounts of impermeable surfaces from building construction, paved areas, and engineered stormwater controls, post-transfer use is expected to reduce water infiltration, thereby limiting recharge of the perched groundwater system. This reduction in recharge will minimize the potential for downward migration of contaminants, which is the desired outcome of the currently implemented remedy. Consequently, the proposed post-transfer use is not only consistent with the remedial activity, but also potentially beneficial in accelerating the reduction of perched groundwater volume, thus diminishing contamination risk to the HPA. And, consistent with executed Water Agreements, the third-party

lessee’s anticipated use of 250,000 to 850,000 gallons per day (GPD) of treated perched groundwater during site development and subsequent operations will augment the remedy's effectiveness.

4 A Risk Assessment is not Required to Support this CDR

USEPA guidance presumes that a completed risk assessment consistent with the standards of the National Contingency Plan (NCP) will be performed to support a covenant deferral request. A land transferring agency, however, may demonstrate why an NCP-compliant risk assessment is not required to support a particular CDR. Essentially, an NCP-based risk assessment would assess risk to human health and the environment associated with existing contamination and the currently implemented remedy, and whether the proposed land transfer creates new or increased risks.

For this CDR, USDOE/NNSA posits that preparing a risk assessment—in addition to assessments completed that support of the CERCLA ROD and remedy selection, as well as the ongoing sampling initiatives—is not warranted. Under 30 TAC 335.553(b)(2), a risk assessment is required for sites that close to Risk Reduction Standard 3. That risk assessment, which included assessment of perched groundwater that was moving beneath the Exchange Property, was previously conducted and approved in 2006. At the time of the risk assessment, the Exchange Property was privately owned, but was not being used by the landowners so no risk was identified. The property was purchased during the implementation of the remedial action to ensure control of perched groundwater east of FM 2373. Records indicate the property was previously used for commercial farming. Since the purchase, Pantex has not used the property for industrial purposes nor have any spills of contaminated groundwater occurred on the property. Pantex has used the property for remedial actions and crops. There have been no identified uses that indicate the presence of contamination in soils or sediment at the property. Pantex has applied treated perched groundwater for a limited time (two growing seasons) to crops on approximately 290 acres of the Exchange Property, in accordance with a TLAP Permit. All treated water that was applied was regularly tested to ensure it met the Groundwater Protection Standards (GWPSs) included in the ROD and HW-50284, as well as TLAP permit requirements. PFAS has also been identified in perched groundwater, although a GWPS has not been established for the remedial action. Pantex has treated the water to ensure PFAS concentration levels below the lowest of the promulgated EPA MCL or the State of Texas Protective Concentration Limit, in accordance with regulations. Soils were also sampled in accordance with the TLAP Permit. Pantex submitted a letter with evidence requesting clean closure of the 290 acres in a letter dated August 6, 2025 (PXD, 2025). A clean closure of the crop acreage under the TLAP Permit was approved by the TCEQ on September 16, 2025 (TCEQ, 2025). Because there are no identified contaminant releases at the Exchange Property, there are no contaminant pathways for soil or sediment at the Exchange Property. The land is relatively flat with no prominent surface water features. Water can pond for a short period in road-side ditches along County Road 8. However, since there are no identified releases to soils or sediment, there are no complete contaminant pathways for surface water at the Exchange Property. Because use of perched groundwater without treatment would pose a risk to human health and the environment, Pantex is placing restrictions in the warranty deed for drilling to ensure no use of any groundwater beneath the Exchange Property can occur. Pantex has not completed the full investigation, risk assessment or remedy determination for contamination discovered in the High Plains Aquifer. However, recent data collected during the investigation indicate the most widespread contaminant plumes of RDX and PFOA have not extended to the Exchange Property, as demonstrated in Figures 5-3 through 5-5. Even if some downgradient spread occurs, the deed restrictions will not allow for use of any groundwater beneath the property. Therefore, there is no need to conduct a risk assessment for this property transfer due to

the lack of complete exposure pathways for soil, sediment, surface water and groundwater. The assessment of potential pathways is included in Figure 4-1.

In the absence of a completed risk assessment, USEPA considers potential exposure(s) during the deferral period, taking into account proposed restrictions that protect human health and the environment as provided in the remedy context, the degree of uncertainty regarding the potential risks posed by the contamination, existing analyses, certainty about future use, and who is conducting the response.

Here, prior assessment activities, together with ongoing monitoring and investigation, provide an adequate basis to assess whether the proposed land transfer and post-transfer use of the Exchange Property would affect performance of the ongoing remedy. Accordingly, both USDOE/NNSA, USEPA, and TCEQ may appropriately consider the existing risk assessment and ongoing sampling initiatives—evaluated against the proposed post-transfer use of the property and USDOE/NNSA's continued responsibility under the CERCLA ROD and/or any new USEPA-directed remedial actions—to determine that additional risk assessment is unnecessary.

Human health and environmental risk assessments were conducted for land and the perched groundwater associated with RDX releases from Pantex Plant, including property adjacent to and east of FM 2373 and part of the TTUS property south of the main Pantex Property. These assessments included sampling and analysis, fate and transport modeling, and plume delineation. Although the CERCLA ROD assessment did not include PFAS contamination, a sampling and assessment initiative is currently underway for groundwater. Potential areas of PFAS contamination can be reasonably extrapolated from existing perched ground water flow studies, as PFAS releases would have originated from the same historical operational areas as RDX. Recent data acquired from investigative wells confirm this understanding and provides an understanding of the most widespread PFAS present in perched groundwater - PFOA. PFOA detections are presented in Figure 5-2. Sampling and assessment of HE in the HPA continues and a Remedial Investigation/Affected Property Assessment Report is due to the USEPA and TCEQ on or before April 16, 2028.

Remedial actions addressing RDX have been implemented consistent with the selected remedy. The selected remedy to mitigate the risk of exposure to RDX contamination includes institutional controls for land and groundwater. Such controls are primarily administrative in nature, in the form of restrictive covenants to prevent groundwater access and use. These deed restrictions are filed with the County Clerk of Carson County, Texas, and restrict use of perched groundwater without treatment and/or drilling through the fine-grained zone of the perched aquifer system.

The previously completed Risk Assessment supporting the CERCLA ROD demonstrates that the land east of FM 2373 supports diverse plant and terrestrial wildlife communities and has in recent years been suitable for agricultural use consistent with the selected remedy. Considering the depth to the contaminated perched groundwater and lack of complete exposure pathways (see Figure 4-1), no surface water contamination or soils impacts from RDX are expected.

Based on the intended use of the property as described in Section 3, considered in context with the current remedial activities, USDOE/NNSA has evaluated potential risks to the existing perched groundwater remedy and to developing potential future HPA remedial actions, including:

- Potential ponding of surface water or surface impoundments of water identified in Section 3, which could increase recharge to the perched aquifer. Such risks could arise if: (a) timing of use and drainage are not appropriately addressed in infrastructure designs for the Exchange Property; (b) planned surface impoundments are improperly designed or installed such that percolation occurs, or if they are located in areas that could impede or alter perched groundwater movement through the current remedial action systems; or (c) if the timing or receipt of transferred water (post irrigation/growth cycle cessation) does not align with construction or operational needs.

- Pumping of HPA water via new water supply wells installed on the property. Pumping could draw both perched-groundwater and HPA plumes toward the pumping locations, thereby accelerating downgradient plume migration. This could affect current and future plume behavior/understanding and could disrupt the design and operation of the groundwater treatment systems, potentially undermining the selected remedy.

- Impeded access to monitoring wells or remedy components that remain on the Exchange Property, or interference with areas that may be needed for new or modified remedies. Because the property is presently owned by USDOE/NNSA, current deed restrictions do not include limitations regarding surface water impoundments; nor do they include access protections for continued use and maintenance of remedial systems or future assessment/investigation activities associated with modified or new remedial actions that may be required.

- Although existing deed restrictions prevent drilling through the perched groundwater system, they do not currently prohibit drilling through the FGZ in areas where contaminated perched groundwater is not present. Such drilling would allow access and use of the HPA water stemming from wells where perched groundwater is absent, impacting known/modelled flow.

The identified potential risks stem from lack of engineering, land-use, and institutional control considerations that can be effectively addressed through enforceable deed restrictions and revised land use controls. Implementation of these controls will maintain remedy protectiveness, prevent activities that could adversely affect groundwater conditions, and ensure consistency with CERCLA's objective of facilitating protective reuse of property. These deed restrictions are outlined in detail in Sections 6 and 7.

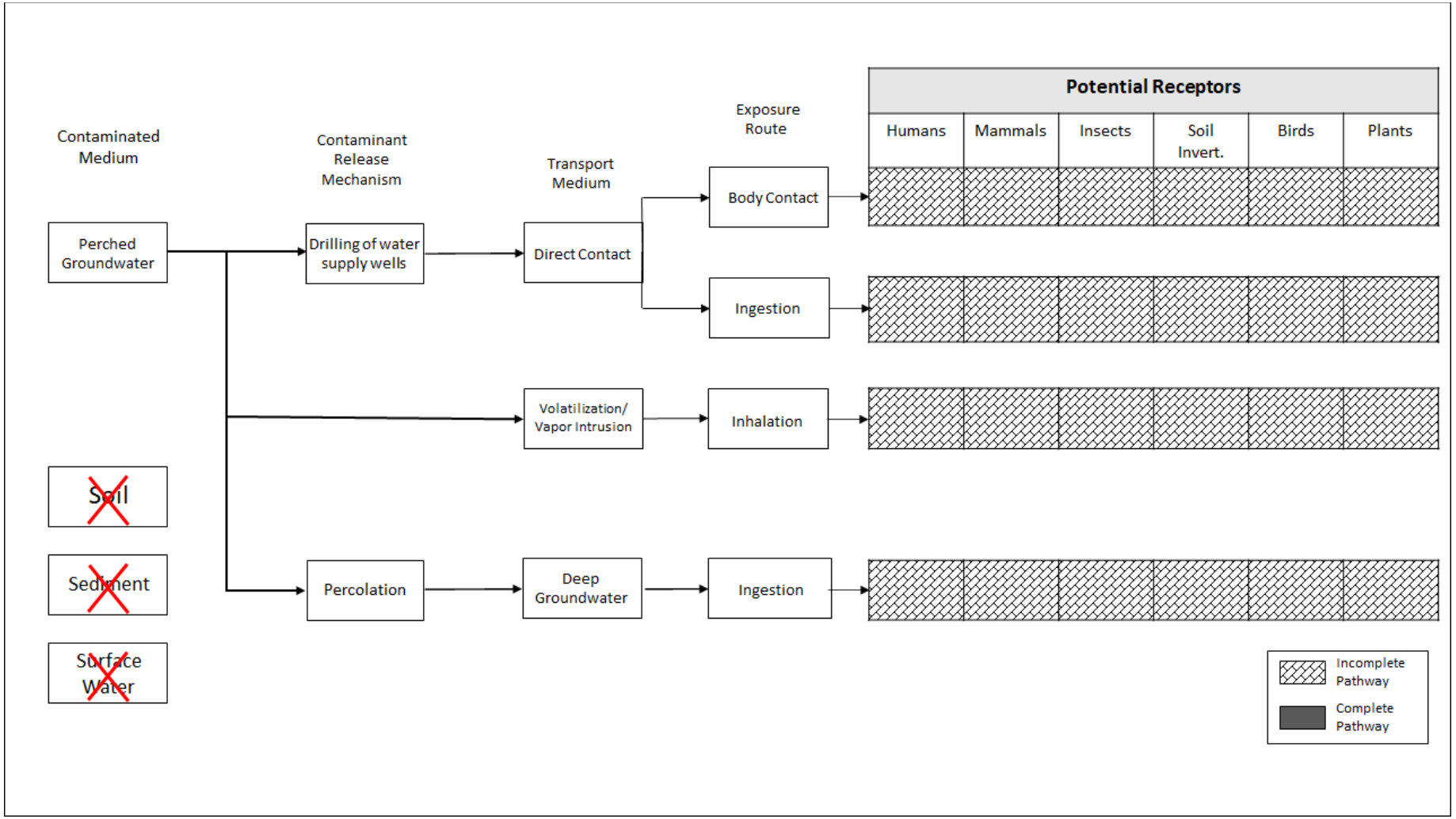


Figure 4-1. Potential exposure pathways.

5 Response/Corrective Action Requirements

Regulatory Oversight

The Pantex Plant operates under multiple regulatory authorities related to the generation, handling, storage, and cleanup of hazardous materials:

- The Pantex Plant is a RCRA Large Quantity Generator and Treatment, Storage, or Disposal Facility (USEPA ID TX4890110527).
- The Pantex Plant operates under HW-50284, issued by the State of Texas (TCEQ, 2026), which includes a Compliance Plan that contains requirements for remedial actions, monitoring, and reporting. Pantex is subject to RCRA requirements for investigation and mitigation of impacted soil and groundwater.
- The Pantex Plant was listed on the NPL in 1994. Environmental investigations, monitoring, and remediation at the site are governed by CERCLA. A ROD for the site was issued in 2008 (USDOE/NNSA, 2008), as well as an Interagency Agreement (IAG) between USDOE/NNSA, USEPA, and TCEQ. (USEPA, USDOE, and TCEQ, 2008). An ESD was also issued in 2022 and additional remedial action systems are being constructed and operated consistent with that ESD.

The IAG requires development of several documents, listed below. The document list includes references if the documents have been completed, and for documents with frequent updates, includes the first and latest versions:

- Site Management Plan (USDOE/NNSA, 2008; USDOE/NNSA, 2025);
- Community Involvement Plan (B&W Pantex, 2009; PXD, 2025);
- Remedial Design Submittal Package including a Remedial Action Work Plan (Babcock & Wilcox Technical Services Pantex, 2009);
- Preliminary Construction Completion Report (B&W Pantex and Sapere Consulting, 2009);
- Interim Remedial Action Report (B&W Pantex and Sapere Consulting, 2010);
- Final Remedial Action Report;
- Five Year Review Reports (B&W Pantex, 2013; Pantex Plant, 2018; Pantex Plant, 2023).

In addition to the listed documents, an ESD was completed (Consolidated Nuclear Security, LLC, 2022) to document changes in the remedial action design and implementation, as well as adjustments in the groundwater protection standards used to judge remedy performance. Beginning in 2008 and through 2024, NNSA provided quarterly and annual progress reports to TCEQ and USEPA documenting remedy performance and monitoring data.

Response Action Status: Perched Groundwater

Initial remediation of the perched groundwater system began early in the 1990s. The remedy identified in the 2008 CERCLA ROD was constructed and operating by 2010. Compilations of monitoring data and remedy performance contained in the Five-Year Review Reports (noted in Section 5.1) have resulted in

modifications to the remedial action infrastructure and monitoring, as reflected in the ESD, and Annual Progress Reports.

Two groundwater PTSs operate upgradient of the Exchange Property. These systems are designed to decrease perched ground water mass by treatment and beneficial use, thereby reducing hydraulic gradients driving contaminant migration vertically and laterally, with the goal of eventually dewatering the perched aquifer. Two ISB systems currently operate downgradient of the Exchange Property, designed to enhance anaerobe growth that induces reduced geochemical conditions in organic carbon-rich regions in the perched groundwater where soil prokaryotes can break down high explosive compounds. A new ISB system (County Road 8 ISB) was installed immediately upgradient, extending a short distance onto the Exchange Property. Its purpose is to reduce high explosive concentrations in the core of perched groundwater plume, which continues to move southeast across the Exchange property. The County Road 8 ISB infrastructure was completed in late 2025 and will be operational in summer 2026. A single injection well resides on the Exchange Property, extending about 35 feet into it as shown on Figure 5-1 and the Parkhill survey in Attachment C.

The existing remedial action components are operating properly and in accordance with the ROD and ESD requirements. The perched groundwater status and locations of wells and remedy components are depicted in Figure 5-1.

Institutional controls were previously implemented for the Exchange Property in the form of restrictions recorded in deeds consistent with federal ownership. The current deed restrictions are compiled in the Land and Groundwater Use Controls Implementation Plan (LGUCIP) (B&W Pantex and Sapere Consulting, 2010). However, as discussed in Section 4, those deed restrictions will require modification to ensure continued protection with transfer of ownership. The proposed Deed Exhibit and Restriction Information language is included as Attachment C.

Given that the remedial action purpose is largely to mitigate contaminants in the perched groundwater system and prevent recharge, ponding of stormwater is a concern. New deed restrictions identified in Section 6 and Attachment C address mitigation of focused artificial recharge that would occur due to ponding of surface water or installation of surface impoundments.

Eight perched monitoring wells are currently located on the Exchange Property. Seven of these no longer contribute to contaminant monitoring, as five wells are dry (or have too little water to sample) due to intentional dewatering of the perched aquifer, and two demonstrate low HE concentrations. USDOE/NNSA proposes to plug and abandon these seven wells (PTX06-1089, -1090, -1133A, -1158, -1182, -1184, and -1185).

The Southeast ISB Extension is a major remedy component. To ensure continued unrestricted access in furtherance of the remedial action, the portion of land containing this ISB system is not included in the Exchange Property transfer. The deed documents will include easements and rights of access to the remaining perched groundwater monitoring wells and other required remedy components (reference Attachment C).

In summary, there are already several monitoring wells and multiple perched groundwater remedy components operating on and near the Exchange Property. USEPA and TCEQ retain oversight of these actions, ensuring that any additional measures are consistent with CERCLA requirements and the approved remedial objectives.

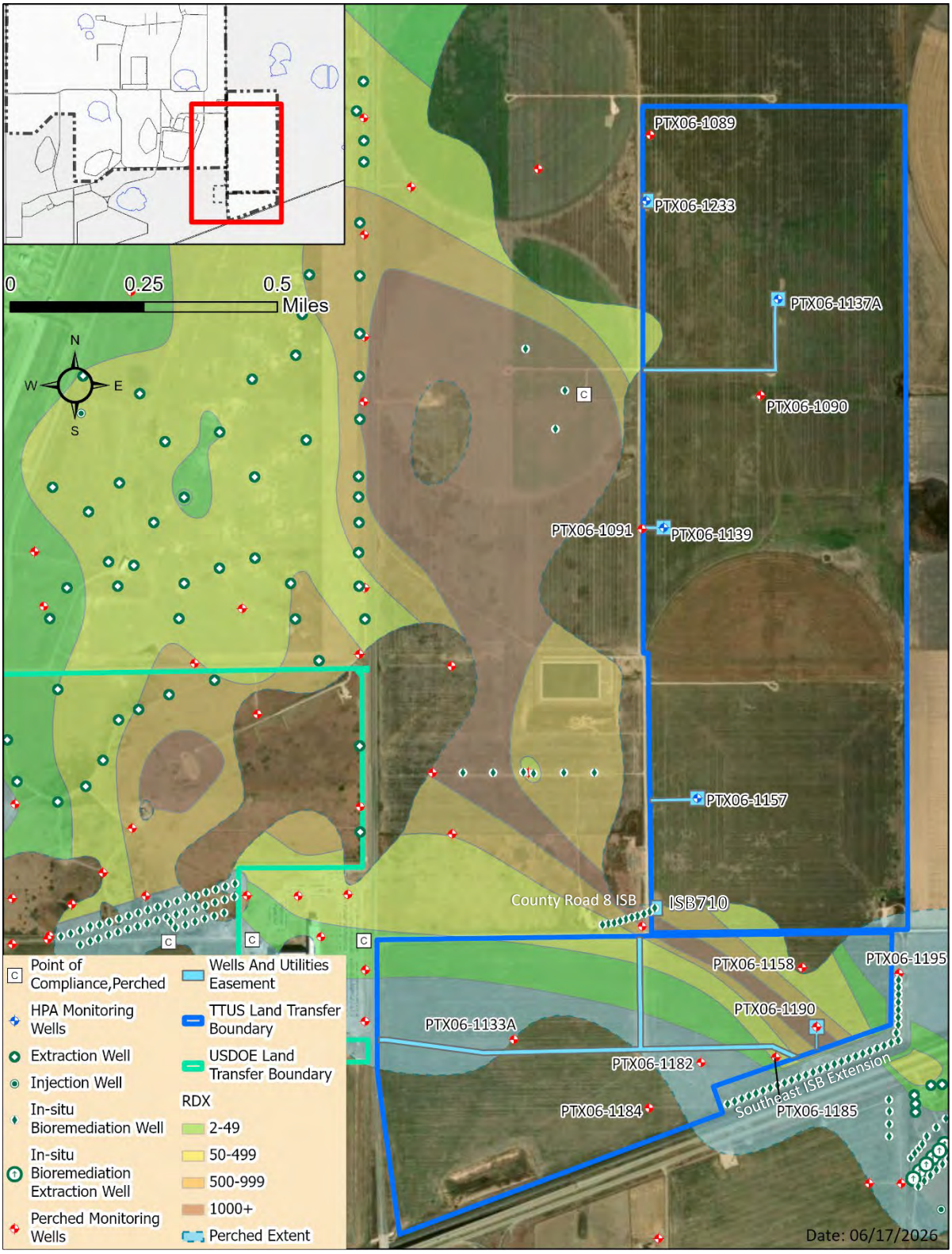


Figure 5-1: Perched groundwater RDX plume (µg/L), monitoring wells, remedy components, and easements for wells and remedy infrastructure.

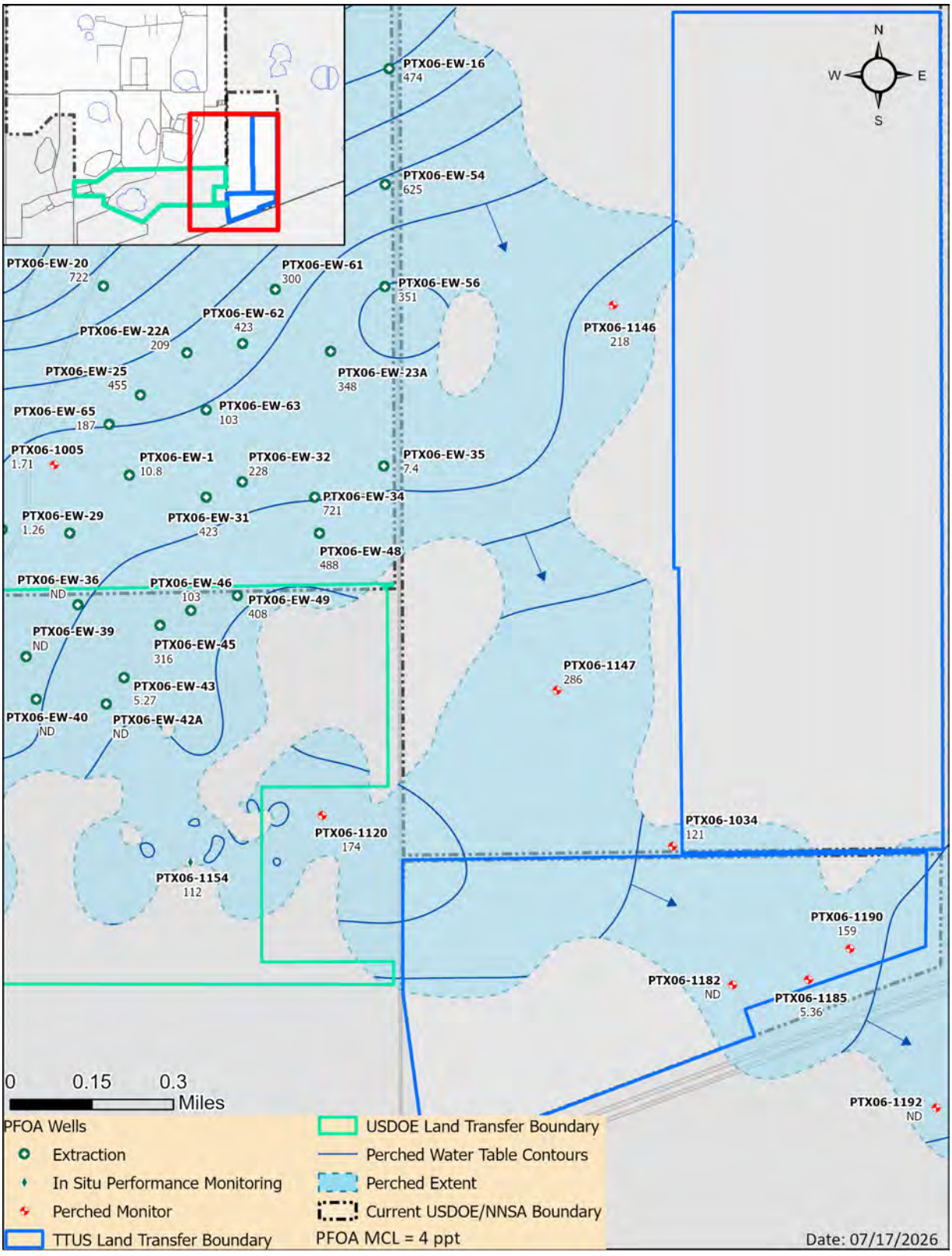


Figure 5-2: Perched Groundwater PFOA concentrations (ng/l)

Investigation Status: High Plains Aquifer

RDX and other HE contaminants in recent groundwater testing of the High Plains Aquifer (the regional water supply aquifer) were identified stemming from legacy operations and activities at and/or near Pantex Ordnance Plant. A primary area of concern is believed to be located beneath, or migrating beneath, the northeast corner of property adjacent to the current Pantex Plant that is owned by TTUS and on which DoW formerly owned and performed activities. This parcel of property will transfer to USDOE/NNSA under a Land Exchange Agreement, in exchange for the 713.19-acre parcel to be conveyed to TTUS (the Exchange Property) for which this covenant deferral is required. Overall, the covenants in the real estate documents support the land exchange and will result in permanent access for monitoring and implementation of any potential future remedial actions necessary to protect the regional water supply aquifer.

An investigation is underway to delineate the boundaries and nature and extent of the HE contamination. The currently understood source area and proposed investigation area are shown in Figure 2-4 and Figure 5-2. Coordination with TTUS and Army Corp of Engineers is needed to assess respective responsibilities and activities related to HPA contamination. To stabilize the plume and limit any downgradient migration during investigation and feasibility phases, select High Plains Aquifer monitoring wells in or near the source area are proposed for connection to the Southeast PTS in 2027, pending availability of funding. An Engineering Evaluation/Cost Analysis (EE/CA) to support connecting a select set of existing HPA wells to the existing remedial action infrastructure is currently in preparation.

Based on existing information, any new wells or required remedial action infrastructure would be situated on property obtained or retained by USDOE/NNSA. One HPA monitoring well (PTX06-1137A) located on the Exchange Property is planned for plugging and abandonment and will be replaced with at least one additional monitoring well in an agreed location at no cost to the government, as described in Section 3. Easements ensuring continued access to monitoring wells (PTX06-1190, -1139, -1157, and -1233) and one injection well (PTX06-ISB710) located on the Exchange Property are proposed for inclusion in the deed documents (reference Attachment C).

USDOE/NNSA anticipates completing a remedial investigation of the HPA in 2028/2029 timeframe. Evaluation of remedial action alternatives and designing and installing any needed remedial action infrastructure would likely occur between 2029 and 2033, pending availability of funding.

The Exchange Property transfer will not impede the ability of USDOE/NNSA to investigate and/or remediate contaminants in the HPA stemming from Pantex Plant operations. To the contrary, the overall land exchange includes the transfer of land that encompasses the HPA HE concentration focal area, from TTUS to USDOE/NNSA, thereby securing permanent access for any required remedial action in the core of the HPA plume. Current data indicates that the property transferring to TTUS is outside the plume footprint, as discussed in Section 2 and depicted in Figures 5.2 through 5.5. Moreover, several HPA monitoring wells are already installed on and near the northwest corner of the Exchange Property, providing coverage for current investigations. HPA remedy components, if needed, can be constructed on USDOE/NNSA retained property near or bordering the Exchange Property.

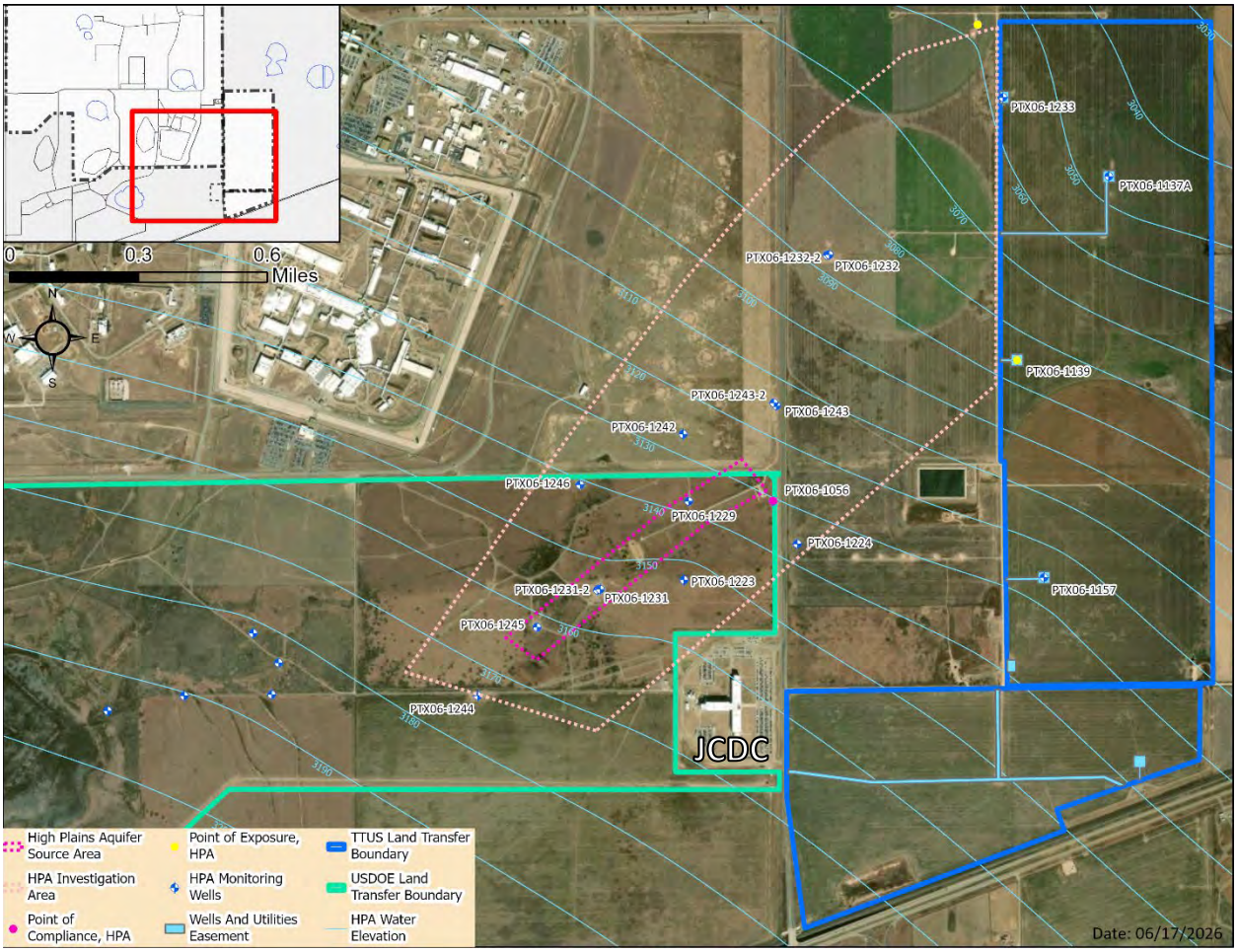


Figure 5-3: High Plains Aquifer (HPA) source area, area of investigation, monitor well locations, and easements required for wells.

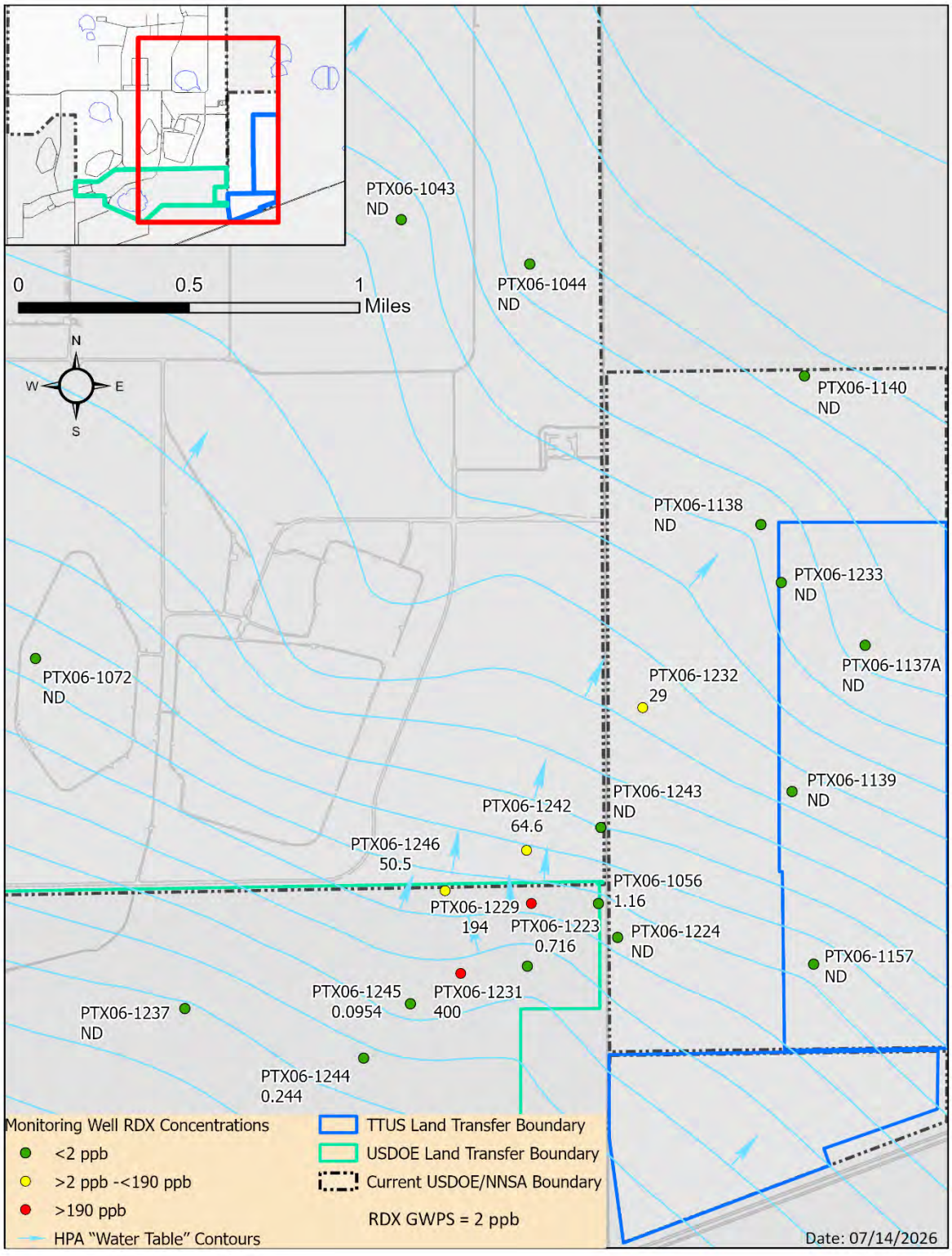


Figure 5-4: High Plains Aquifer (HPA) RDX concentrations (µg/L) with flow directions

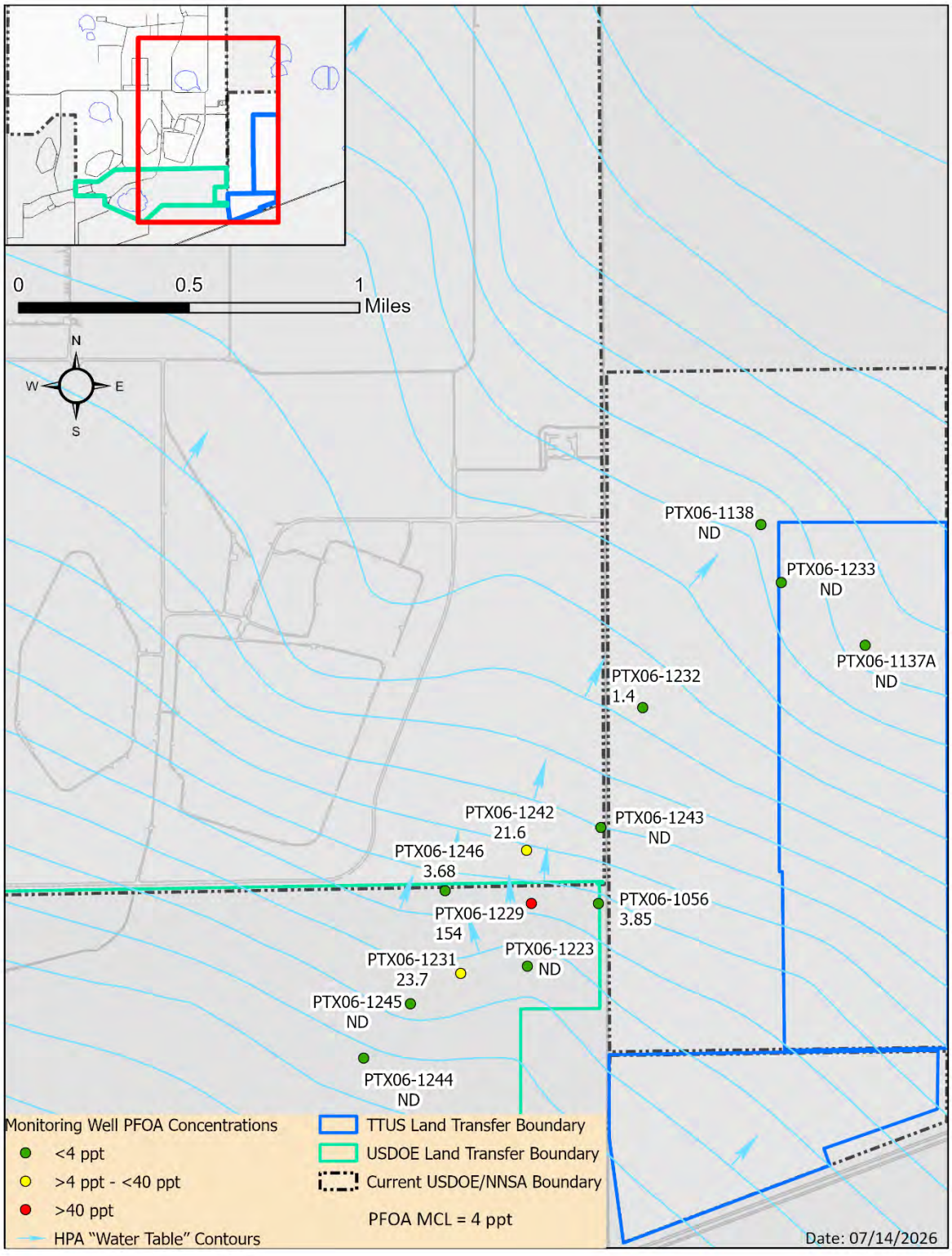


Figure 5-5: High Plains Aquifer (HPA) PFOA concentrations (ng/L) with flow direction

6 Warranty Deed Covenants and Restrictions.

To address the potential risks associated with the transfer and to preserve the effectiveness of the selected and future remedies, USDOE/NNSA proposes to retain the existing deed restrictions and to incorporate additional covenants and restrictions into the property's conveyance instruments. Together, these controls will ensure that land use and subsurface activities remain compatible with continued protectiveness and will prevent actions that could interfere with groundwater conditions or remedy performance. The combined set of existing and proposed restrictions includes:

Groundwater Use and Protection

- Prohibition on any use of untreated groundwater unless and until all GWPSs established under the selected remedy are achieved.
- Prohibition on drilling for pumping, or using groundwater from the High Plains aquifer (groundwater within the Ogallala and Dockum geologic strata) on the property to prevent migration or expansion of plumes under investigation. This restriction remains in effect until cleanup to GWPSs is achieved across the entire plume. While not anticipated based on the current understanding of the HPA plume and its anticipated future expansion, the United States reserves the right of access to the exchange property in the case that investigation, response, or corrective action is found to be necessary after the date of transfer, as required by CERCLA Section 120(h)(3)(A)(iii).
- Prohibition on any activity that would recharge or artificially enhance recharge to the perched groundwater system, including but not limited to surface-water impoundments, ponding, stormwater concentration, or alteration of natural drainage patterns unless authorized by USDOE/NNSA.

Drilling and Subsurface Disturbance Controls

- Prohibition on drilling, boring, or penetrating to depths greater than 200 feet unless granted written authorization by USDOE/NNSA. To request authorization, the property owner must provide the following at least 30 days in advance:
    - Exact location and State Plane coordinates for all proposed boreholes or wells.
    - Purpose of drilling (including any proposed pumping rates and quantities).
    - Proposed depth and criteria for determining total depth.
    - Design specifications for the well installation(s).
    - Qualifications and regulatory compliance criteria for the drilling contractor.
    - Agreement to comply with all USDOE/NNSA conditions or required changes.
    - Provision of final well-construction diagrams, boring logs, and as-built information upon completion.
- Prohibition on drilling through the fine-grained zone (irrespective of depth) associated with the perched aquifer unless expressly authorized by USDOE/NNSA.

- Restriction on any subsurface activity—including trenching, excavation, utility installation, or grading—that may interfere with existing or anticipated remedy components without prior USDOE/NNSA approval.

Surface Water and Drainage Controls

- All proposed surface-water drainage features, stormwater systems, and impoundments require prior USDOE/NNSA approval. To obtain authorization, the following must be provided at least 60 days in advance:
    - Mapped locations with boundaries and aerial reference.
    - Purpose and design specifications.
    - Identification of any permitting required for construction or operation.
    - Agreement to comply with restrictions or design modifications required by USDOE/NNSA to protect the remedy.
    - Submission of final as-builts (identifying features germane to the implemented controls) within 30 days of installation.

Infrastructure and Development Controls

- Infrastructure designs—including roads, buildings, parking areas, utilities, and associated drainage elements germane to the implemented controls —require USDOE/NNSA review and approval at the 30%, 60%, and final design stages.
- Final as-built drawings (identifying features germane to the implemented controls) shall be submitted to USDOE/NNSA upon completion.
- Construction or land use may not modify surface grades, foundations, or subsurface structures in a manner that interfere with installed or reasonably anticipated future remedy components.
- Restriction against any activity that could impede access to or the functioning of monitoring wells, extraction wells, injection wells, conveyance lines, in situ remediation vaults, other remedy components, or other remedy infrastructure.

Access and Easements

- Perpetual easements in favor of USDOE/NNSA, EPA, and TCEQ for ingress, egress, oversight, monitoring, sampling, investigation, and implementation of any present or future response or corrective actions.
- Easements authorizing USDOE/NNSA and its contractors, lessees, or agents to:
    - Install, operate, maintain, replace, relocate, or remove monitoring and remediation wells, access roads, vaults, conveyance lines, or other remedy infrastructure.
    - Conduct environmental investigations, sampling, corrective actions, or remedial operations under CERCLA or RCRA, including obligations under Hazardous Waste Permit/Compliance Plan No. HW-50284.

- Easements, covenants, and restrictions shall be perpetual, run with the land, and shall not be subordinate to any voluntary lien or encumbrance recorded after closing.

Remedy Integrity and Institutional Controls

- Restriction of any action that interferes with, damages, or reduces the effectiveness of any component of the selected remedy or any future remedial action.
- Prohibition on modifying or removing institutional controls or protective structures without USDOE/NNSA approval.
- Requirement that any property development or land use must remain consistent with maintaining the design, purpose, and integrity of the selected remedy, including extraction and injection wells, monitoring wells, conveyance lines, remedy components, and associated utilities.
- Continued applicability of existing deed restrictions, as amended, ensuring compatibility with the current and future selected remedies.

Additional Land-Use Controls

- Requirement for prior notice to USDOE/NNSA before any subsurface intrusion exceeding a specified depth (e.g., 3 feet), unless otherwise approved. After conveyance lines are relocated to the edges of the property and determined to be final via documented letter, the depth of interest will be adjusted to 15 feet bgs.
- Prohibition on disturbing soils in designated buffer zones around remedy components unless expressly authorized.
- Requirement to notify USDOE/NNSA, EPA, and TCEQ of any newly discovered contamination or environmental conditions.
- Restriction on installing geothermal systems, oil or gas wells, disposal wells, or other subsurface resource extraction or injection wells that could interfere with groundwater conditions or remedial systems without prior written approval of USDOE/NNSA. This restriction does not prohibit subsurface utilities, foundations, electrical grounding systems, or infrastructure associated with on-site power generation, transmission, or distribution facilities, provided such activities comply with the drilling and subsurface disturbance restrictions set forth herein.
- Prohibition on residential use, daycare, schools, or other sensitive-use development unless expressly evaluated and approved in a supplemental risk determination. Written notice of a desire to change land use from commercial/industrial to residential shall be provided to USDOE/NNSA with a proposed supplemental risk determination for consideration. USDOE/NNSA will consult with TCEQ and EPA as part of the review and approval process.
- The property owner shall provide written notice to USDOE/NNSA, EPA, and TCEQ at least 60 days prior to any transfer of ownership or execution of a new lease, ensuring that all prospective owners or lessees are informed of the institutional controls, access rights, and ongoing environmental obligations.

Collectively, these covenants, restrictions, and easements ensure that the proposed land transfer will not impede the selected remedy, will protect ongoing and future remedial actions, and will remain fully consistent with the protection of human health and the environment. Reference Attachment C for an understanding of how assurances and covenants will be conveyed in the deed instruments when the property transfer is executed.

7 Assurances, Covenants and Enforcement

7.1 Assurances of Federal Responsibility – Remedial Action

Consistent with CERCLA, USDOE/NNSA will retain responsibility and liability for environmental investigation and required mitigation of groundwater contaminants resulting from Pantex Plant operations by USDOE/NNSA. At this time, USDOE/NNSA has no basis to conclude that contaminated soil is present on the Exchange Property but retains responsibility for any contaminated soils at the Exchange Property resulting from the release of contaminants from Pantex Plant operations. Pantex will continue to monitor, manage and mitigate the groundwater contamination consistent with the selected remedy or modifications thereto, including operation of remedial components upgradient and downgradient of the Exchange Property. This responsibility remains in effect until remedial action objectives are met.

USDOE/NNSA acknowledges its continuing responsibility to investigate environmental impacts stemming from its own activities at the Pantex Plant, as well as mitigation should USEPA and TCEQ determine that remedial action is required. USDOE/NNSA is currently investigating HEs and PFAS that were discovered in the deeper High Plains aquifer, to understand the nature and extent of the associated plume and if associated from USDOE/NNSA operations. Property retained by USDOE/NNSA or acquired from TTUS as part of the land exchange will support this investigation and will be available should additional monitoring or remedial action infrastructure be required. Accordingly, the transfer will not result in any substantial delay to ongoing or future investigation or response action.

Future investigation of PFAS in the perched and High Plains aquifers is anticipated as funding becomes available for such purpose. Because the existence of any PFAS contamination is understood to emanate from the same historical operational areas as the HE contamination, the property retained for current investigations—and monitoring well access preserved through easements and deed restrictions—is expected to be sufficient to also support PFAS-related investigations.

USDOE/NNSA will continue to verify remedial action activities and implementation/maintenance of institutional controls through annual inspections of remedy components and land use on and adjacent to the Exchange Property, and provide this information in the annual Remedial Action Report as part of the compliance for Hazardous Waste Permit #50284 and the Pantex Plant Interagency Agreement. Additionally, USDOE/NNSA will continue to implement and monitor institutional controls consistent with the Pantex *Land and Groundwater Use Control Implementation Plan* (LGUCIP) (2010), which establishes procedures for inspection, maintenance, and oversight of existing land use controls. Because the proposed early transfer involves post-remedy property ownership and future industrial development not contemplated in the LGUCIP, this CDR supplements that framework with additional deed restrictions, enforcement mechanisms, notice requirements, and reporting procedures to satisfy CERCLA §120(h)(3)(C). USDOE/NNSA will amend the LGUCIP, as necessary, to reflect post-transfer ownership conditions and to incorporate the additional deed restrictions, enforcement provisions, and reporting obligations described in this CDR.

7.2 Institutional Controls/Covenants

Institutional controls, easements, and rights of access, as described in Section 6, will ensure that ongoing investigation activities and the currently implemented remedial action are not adversely affected by the

proposed land transfer. These controls also ensure that the proposed future use of the property remains consistent with USDOE/NNSA's continuing environmental responsibilities under CERCLA and RCRA. By restricting groundwater use, controlling subsurface disturbance, regulating surface-water management, and preserving unrestricted access to monitoring and remedy components, the institutional controls maintain the integrity of the selected remedy and any future remedial actions. Collectively, the covenants ensure continued compliance with federal and state requirements, prevent activities that could alter plume behavior or impair remedy infrastructure, providing long-term protection of human health and the environment from risk associated with USDOE/NNSA past Pantex Plant operations. Identified institutional controls directly support the covenant-deferral criteria of CERCLA Section 120(h)(3)(C) by ensuring that (1) the transfer will not impede implementation of the selected remedy or institutional controls, (2) the proposed reuse is suitable for the property's environmental condition, and (3) the post-transfer use maintains protection of human health and the environment per the selected remedy.

7.3 Reporting and Enforcement

Post-transfer institutional controls, consisting of deed restrictions, covenants, and easements contained in the deed instruments, will be recorded in the Carson County property records to ensure they run with the land and bind subsequent owners, lessees, and operators. The Warranty Deed will explicitly include notice of land use controls, access rights, and restrictions, alongside a legal description of affected areas, referencing applicable CERCLA and RCRA authorities, ensuring full disclosure of continuing obligations in any future conveyance, lease, or encumbrance. Additionally, as required by the recorded deed restrictions, the property owner must notify USDOE/NNSA, EPA, and TCEQ prior to any proposed transfer of ownership or new lease, ensuring that controls remain fully disclosed and enforceable for all subsequent parties.

The land use controls of the recorded deed instruments will be legally binding and enforceable under federal and applicable state law. USDOE/NNSA is responsible for fulfilling its obligations under CERCLA and the Pantex Hazardous Waste Permit/Compliance Plan; as well as ensuring enforcement of all deed restrictions, easements, and covenants provided for in the deed. These obligations and protections supplement the inspection and compliance responsibilities set forth in the 2010 LGUCIP.

USDOE/NNSA and PXD will implement procedures to promptly identify and report any institutional control violation. Following the transfer of the Exchange Property, USDOE/NNSA and/or its management and operations contractor (PXD) will routinely monitor compliance with institutional controls through inspections, development plan reviews, and oversight of groundwater and remedy infrastructure. If potential impacts or a violation is identified, USDOE/NNSA through PXD will provide written notice to the landholder and tenant (TTUS and lessee; or any future landholder, operator, tenant, or sublessee) within ten (10) days of such discovery, outlining required corrective measures and allowing 30 days to cure the violation. Notice to EPA and TCEQ will be provided within ten (10) days of discovering any activity or action inconsistent with institutional controls, covenants or deed restrictions or that interferes with the remedial action, as described in Section 7.1 and consistent with Section 4.1 of the LGUCIP. Follow-up reports will be provided upon cure of the violation or completion of corrective actions.

If a violation poses an imminent risk or threat to the remedial action or supporting infrastructure, immediate verbal notice followed by written confirmation will be issued. In such instance, the written confirmation will outline the required corrective action for the landholder, lessee or operator with a limited time to make corrections. Failure to cure within the allotted time may result in USDOE/NNSA curing the violation (and seeking costs) pursuing enforcement actions, including injunctive relief and/or compelling corrective measures to protect the remedy's integrity. If an imminent risk to the selected remedy requires immediate resolution/cure USDOE/NNSA may facilitate such cure and seek compensation.

Land use controls affecting the remedy on the Exchange Property will not be modified, terminated, or waived without prior approval from EPA and TCEQ. As the beneficiary of the Exchange Property covenants and controls in the deed, USDOE/NNSA is responsible for enforcing these restrictions against the landholder. USEPA and TCEQ retain oversight and enforcement authority under CERCLA, RCRA, State of Texas regulations (i.e. 30 Texas Administrative Codes Chapter 335 and 350), and the Pantex Interagency Agreement. USEPA and/or TCEQ may take enforcement action against USDOE/NNSA if an institutional control violation threatens, impedes a response action, or compromises protectiveness.

Conclusion

Consistent with USEPA's Early Transfer Guidance for CERCLA §120(h)(3)(C), the Exchange Property is suitable for early transfer. As detailed in this CDR, the proposed industrial/commercial reuse is compatible with the property's environmental condition and will not impede the selected remedy, required institutional controls, or future remedial actions. The Exchange Property is suitable for the intended use, and the intended use is consistent with protection of human health and the environment. The deed restrictions, easements, and access provisions ensure continued protectiveness, preserve the integrity of perched- and High Plains-aquifer remedies, and maintain access for monitoring and response activities.

USDOE/NNSA will retain responsibility for investigation, monitoring, and remediation of contamination associated with its operation of Pantex Plant, and USEPA and TCEQ will continue to exercise oversight during the covenant deferral and thereafter. Accordingly, USDOE/NNSA certifies that the requirements of CERCLA Section 120(h)(3)(C) have been satisfied with the supporting evidence in this CDR.

8 Public Comment/Responsiveness Summary

[Reserved – to be completed during final issuance]

9 Transferee Response Action Assurances and Agreements

TTUS recognizes that USDOE/NNSA is implementing remedial actions that involve the 713.19-acre Exchange Property and that both remedial action system components and monitor wells are present that must be maintained to ensure success. USDOE/NNSA is responsible for implementation of the Selected Remedy and investigation of the HPA in accordance with the Interagency Agreement (IAG) established with USEPA and TCEQ in February 2008.

Accordingly, USDOE/NNSA retains responsibility for implementing the remedy and completing investigation of the HPA in accordance with agreements established via the IAG and implementing future remedies established for the HPA as selected in accordance with a future Record of Decision designed to address these impacts. TTUS and its third-party lessee has agreed to bear the cost of impacts to monitor well and remedial action components as described herein. These changes to accommodate intended land use are contingent on the transferee/third-party lessee funding or implementing the changes before constructing in the area impacted. USEPA and TCEQ and their agents, employees and contractors, will have rights of access as necessary to implement response actions and provide oversight of remedy implementation.

10 References

B&W Pantex. (2009). *Pantex Plant Environmental Restoration Project Community Involvement Plan.*

B&W Pantex. (2010). *UST Final Report: Removal of Underground Storage Tank at Poteet Ranch.*

B&W Pantex. (2013). *First Five-Year Review Report.*

B&W Pantex and Sapere Consulting. (2009). *Pantex Plant Final Preliminary Close Out Report.*

B&W Pantex and Sapere Consulting. (2010). *Final Pantex Plant Interim Remedial Action Report.*

B&W Pantex and Sapere Consulting. (2010). *Land and Groundwater Use Controls Implementation Plan.*

Babcock & Wilcox Technical Services Pantex. (2009). *Remedial Design / Remedial Action Work Plan.*

Consolidated Nuclear Security, LLC. (2022). *Explanation of Significant Difference.*

Pantex Plant. (2018). *Second Five-Year Review Report.*

Pantex Plant. (2023). *Third Five-Year Review Report.*

PXD. (2025). *Community Involvement Plan.*

S.M. Stoller Corp. (2004). *Final RCRA Facility Investigation Report: Groundwater.*

TCEQ. (2026). *Hazardous Waste Permit 50284 Renewal.*

TCEQ. (2020). *Pemit No. WQ0004397000.*

USDOE/NNSA. (2008). *Record of Decision for Groundwater, Soil, and Associated Media.*

USDOE/NNSA. (2008). *Site Management Plan.*

USDOE/NNSA. (2011, May 4). Submital Letter for Historical Underground Storage Tank at Poteet Ranch Final Release Determination Report.

USDOE/NNSA. (2025). *Site Management Plan.*

USEPA, USDOE, and TCEQ. (2008). *Pantex Plant Interagency Agreement.*

Attachment A

Survey for Land Transfer Areas

LEGAL DESCRIPTION

A 713.19–ACRE TRACT IN
SECTIONS 21, 22 & 23, BLOCK M–4,
JOHN H. GIBSON SURVEY,
CARSON COUNTY, TEXAS

A 713.19–acre tract of land in Section 21 (Abstract Number 70), Section 22 (Abstract Number 1078) and Section 23 (Abstract Number 71), Block M–4, John H. Gibson Survey, Carson County, Texas, being a portion of those tracts of land conveyed to the United States of America, described in deeds recorded in Volume 472, Page 263, Volume 477, Page 120, Volume 463, Page 59 and Volume 489, Page 245 of the Official Public Records of Carson County, Texas, said 713.19–acre tract being further described by metes and bounds as follows:

BEGINNING at a 1/2–inch iron rod with a blue plastic cap found at the east common corner of said Sections 22 and 23 for the most easterly southeast corner of this tract, said beginning point having coordinates of NORTHING: 3,752,383.98 and EASTING: 649,186.60, Texas Coordinate System, North Zone 4201, North American Datum of 1983;

(1) THENCE South 89 degrees 20 minutes 22 seconds West, along the common line of said Sections 22 and 23, a distance of 159.67 feet to a point in the center of County Road 8, at a point of intersection for a corner of this tract;

(2) THENCE South 00 degrees 43 minutes 34 seconds West, at a distance of 35.01 feet pass a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set in the occupied south right–of–way line of said County Road 8, continuing for a total distance of 912.02 feet to a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set at a point of intersection for a corner of this tract;

(3) THENCE South 70 degrees 47 minutes 41 seconds West a distance of 1859.85 feet to a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set at a point of intersection for a corner of this tract;

(4) THENCE South 19 degrees 33 minutes 00 seconds East a distance of 277.55 feet to a 1/2–inch iron with a plastic cap marked "PARKHILL RPLS 6453" set in the northwest line of the Burlington Northern and Santa Fe (BNSF) railroad right–of–way, being the northwest line of those certain tracts of land conveyed to the Southern Kansas Railway Company of Texas and the Panhandle and Santa Fe Railway Company, described in deeds recorded in Volume 14, Page 344 and Volume 38, Page 227 of the Deed Records of Carson County, Texas, at a point of intersection for the most southerly southeast corner of this tract;

(5) THENCE South 69 degrees 24 minutes 45 seconds West, along the northwest line of said BNSF right–of–way, a distance of 3414.41 feet to a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set in the east right–of–way line of F.M. Highway 2373, described in right–of–way dedications recorded in Volume 103, Page 29 and Volume 439, Page 264 of the Official Public Records of Carson County, Texas, for the southwest corner of this tract, said southwest corner having coordinates of NORTHING: 3,749,396.95 and EASTING: 644,156.83, Texas Coordinate System, North Zone 4201, North American Datum of 1983, whence a 1/2–inch iron rod with a plastic cap marked "FURMAN" found at the southwest corner of said Section 23 bears South 89 degrees 47 minutes 24 seconds West a distance of 244.27 feet and South 00 degrees 12 minutes 36 seconds East a distance of 2356.34 feet;

(6) THENCE North 07 degrees 49 minutes 28 seconds West, along the east right–of–way line of said F.M. Highway 2373, at a distance of 1555.76 feet pass a found 3–1/2–inch aluminum monument stamped "TXDOT"; continuing for a total distance of 1617.11 feet to a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set at a point of intersection for a corner of this tract;

(7) THENCE North 00 degrees 12 minutes 36 seconds West, along the east right–of–way line of said F.M. Highway 2373, at a distance of 1290.14 feet pass a "MAG" nail with a washer stamped "PARKHILL RPLS 6453" set in the occupied south right–of–way line of said County Road 8, continuing for a total distance of 1325.14 feet to a point in the centerline of said County Road 8, in the common line of said Sections 22 and 23, at a point of intersection for the most westerly northwest corner of this tract, said point having coordinates of NORTHING: 3,752,323.40 and EASTING: 643,931.88, Texas Coordinate System, North Zone 4201, North American Datum of 1983, whence a railroad spike found at the common corner of said Sections 22 and 23 bears South 89 degrees 20 minutes 22 seconds West a distance of 30.00 feet;

(8) THENCE North 89 degrees 20 minutes 22 seconds East, along the common line of said Sections 22 and 23, a distance of 2721.05 feet to a point of intersection in the centerline of said County Road 8, at a point of intersection for an ell corner of this tract;

(9) THENCE North 00 degrees 43 minutes 42 seconds West, at a distance of 35.00 feet pass a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set in the occupied north right–of–way line of said County Road 8, continuing for a total distance of 2781.66 feet to a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set at a point of intersection for a corner of this tract;

(10) THENCE South 89 degrees 21 minutes 27 seconds West a distance of 47.29 feet to a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set at a point of intersection for a corner of this tract;

(11) THENCE North 00 degrees 06 minutes 19 seconds West, at a distance of 2502.96 feet pass a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set in the common line of said Sections 21 and 22, continuing for a total distance of 5407.58 feet to a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set for the most northerly northwest corner of this tract, said point having coordinates of NORTHING: 3,760,134.19 and EASTING: 646,559.51, Texas Coordinate System, North Zone 4201, North American Datum of 1983, whence a railroad spike found at the west common corner of said Sections 21 and 22 bears South 89 degrees 47 minutes 49 seconds West a distance of 2687.60 feet and South 00 degrees 12 minutes 11 seconds East a distance of 2921.77 feet and a railroad spike found at the northwest corner of said Section 21 bears South 89 degrees 47 minutes 49 seconds West a distance of 2687.60 feet and North 00 degrees 12 minutes 11 seconds West a distance of 2367.15 feet;

(12) THENCE South 89 degrees 59 minutes 50 seconds East a distance of 2597.12 feet to a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set in the east line of said Section 21 for the northeast corner of this tract, said point having coordinates of NORTHING: 3,760,541.07 and EASTING: 649,155.98, Texas Coordinate System, North Zone 4201, North American Datum of 1983, whence a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set for the northeast corner of said Section 21 bears North 00 degrees 11 minutes 43 seconds West a distance of 2407.48 feet;

(13) THENCE South 00 degrees 11 minutes 43 seconds East a distance of 2878.65 feet to a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set for the east common corner of said Sections 21 and 22, at a point of intersection for a corner of this tract;

(14) THENCE South 00 degrees 13 minutes 33 seconds East, along the east line of said Section 22, at a distance of 5245.54 feet pass a 1/2–inch iron rod with a plastic cap marked "PARKHILL RPLS 6453" set in the occupied north right–of–way line of said County Road 8, continuing for a total distance of 5280.54 feet to the POINT OF BEGINNING. Bearings called in this description are based on the Texas Coordinate System, North Zone 4201, North American Datum of 1983. Distances called in this description are at surface. Areas reported hereon are based on calculations made from surface distances. This survey is subject to any facts which may be disclosed by a full and accurate title search. Record documents other than those shown may affect this tract.

SCHEDULE B

The following items are taken from Schedule B of a commitment for title insurance, issued by Fidelity National Title Insurance Company, GF No. FTIDAL–34–9000342500204o–CK, Effective Date: June 08, 2025 at 8:00 AM, issued: August 7, 2025 at 8:00 AM.

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception.)
Item 1, Schedule B is hereby deleted.

2. Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements.

3. Homestead or community property or survivorship rights, if any of any spouse of any insured. (Applies to Owner Policy only.)

4. Any title or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
a. to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans or
b. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
c. filled–in lands, or artificial islands, or
d. to statutory water rights, including riparian rights, or
e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that areas.
(Applies to the Owner Policy only.)

5. Standby fees, taxes and assessments by any taxing authority for the year 2025 and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership; but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements no assessed for a previous tax years. (If Texas Short Form Residential Mortgagee Policy of Title Insurance (T–2R) is issued, that policy will substitute "which become due and payable subsequent to Date Policy" in lieu of "for the year 2025 and subsequent years.")

6. The terms and conditions of the documents creating your interest in the land.

7. Materials furnished or labor performed in connection with planned construction before signing and delivering the lien document described in Schedule A, if the land is part of the homestead of the owner. (Applies to the Mortgagee Title Policy Binder on Interim Construction Loan only, and may be deleted if satisfactory evidence is furnished to us before a binder is issued.)

8. Liens and leases that affect the title to the land, but that are subordinate to the lien of the insured mortgage. (Applies to Mortgagee Policy (T–2) only.)

9. The Exceptions from Coverage and Express Insurance in Schedule B of the Texas Short Form Residential Mortgagee Policy of Title Insurance (T–2R). (Applies to Texas Short Form Residential Mortgagee Policy of Title Insurance (T–2R) only. Separate exceptions 1 through 8 of this Schedule B do not apply to the Texas Short Form Residential Mortgagee Policy of Title Insurance (T–2R).

10. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception):

a. Rights of parties in possession. [Surveyor's note: This item is not related to a land survey and cannot be addressed by this survey report.]

b. Rights of tenants in possession, as tenants only, under unrecorded lease agreements. [Surveyor's note: This item is not related to a land survey and cannot be addressed by this survey report.]

c. Intentionally Deleted

d. If any portion of the proposed loan and/or the Owner's Title Policy coverage amount includes funds for immediately contemplated improvements, the following exceptions will appear in Schedule B of any policy issued as indicated:
Owner on Loan Policy(ies): Any and all liens arising by reason of unpaid bills or claims for work performed or materials furnished in connection with improvements placed, or to be placed, upon the subject land. However, the Company does insure the insured against loss, if any, sustained by the insured under this policy if such liens have been filed with the County Clerk of County, Texas, prior the date hereof.
Owner Policy(ies) Only: Liability hereunder at the date hereof is limited to $0.00. Liability shall increase as contemplated improvements are made, so that any loss payable hereunder shall be limited to said sum plus the amount actually expended by the insured in improvements at the time the loss occurs. Any expenditures made for improvements, subsequent to the date of this policy, will be deemed made as of the date of this policy. In no event shall the liability of the Company hereunder exceed the face amount of this policy. Nothing contained in this paragraph shall be construed as limiting any exception or any printed provision of this policy.
Loan Policy(ies): Pending disbursement of the full proceeds of the loan secured by the lien instrument set forth under Schedule A hereof, this policy insures only to the extent of the amount actually disbursed, but increase as each disbursement is made in good faith and without knowledge of any defect in, or objections to, the title up to the face amount of the policy. Nothing contained in this paragraph shall be construed as limiting any exception under Schedule B, or any printed provision of this policy. [Surveyor's note: This item is not related to a land survey and cannot be addressed by this survey report.]

e. All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed. [Surveyor's note: This item is not related to a land survey and cannot be addressed by this survey report.]

f. Intentionally Deleted

g. Easement(s) and rights incidental thereto, as granted in a document:
Granted to: Phillips Petroleum Company
Purpose: As provided in said document
Recording Date: May 15, 1942
Recording No: Volume 73, Page 448, Real Property Records, Carson County, Texas. As affected by instrument recorded in Volume 278, Page 206, Real Property Records, Carson County, Texas. Affects: Tracts 1 and 2 [Surveyor's note: This easement is blanket in nature, called to encumber all of Section 21 and the west half of Section 22, Block M–4. No easement dimensions or widths are reported in this instrument. The physical centerline of two Phillips 66 pipelines as marked on the ground are shown plotted on this report.]

h. Easement(s) and rights incidental thereto, as granted in a document:
Granted to: Phillips Petroleum Company
Purpose: As provided in said document
Recording Date: May 15, 1942
Recording No: Volume 73, Page 448, Real Property Records, Carson County, Texas. As affected by instrument recorded in Volume 278, Page 206, Real Property Records, Carson County, Texas. Affects: Tract 3 [Surveyor's note: This easement is blanket in nature, called to encumber the east half of Section 22 and all of Section 20, Block M–4. No easement dimensions or widths are reported in this instrument. The physical centerline of two Phillips 66 pipelines as marked on the ground are shown plotted on this report.]

i. Easement(s) and rights incidental thereto, as granted in a document:
Granted to: Phillips Petroleum Company
Purpose: As provided in said document
Recording Date: June 9, 1942
Recording No: Volume 73, Page 536, Real Property Records, Carson County, Texas. As affected by instrument recorded in Volume 278, Page 206, Real Property Records, Carson County, Texas. Affects: Tract 4 [Surveyor's note: This easement is blanket in nature, called to encumber all of Section 23 and the south half and northwest quarter of Section 29 and all of Section 41, Block M–4. No easement dimensions or widths are reported in this instrument. The physical centerline of two Phillips 66 pipelines as marked on the ground are shown plotted on this report.]

j. Easement(s) and rights incidental thereto, as granted in a document:
Granted to: Phillips Petroleum Company
Purpose: As provided in said document
Recording Date: June 9, 1942
Recording No: Volume 73, Page 538, Real Property Records, Carson County, Texas. As affected by instrument recorded in Volume 278, Page 206, Real Property Records, Carson County, Texas. Affects: Tract 4 [Surveyor's note: This easement is blanket in nature, called to encumber all of Section 23 and the south half and northwest quarter of Section 29 and all of Section 41, Block M–4. No easement dimensions or widths are reported in this instrument. The physical centerline of two Phillips 66 pipelines as marked on the ground are shown plotted on this report.]

k. Intentionally Deleted

l. Intentionally Deleted

m. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated June 21, 1985, recorded June 27, 1985 at Volume 215, Page 52 of the Official Records of Carson County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to the ownership or holder of such interest(s). (Tract 1) [Surveyor's note: This item is not related to a land survey and cannot be addressed by this report.]

n. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights incident thereto, contained in instrument dated January 9, 2008, recorded January 9, 2008 at Volume 472, Page 263 of the Official Records of Carson County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to the ownership or holder of such interest(s). (Tract 1) [Surveyor's note: This item is not related to a land survey and cannot be addressed by this report.]

o. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights, incident thereto, contained in instrument dated March 6, 2008, recorded March 7, 2008 at Volume 477, Page 120 of the Official Records of Carson County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to the ownership or holder of such interest(s). (Tract 2) [Surveyor's note: This item is not related to a land survey and cannot be addressed by this report.]

p. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights, incident thereto, contained in instrument dated October 5, 2007, recorded October 5, 2007 at Volume 463, Page 59 of the Official Records of Carson County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to the ownership or holder of such interest(s). (Tract 3) [Surveyor's note: This item is not related to a land survey and cannot be addressed by this report.]

q. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights, incident thereto, contained in instrument dated February 5, 1985, recorded February 7, 1985 at Volume 213, Page 72 of the Official Records of Carson County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to the ownership or holder of such interest(s). (Tract 4) [Surveyor's note: This item is not related to a land survey and cannot be addressed by this report.]

SCHEDULE B (Continued)

r. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights, incident thereto, contained in instrument dated April 25, 1985 recorded Mary 20, 1985 at Volume 214, Page 567 of the Official Records of Carson County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to the ownership or holder of such interest(s). (Tract 4) [Surveyor's note: This item is not related to a land survey and cannot be addressed by this report.]

s. Interest in and to all coal, lignite, oil, gas and other minerals, and all rights, incident thereto, contained in instrument dated September 26, 2008, recorded September 26, 2008 at Volume 489, Page 245 of the Official Records of Carson County, Texas. Reference to which instrument is here made for particulars. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to the ownership or holder of such interest(s). (Tract 4) [Surveyor's note: This item is not related to a land survey and cannot be addressed by this report.]

t. Oil Gas and Mineral Lease to Manning Land LLC as referenced in the instruments recorded on November 16, 2012, in Volume 570, Page 326, Volume 570, Page 328, Volume 570, Page 330, Volume 570, Page 413, Volume 570, Page 415, Volume 571, Page 65, Volume 571, Page 63, Volume 570, Page 332, Volume 570, Page 416, Volume 570, Page 419, Official Records of Carson County, Texas. No further search of title has been made as to the interest(s) evidenced by this instrument, and the Company makes no representation as to the ownership or holder of such interest(s). [Surveyor's note: This item is not related to a land survey and cannot be addressed by this report.]

u. All leases, grants, exceptions or reservations of the geothermal energy and associated resources below the surface of the Land, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of the geothermal energy and associated resources below the surface of the Land that are not listed. [Surveyor's note: This item is not related to a land survey and cannot be addressed by this report.]

v. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey, Job No. 45476.25
Dated: July 31, 2025
Prepared by Samuel W. Wyatt, PPLS 6453
Matters Shown: County Road 8 and gravel roads encroaching upon and running across the property; pipeline markers, water vaults and valves, monitoring wells, water signs, overhead electric lines and poles, electric and communications vaults, and electric boxes not falling within designed easements; and fences not falling on the property lines.

VICINITY MAP



VICINITY MAP



SURVEY LEGEND

- Electric Guy Down
- Utility Pole
- Electric Sign
- Communications Antenna
- Communications Sign
- Gas Sign
- Monitoring Well
- Bollard/Guard Post
- Monument Found
- Monument Set 1/2" Iron Rod w/ Cap RPLS 6453
- Sign
- Water Manhole
- Water Meter
- Water Valve
- Water Sign/Marker
- Adjoiner Line
- Boundary Line
- Section
- Fence Barbwire
- Power Overhead Electric Line
- Crude Oil Pipeline
- Gas Line Underground
- Asphalt
- Building
- Concrete
- Gravel

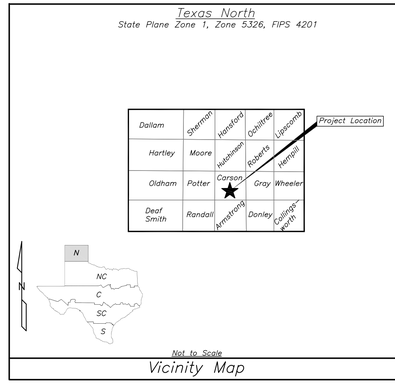
SURVEYOR'S NOTES

1. *This survey is subject to matters that may be uncovered by a title search and/or abstract of the tract.*
2. *The legal description provided on this survey report was prepared by this surveyor. It was not originally included in the title commitment.*

V–101 Cover Sheet
V–102 Overall Boundary
V–103 Thru V–105 Detail Sheets

SURVEY SHEET INDEX

V-103	
V-104	V-105



Aerial imagery shown on this plat was captured by Bing Maps and was not tied to the ground control points based on the survey. It is shown for context and should not replace the field measurements of physical improvements.

SURVEYOR'S REPORT

This survey is based on the Texas coordinate system of 1983 (NAD'83), Texas North zone 4201. Elevations are based on NAVD'88.
Convergence = 00°04'06.27".
Combined scale factor = 0.99974983
Distances reported hereon are at Surface
Areas reported hereon are based on calculations made from surface distances.

GPS BASE STATION:
Northing: 3,741,932.61
Easting: 620,931.95
Elevation: 3,525.51

Location of underground utilities determined from surface evidence and/or reported location and may or may not correctly indicate the actual location or existence of those utilities. Additional utilities may exist which this survey does not indicate.

This plat is invalid unless it bears the surveyor's original seal and signature.

To: FERMI SPE, LLC, a Delaware limited liability company, THE TEXAS TECH UNIVERSITY SYSTEM, an agency of the State of Texas, TEXAS TECH UNIVERSITY, a Texas public institution of higher education and member of the Texas Tech University System, and FIDELITY NATIONAL TITLE INSURANCE COMPANY:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the current Texas Society of Professional Surveyors Manual of Practice requirements for a Category 1A, Condition 4, Land Title Survey. The field work was completed on July 23, 2025.



SAMUEL W. WYATT, R.P.L.S. NO. 6453

DATE OF PLAT OR MAP: *August 08, 2025*

Parkhill
4222 85th Street
Lubbock, TX 79423
806.473.2200
TBPELS NO. 10194091
Parkhill.com

TSPS Category 1-A Land Title Survey of a 713.19-acre Tract of Land

Carson County, Texas

CLIENT
Fermi SPE, LLC

PROJECT NO.
45476.25

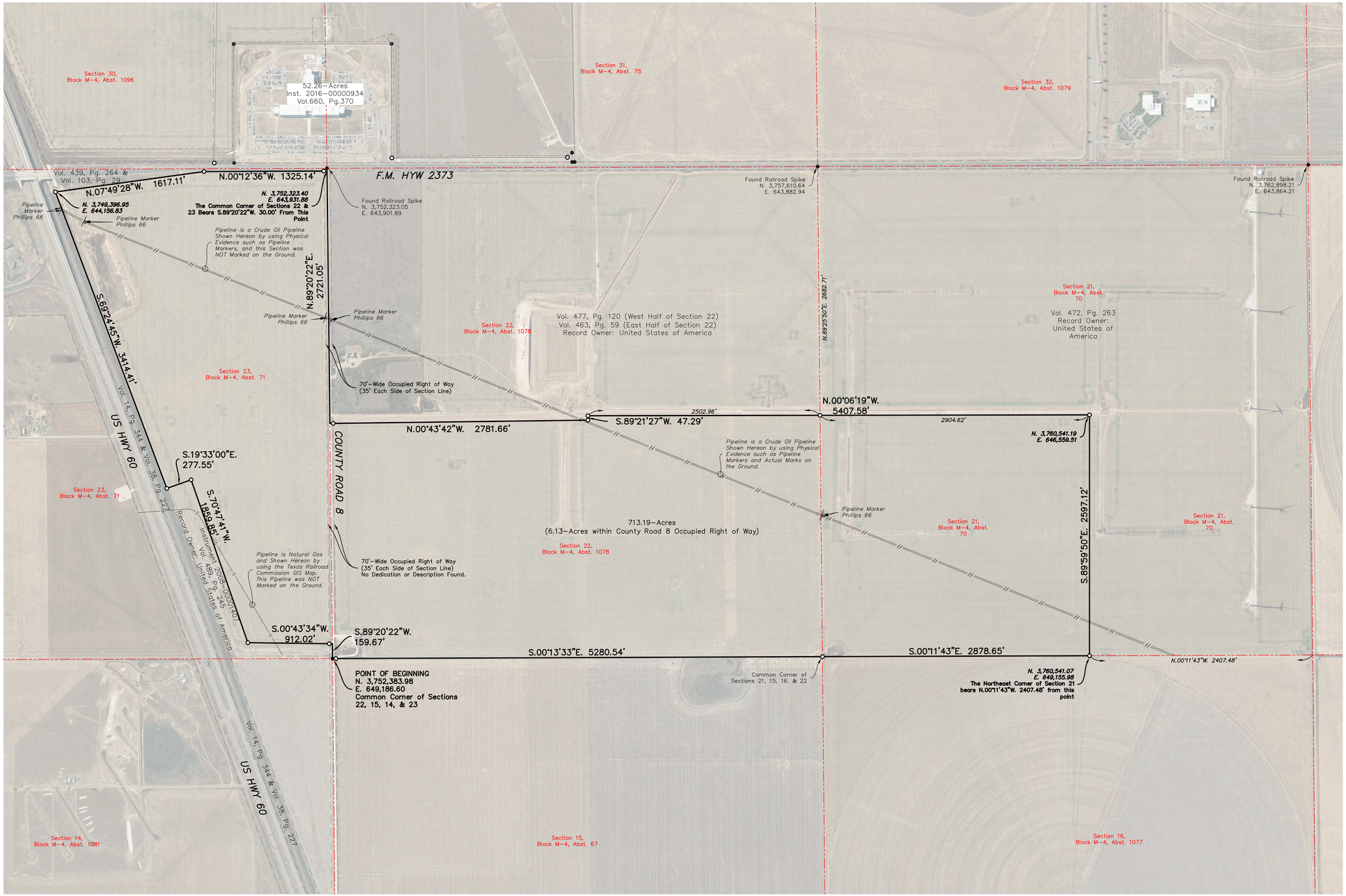
KEY PLAN

#	DATE	DESCRIPTION

Cover Sheet

V-101

A:\2025\45476.25\40_DJT PROJECT MATADOR-TO4-SURVEY\03_DSGN\01_DWG\030_SURV\03_CAD\USER DIRECTORY\RLR\FINAL DRAWINGS\BS_45476.25_MATADOR LAND TITLE SURVEY TO TTU.DWG, 8/7/2025 9:09:10 AM, RRoberts



V-101 Cover Sheet
V-102 Overall Boundary
V-103 Thru V-105 Detail Sheets

N

0 500' 1000'

Scale: 1" = 500'

SURVEY LEGEND

- Monument Found
- Monument Set 1/2" Iron Rod w/ Cap Parkhill RPLS 6453
- Adjoiner Line
- Boundary Line
- Section
- Gas Line Underground
- Crude Oil Pipeline

Aerial imagery shown on this plat was captured by Bing Maps and was not tied to the ground control points based on the survey. It is shown for context and should not replace the field measurements of physical improvements.

Surveyed By:	CE
Drawn By:	RLR
Approved By:	SWW
Date:	August 08, 2025

Parkhill

4222 85th Street
Lubbock, TX 79423
806.473.2200
TBPELS NO. 10194091

Parkhill.com

TSPS Category 1-A Land Title Survey of a 713.19-acre Tract of Land

Carson County, Texas

CLIENT
Fermi SPE, LLC

PROJECT NO.
45476.25

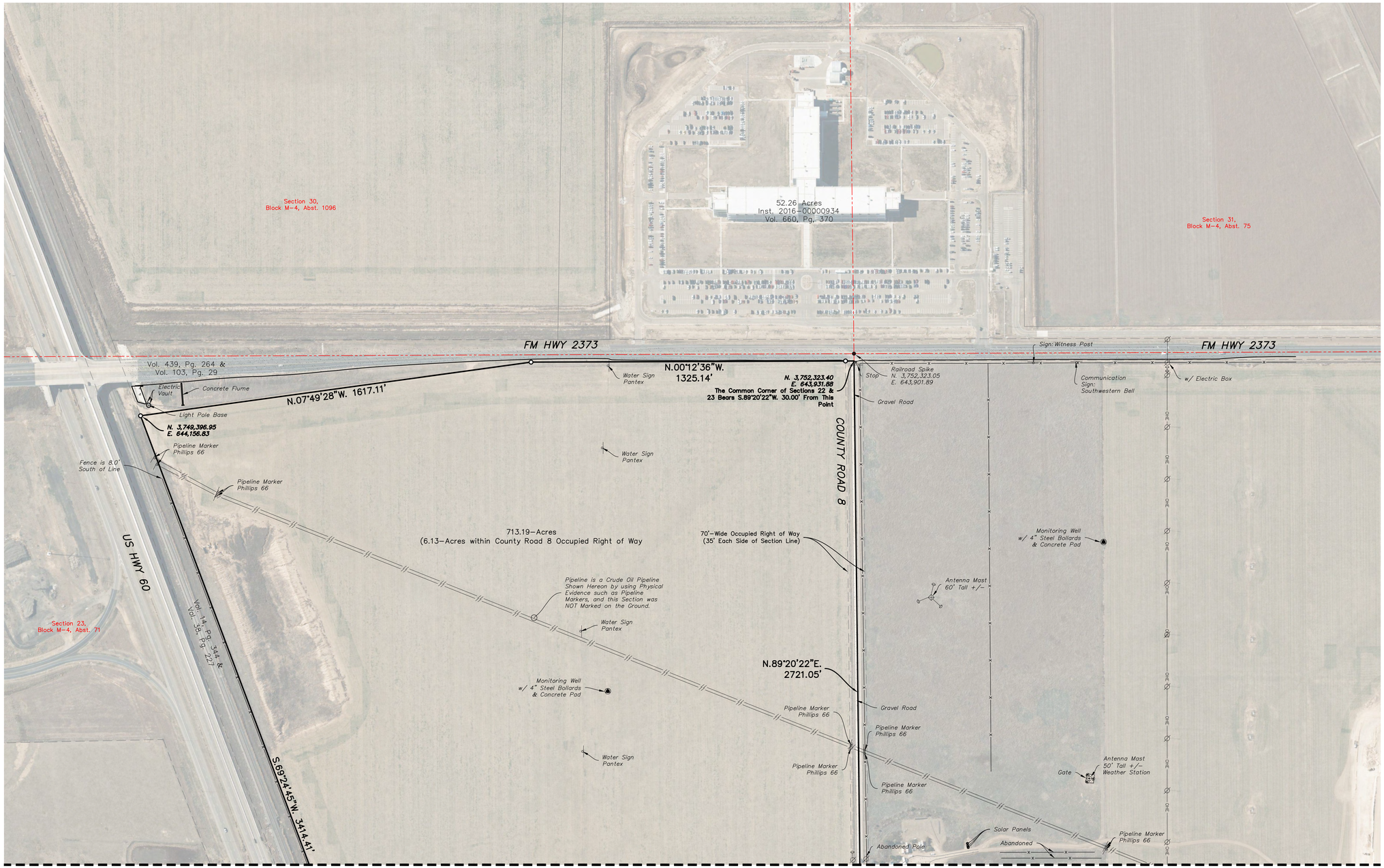
KEY PLAN

#	DATE	DESCRIPTION

Overall Boundary Survey

V-102

A:\2025\45476.25\40_DJT PROJECT MATADOR-TO4-SURVEY\03_DSGN\01_DWG\030_SURV\03_CAD\USER DIRECTORY\RLR\FINAL DRAWINGS\OVERALL_BS_45476.25_MATADOR TITLE SURVEY TO TTU.DWG, 8/5/2025 9:58:41 PM, RRoberts



MATCHLINE SHEET V-104

V-101 Cover Sheet
V-102 Overall Boundary
V-103 Thru V-105 Detail Sheets

SURVEY SHEET INDEX

V-103	
V-104	V-105

N

0 200' 400'

Scale: 1" = 200'

SURVEY LEGEND

- Electric Guy Down
- Utility Pole
- Electric Sign
- Communications Antenna
- Communications Sign
- Gas Sign
- Monitoring Well
- Bollard/Guard Post
- Monument Found
- Monument Set 1/2" Iron Rod w/ Cap RPLS 6453
- Sign
- Water Manhole
- Water Meter
- Water Valve
- Water Sign/Marker
- Adjoiner Line
- Boundary Line
- Section
- Fence Barbwire
- Power Overhead Electric Line
- Crude Oil Pipeline
- Gas Line Underground
- Asphalt
- Building
- Concrete
- Gravel

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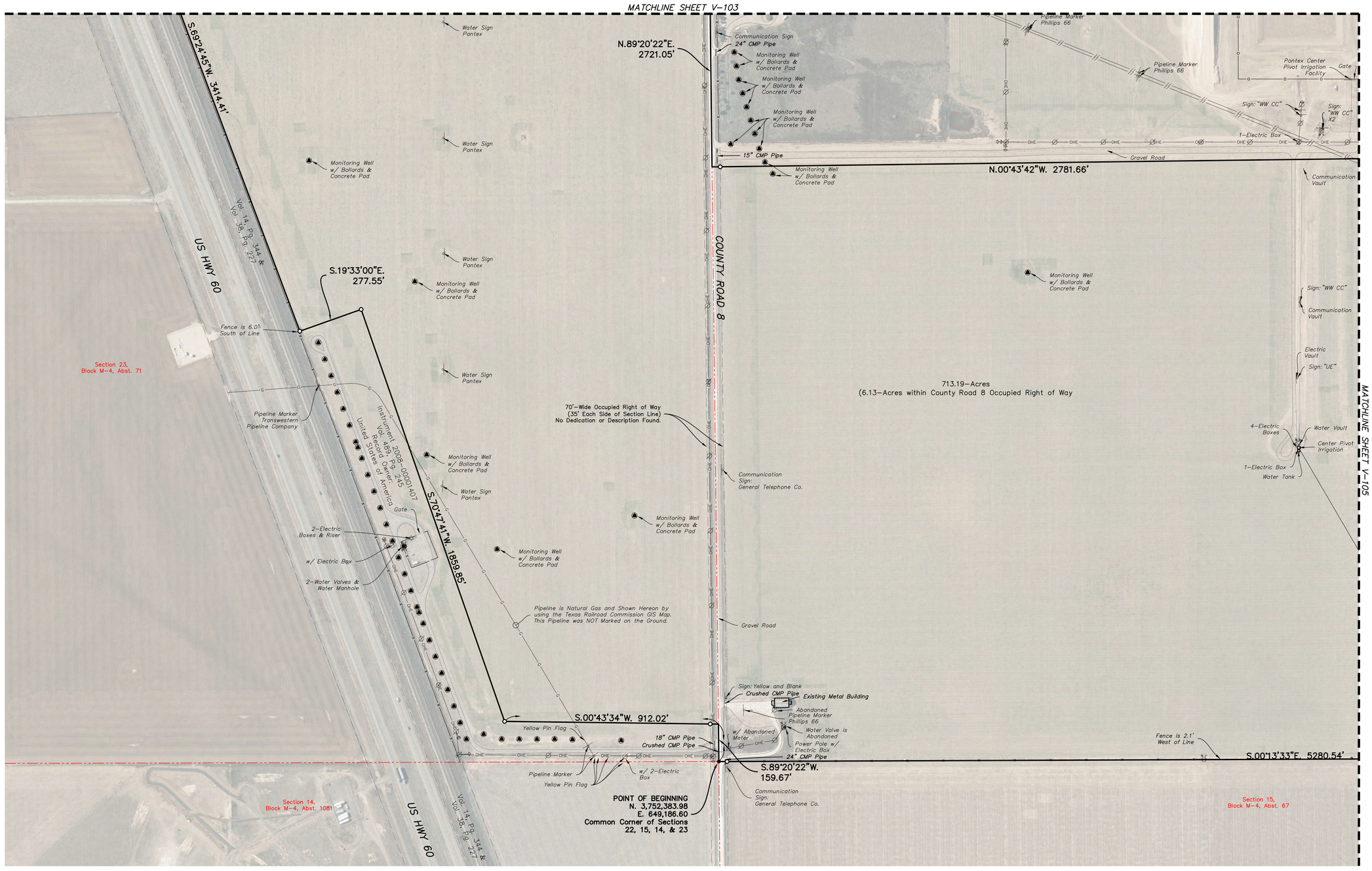
KEY PLAN

#	DATE	DESCRIPTION

Detail Sheet

V-103

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V-101 Cover Sheet
V-102 Overall Boundary
V-103 Thru V-105 Detail Sheets

SURVEY SHEET INDEX

V-103	
V-104	V-105

N

0 200' 400'
Scale: 1" = 200'

SURVEY LEGEND

- Electric Guy Down
- Utility Pole
- Electric Sign
- Communications Antenna
- Communications Sign
- Gas Sign
- Monitoring Well
- Bollard/Guard Post
- Monument Found
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Approved By:	SWW
Date:	August 08, 2025

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806.473.2200
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Carson County, Texas

CLIENT
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PROJECT NO.
45476.25

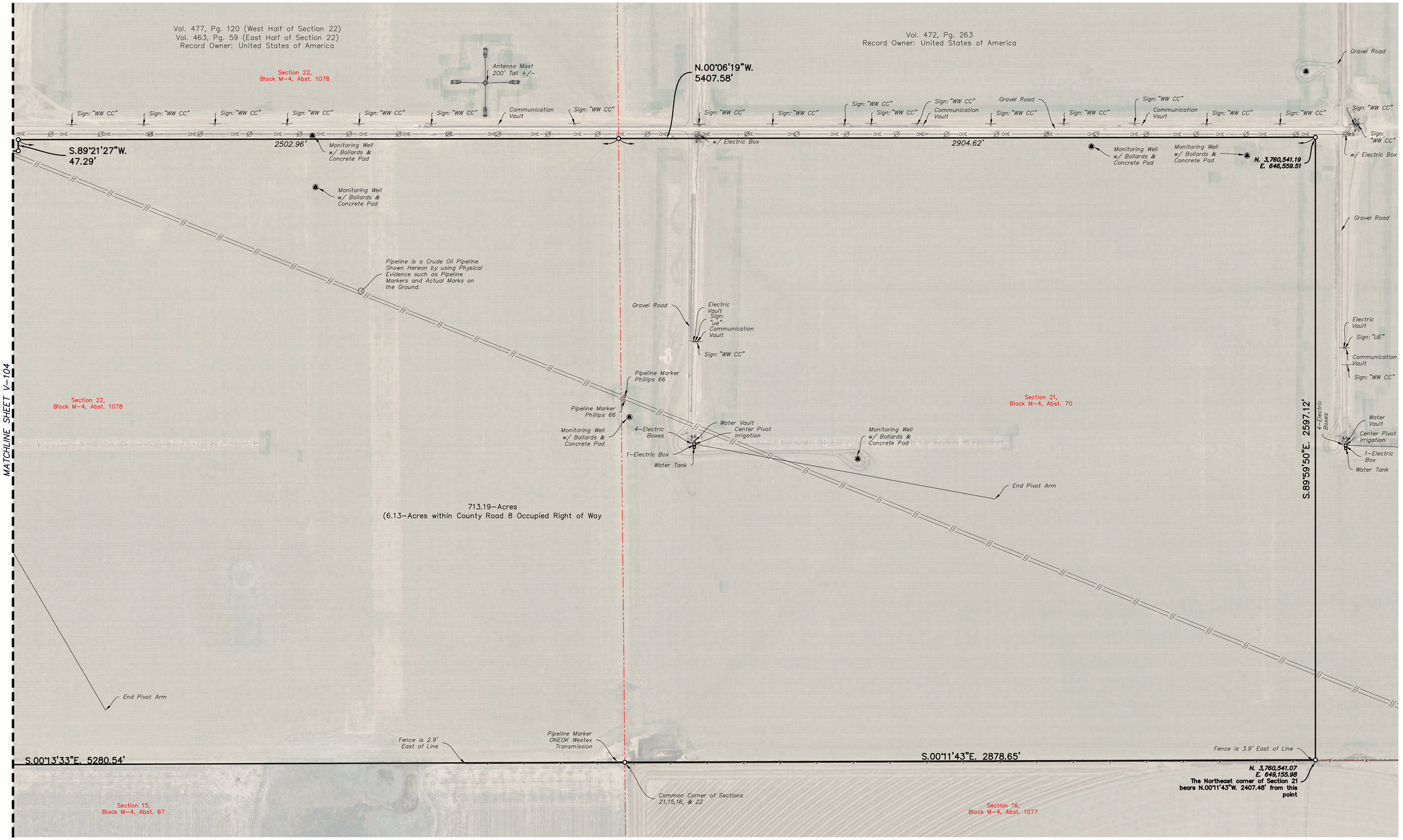
KEY PLAN

#	DATE	DESCRIPTION

Detail Sheet

V-104

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V-101 Cover Sheet
V-102 Overall Boundary
V-103 Thru V-105 Detail Sheets

SURVEY SHEET INDEX

V-103	
V-104	V-105

N

0 200' 400'

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Carson County, Texas

CLIENT
Fermi SPE, LLC

PROJECT NO.
45476.25

KEY PLAN

#	DATE	DESCRIPTION

Detail Sheet

V-105

A:\2025\45476.25\40_DJT PROJECT MATADOR-T04-SURVEY\03_DSGN\01_DWG\03_SURV\03_CAD\USER DIRECTORY\RLR\FINAL DRAWINGS\BS_45476.25_MATADOR LAND TITLE SURVEY TO TTU.DWG, 8/7/2025 9:09:10 AM, RRoberts

Attachment B

Pump and Treat System Effluent Data

For Per- and Poly-Fluoro Alkyl Substances

Playa 1 Pump and Treat Effluent (PL1-FINALEFF)

Analyte	Maximum Measured Value (ng/L)	GWPS (ng/L)	CRAL (ng/L)
11-Chloroeicosafluoro-3-Oxaundecane-1-Sulfonic Acid (11-Cl-Pf3ouds)	ND	NA	8
1h,1h,2h,2h-Perfluorodecane Sulfonic Acid (8:2 Fts)	ND	NA	8
1h,1h,2h,2h-Perfluorohexane Sulfonic Acid (4:2 Fts)	ND	NA	8
1h,1h,2h,2h-Perfluorooctane Sulfonic Acid (6:2 Fts)*	32.9	~12,000	8
2h,2h,3h,3h-Perfluorodecanoic Acid (7:3 Ftca)	ND	NA	40
2h,2h,3h,3h-Perfluorooctanoic Acid (5:3 Ftca)	ND	NA	40
4,4,5,5,6,6-Heptafluorohexanoic Acid (3:3 Ftca)	ND	NA	8
4,8-Dioxa-3h-Perfluorononanoic Acid (Dona)	ND	NA	8
9-Chlorohexadecafluoro-3-Oxanonane-1-Sulfonic Acid (9-Cl-Pf3ons)	ND	NA	8
Hexafluoropropyleneoxide Dimer Acid (Hfpo-Da)(Gen-x)	ND	10	8
n-Ethylperfluorooctane Sulfonamide (Etfosam)	ND	NA	2
n-Ethylperfluorooctane Sulfonamido Acetic Acid (Netfosaa)	ND	NA	2
n-Ethylperfluorooctane Sulfonamido Ethanol (Netfose)	ND	NA	20
n-Methylperfluorooctane Sulfonamide (Nmefosa)	ND	NA	2
n-Methylperfluorooctane Sulfonamido Acetic Acid (Nmefosaa)	ND	NA	2
n-Methylperfluorooctane Sulfonamido Ethanol (Nmefose)	ND	NA	20
Nonafluoro-3,6-Dioxaheptanoic Acid (Nfdha)	ND	NA	4
Perfluoro(2-Ethoxyethane)Sulfonic Acid (Pfeesa)	ND	NA	4
Perfluoro-3-Methoxypropanoic Acid (Pfmpa)	ND	NA	4
Perfluoro-4-Methoxybutanoic Acid (Pfmba)	ND	NA	4
Perfluorobutane Sulfonic Acid (Pfbs)	ND	2000	2
Perfluorobutanoic Acid (Pfba)	12.4	36500	8
Perfluorodecane Sulfonic Acid (Pfds)	ND	290	2
Perfluorodecanoic Acid (Pfda)	ND	370	2
Perfluorododecane Sulfonic Acid (Pfdos)	ND	NA	2
Perfluorododecanoic Acid (Pfdoa)	ND	290	2
Perfluoroheptane Sulfonic Acid (Pfhps)	ND	NA	2
Perfluoroheptanoic Acid (Pfhpa)	ND	560	2
Perfluorohexane Sulfonic Acid (Pfhxs)	ND	10	2
Perfluorohexanoic Acid (Pfhxa)	0.754	12000	2
Perfluorononane Sulfonic Acid (Pfns)	ND	NA	2
Perfluorononanoic Acid (Pfna)	ND	10	2
Perfluorooctane Sulfonamide (Pfosa)	0.903	290	2
Perfluorooctane Sulfonic Acid (Pfos)	ND	4	2
Perfluorooctanoic Acid (Pfoa)	0.69 U	4	2
Perfluoropentane Sulfonic Acid (Pfpes)	ND	NA	2
Perfluoropentanoic Acid (Pfpea)	4.73	12000	2
Perfluorotetradecanoic Acid (Pfta Or Pfteda)	ND	NA	2
Perfluorotridecanoic Acid (Pftrda)	ND	290	2
Perfluoroundecanoic Acid (Pfuna Or Pfunda)	ND	290	2

* - GWPS for 6:2 Fts is a calculated value proposed to TCEQ for acceptance, as one is not presently available

ND – **None Detected**

CRAL – **Contract Required Analytical Level**

Southeast Pump and Treat Effluent (PTX06-EFF)

Location and Analyte	Maximum Measured Value (ng/L)	GWPS (ng/L)	CRAL (ng/L)
11-Chloroeicosafluoro-3-Oxaundecane-1-Sulfonic Acid (11-Cl-Pf3ouds)	ND	NA	8
1h,1h,2h,2h-Perfluorodecane Sulfonic Acid (8:2 Fts)	ND	NA	8
1h,1h,2h,2h-Perfluorohexane Sulfonic Acid (4:2 Fts)	ND	NA	8
1h,1h,2h,2h-Perfluorooctane Sulfonic Acid (6:2 Fts)*	ND	~12,000	8
2h,2h,3h,3h-Perfluorodecanoic Acid (7:3 Ftca)	ND	NA	40
2h,2h,3h,3h-Perfluorooctanoic Acid (5:3 Ftca)	ND	NA	40
4,4,5,5,6,6-Heptafluorohexanoic Acid (3:3 Ftca)	ND	NA	8
4,8-Dioxa-3h-Perfluorononanoic Acid (Dona)	ND	NA	8
9-Chlorohexadecafluoro-3-Oxanonane-1-Sulfonic Acid (9-Cl-Pf3ons)	ND	NA	8
Hexafluoropropyleneoxide Dimer Acid (Hfpo-Da)(Gen-x)	ND	10	8
n-Ethylperfluorooctane Sulfonamide (Etfosam)	ND	NA	2
n-Ethylperfluorooctane Sulfonamido Acetic Acid (Netfosaa)	ND	NA	2
n-Ethylperfluorooctane Sulfonamido Ethanol (Netfose)	ND	NA	20
n-Methylperfluorooctane Sulfonamide (Nmefosa)	ND	NA	2
n-Methylperfluorooctane Sulfonamido Acetic Acid (Nmefosaa)	ND	NA	2
n-Methylperfluorooctane Sulfonamido Ethanol (Nmefose)	ND	NA	20
Nonafluoro-3,6-Dioxaheptanoic Acid (Nfdha)	ND	NA	4
Perfluoro(2-Ethoxyethane)Sulfonic Acid (Pfeesa)	ND	NA	4
Perfluoro-3-Methoxypropanoic Acid (Pfmpa)	ND	NA	4
Perfluoro-4-Methoxybutanoic Acid (Pfmba)	ND	NA	4
Perfluorobutane Sulfonic Acid (Pfbs)	ND	2000	2
Perfluorobutanoic Acid (Pfba)	11.8	36500	8
Perfluorodecane Sulfonic Acid (Pfds)	ND	290	2
Perfluorodecanoic Acid (Pfda)	ND	370	2
Perfluorododecane Sulfonic Acid (Pfdos)	ND	NA	2
Perfluorododecanoic Acid (Pfdoa)	ND	290	2
Perfluoroheptane Sulfonic Acid (Pfhps)	ND	NA	2
Perfluoroheptanoic Acid (Pfhpa)	ND	560	2
Perfluorohexane Sulfonic Acid (Pfhxs)	ND	10	2
Perfluorohexanoic Acid (Pfhxa)	ND	12000	2
Perfluorononane Sulfonic Acid (Pfns)	ND	NA	2
Perfluorononanoic Acid (Pfna)	ND	10	2
Perfluorooctane Sulfonamide (Pfosa)	0.81	290	2
Perfluorooctane Sulfonic Acid (Pfos)	ND	4	2
Perfluorooctanoic Acid (Pfoa)	0.714 U	4	2
Perfluoropentane Sulfonic Acid (Pfpes)	ND	NA	2
Perfluoropentanoic Acid (Pfpea)	2.25	12000	2
Perfluorotetradecanoic Acid (Pfta Or Pfteda)	ND	NA	2
Perfluorotridecanoic Acid (Pftrda)	ND	290	2
Perfluoroundecanoic Acid (Pfuna Or Pfunda)	ND	290	2

* - GWPS for 6:2 Fts is a calculated value proposed to TCEQ for acceptance, as one is not presently available

ND – **None Detected**

CRAL – **Contract Required Action Level**

Attachment C

Draft Final Deed Exhibit and Restriction Information

EXHIBIT B

CERCLA NOTICES, COVENANT, ACCESS PROVISIONS AND OTHER DEED RESTRICTIONS

The following CERCLA Covenant and Access Provisions along with the Other Deed Provisions will be placed in the Texas Tech University System Deed for the property referenced in this Covenant Deferral Request and a *Finding of Suitability for Early Transfer, December 2026 (FOSET)* approved by the Governor of the State of Texas and the EPA Region 6 Administrator to ensure protection of human health and the environment and to preclude any interference with ongoing or completed remediation activities.

I. **CERCLA NOTICE, COVENANTS AND ACCESS PROVISIONS: In accordance with Section 120(h)(3) OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980 (42 U.S.C. § 9620(h)(3)):** For the property, the GRANTOR provides the following notice, description, and covenants and retains the following access rights:

A. **Notices Pursuant to Section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)):** Pursuant to section 120(h)(3)(A)(i)(I) and (II) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(I) and (II)), available information regarding the type, quantity, and location of hazardous substances and the time at which such substances were stored, released, or disposed of, as defined in section 120(h), is provided in Exhibit B.1, attached hereto and made a part hereof.

B. **Description of Remedial Action Taken, if Any, Pursuant to Section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III))**: Pursuant to section 120(h)(3)(A)(i)(III) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(i)(III)), a description of the remedial action taken, if any, on the property is provided in Exhibit B.2, attached hereto and made a part hereof.

C. **Covenant Pursuant to Section 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(ii) and (B)):** Pursuant to section 120(h)(3)(A)(ii) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(ii) and (B)), the United States warrants that any additional remedial action found to be necessary after the date of this deed shall be conducted by the United States.

D. Access Rights Pursuant to Section 120(h)(3)(A)(iii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(A)(iii)) and the Texas Hazardous Waste Management Facility Permit No. HW-50284, dated April 25, 1991, and modified October 12, 2003, May 30, 2014 and April 9, 2026 (herein THWMFP):

1. **Subject to CERCLA Section 120(h)(3)(A)(iii) and the State of Texas**, The United States retains for itself acting by and through its agencies the UNITED STATES DEPARTMENT OF ENERGY/NATIONAL NUCLEAR SECURITY ADMINISTRATION (USDOE/NNSA) and the ENVIRONMENTAL

PROTECTION AGENCY (EPA), for the TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ), its successors and assigns, and reserves a perpetual and assignable easement and right of access on, over, and through the property, to enter upon the property in any case in which a remedial action or corrective action is found to be necessary on the part of the United States and/or the TCEQ, without regard to whether such remedial action or corrective action is on the property or on adjoining or nearby lands. Such easement and right of access includes, without limitation, the right to perform any environmental investigation, survey, monitoring, sampling, testing, drilling, boring, coring, test pitting, installing monitoring or pumping wells or other treatment facilities, response action, corrective action, or any other action necessary for the United States and/or the TCEQ to meet its responsibilities under applicable laws and as provided for in this instrument. Such easements, covenants, restrictions, and rights of access shall be binding on the GRANTEE and its successors and assigns, shall run with the land and shall not be subordinate to any voluntary lien or encumbrance recorded after closing.

In exercising such easement and right of access, the United States and/or the TCEQ shall provide the GRANTEE or its successors or assigns, as the case may be, with reasonable notice of its intent to enter upon the property and exercise its rights under this clause, which notice may be severely curtailed or even eliminated in emergency situations. The United States and/or the TCEQ shall use reasonable means to avoid and to minimize interference with the GRANTEE'S and the GRANTEE'S successors' and assigns' quiet enjoyment of the property. At the completion of work, the work site shall be reasonably restored. Such easement and right of access includes the right to obtain and use utility services, including water, gas, electricity, sewer, and communications services available on the property at a reasonable charge to the United States and/or the TCEQ. Excluding the reasonable charges for such utility services, no fee, charge, or compensation will be due the GRANTEE, nor its successors and assigns, for the exercise of the easement and right of access hereby retained and reserved by the United States and/or the TCEQ.

In exercising such easement and right of access, neither the GRANTEE nor its successors and assigns, as the case may be, shall have any claim at law or equity against the United States and/or the TCEQ or any officer or employee of the United States and/or the TCEQ based on actions taken by the United States and/or the TCEQ or its officers, employees, agents, contractors of any tier, or servants pursuant to and in accordance with this clause: Provided, however, that nothing in this paragraph shall be considered as a waiver by the GRANTEE and its successors and assigns of any remedy available to them under the Federal Tort Claims Act.

II. **Assurances Pursuant to Section 120(h)(3)(C)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(C)(ii)): GRANTEE and its successors and assigns covenant and agree to abide by the following covenants, assurances, restrictions, and prohibitions, maintaining them in full effect until GRANTOR, TCEQ, and EPA issues removal in full accord. Exhibit B.3 is hereby incorporated as part of these deed provisions and all restrictions and prohibitions therein shall become part of the property transfer upon execution of the deed when filed in the Carson County records.** Pursuant to section 120(h)(3)(C)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. § 9620(h)(3)(C)(ii)), the United States provides the following response action assurances:

A. **Description and Assurance of Necessary Restrictions on the Use of the Property to Ensure the Protection of Human Health and the Environment. The following restrictions and covenants, including those required by the Texas Commission on Environmental Quality, shall be placed into the deed:**

1. **Non-residential Use Restrictions**: GRANTEE and its successors and assigns covenant and agree that, unless previously approved by the TCEQ and EPA, the areas with institutional controls may not be used for any purpose other than commercial/industrial use. Commercial/industrial uses are those that result only in exposure of adult workers in industrial, construction, and maintenance activities consistent with the exposure assumptions in the approved CERCLA Record of Decision or subsequent Five-Year Review documents. Further, the use of the Property shall be limited to non-residential use only. Prohibited residential uses include, but are not limited to, any form of housing and child care, pre-schools, educational institutions attended on a regular basis by students younger than 18-years old, and playgrounds, whether or not ancillary to a commercial facility or endeavor. A focused risk assessment may be considered for approval to authorize the aforementioned prohibited residential uses as a separate and future proposed action. Approval for the referenced focused risk assessment would be obtained from NNSA before transmittal to TCEQ and EPA for concurrence.

2. **Public Access/Use Restriction**: GRANTEE and its successors and assigns covenant and agree that there will be no unauthorized public access, unless authorized under the applicable permit.

3. **Ground Disturbance Restrictions**:
   GRANTEE and its successors and assigns covenant and agree that no physical excavation shall be undertaken except as designed and approved in accordance with restrictions presented in Exhibit B.3.

4. **Groundwater Use Restrictions**: Groundwater beneath the transfer property (713.19 acres) shall not be used as a water supply for any purpose. Detailed restrictions that implement control are described in Exhibit B.3 including:

   a. Prohibition on drilling, boring, or penetrating to depths greater than 200 feet unless granted written authorization from USDOE/NNSA.

   b. Prohibition on drilling through the Fine-Grained Zone (irrespective of depth) associated with the perched aquifer unless expressly authorized by USDOE/NNSA.

5. **Modification of Use Restrictions:** GRANTEE and its successors and assigns may petition GRANTOR for removal or modification of the above Restrictions on the Use of the Property based upon a showing that the property is suitable for one or more of the above prohibited uses or a modification of such restrictions. Any such petition must be submitted to the GRANTOR in writing clearly describing the removal or modifications of the restrictions being requested and the basis for such removal, signed by the property owner or authorized agent. The request must include the following information:

a. A legal description of the meets and bounds of the property prepared by a licensed surveyor and a map showing the property's location in relation to recognizable property features, including any areas of contamination.

b. Evidence satisfactory to GRANTOR that:

   i. The property is identified as requiring groundwater corrective action/remedial action under the HW-50284 and the CERCLA Record of Decision, and

   ii. All land use controls established pursuant to the Texas Commission on Environmental Quality and US Environmental Protection Agency have been modified consistent with the requested modifications to these restrictions.

c. Information supporting the requested modifications, including but not limited to reports, photographs, maps, drawings, and data documenting any sampling and analysis, testing, survey, remedial action, or data evaluation performed by the GRANTEE and its successors and assigns in support of its request.

d. Other information as reasonably requested by the GRANTOR.

The GRANTOR may approve, deny, or offer a modification to GRANTEE'S request. Upon approval of the request, GRANTOR shall issue a "Deed of Release" or other appropriate instrument effecting the removal or modification of the restrictions on the applicable property. The Property owner shall be responsible for filing of the instrument in the county land records.

B. **Description and assurance of restrictions on use necessary to ensure that required remedial investigations, response action, and oversight activities will not be disrupted.**

1. **Non-Disturbance Clause**: GRANTEE and its successors and assigns covenant and agree not to disrupt and/or prevent the United States of America, its officers, employees, agents, contractors and subcontractors, and any other authorized party or entity from conducting any required environmental response, including, but not limited to, investigation, survey, treatment, remedy, oversight, construction, demolition, decontamination, upgrading, operating, maintaining, and monitoring. This includes a prohibition against any activity that could impede access to or interfere with, damages, or reduces the effectiveness or functioning of monitor wells, extraction wells, injection wells, conveyance lines, in situ remediation vaults, or other remedy components, any remedy infrastructure, or any component of the Selected Remedy, or any future remedial action. This also includes prohibition of any activity that would artificially enhance recharge of groundwater including, but not limited to, surface water impoundments, ponding, stormwater concentration, or alteration of natural drainage patterns.

2. **Indemnification:** GRANTEE and its successors and assigns recognize that the conduct of environmental remediation may result in the interruption of road traffic, and other site activities, and/or the temporary evacuation of areas in and around these activities. This requirement may include the disruption in the movement of trucks and other equipment. The United States shall make no payments to GRANTEE, its successors and assigns, or their leases, licensees, agents, contractors or subcontractors, guests, or trespassers as a result of the above, but will use reasonable means to avoid or minimize interference with GRANTEE'S and GRANTEE'S successors' and assigns' quiet enjoyment of the Property, and GRANTEE and its

successors and assigns agree to indemnify the United States against all such resulting claims, including but not limited to claims for loss of use, commercial interruption, destruction of property, and personal injury.

3. **Assurance that all necessary response action will be taken and schedule for completion of all necessary response action:**

   Environmental contamination on the Property is being addressed under the CERCLA Record of Decision and the THWMFP. Under the terms of the THWMFP, The GRANTOR shall be responsible for hazardous waste facility post-closure care, response action, and corrective action activities as required by the CERCLA Record of Decision and the THWMFP with funding provided by GRANTOR. The GRANTOR retains responsibility for any contaminated environmental media resulting from the release of hazardous substances from USDOE/NNSA operations. GRANTOR is also responsible for the investigation and implementation of any future remedy due to impacts to the High Plains Aquifer associated with USDOE/NNSA operations. GRANTOR'S obligations to fund closure and corrective measures contained in the THWMFP are limited to all releases of hazardous wastes, hazardous substances and pollutants that occurred prior to the date of the transfer of the Property to the GRANTEE, or that occur after the date of transfer if caused by the GRANTOR or its contractors ("Existing Contamination"). After the date of transfer, the GRANTOR shall not be obligated for corrective measures/remedial actions for new releases of hazardous wastes, hazardous substances, and pollutants unless caused by the GRANTOR or its contractors ("New Contamination"). The GRANTOR shall be responsible for all work required to be performed by the GRANTOR under the THWMFP and CERCLA Record of Decison. The GRANTEE shall be responsible for all work required to address New Contamination. GRANTOR shall perform required work in accordance with the conditions and schedules set forth in the CERCLA Record of Decision and the THWMFP as these may be modified from time to time, or as determined by any agreement between GRANTOR and GRANTEE not inconsistent with the THWMFP and the CERCLA Record of Decision.

   When all response action necessary 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 United States shall execute and deliver to the transferee an appropriate document containing a warranty that all such response action has been taken, and the making of the warranty shall be considered to satisfy the requirement of CERCLA 120(h)(A)(ii)(I).

4. **Assurance that the Department of Energy Will Submit a Budget Request to the Director of the Office of Management and Budget that Adequately Addresses Schedules for Completion of All Necessary Response Actions and Required Long-Term Operation, Maintenance, and Monitoring (LTOM&M)**

   Continuing with the Fiscal Year 2027 appropriation request, the GRANTOR, through the Department of Energy, shall annually submit budget requests to the Director of the Office of Management and Budget that, if appropriated, adequately fund the agreed upon schedule for investigation and completion of all necessary corrective measures required under HW-50284 and the CERCLA Record of Decision until such time as all necessary corrective measures have been completed. The actual amount available for such activities is subject to congressional authorizations and appropriations.

III. OTHER DEED PROVISIONS:

A. AGREEMENT TO MAINTAIN CONTROLS AND STRUCTURES PROTECTIVE OF CONTINUING REMEDIAL ACTIONS

GRANTEE and its successors and assigns covenant to agree to a prohibition of modifying or removing institutional controls or protective structures without USDOE/NNSA approval to ensure compatibility with the Selected Remedy or any future selected remedy.

B. AGREEMENT TO ADD RESTRICTIVE COVENANTS

GRANTEE and its successors and assigns covenant and agree to execute a restrictive covenant in accordance with the Texas Risk Reduction Program if an institutional control is selected as a component of any future remedial action.

C. NOTIFICATION OF NEWLY DISCOVERED CONTAMINATION

GRANTEE and its successors and assigns shall notify USDOE/NNSA, USEPA, and TCEQ of any newly discovered contamination or environmental condition or discovering activity or action inconsistent with institutional controls, covenants, or deed restrictions, or interference with the remedial action. Notice to USEPA and TCEQ will be made within ten (10) days of discovery.

D. POST-TRANSFER DISCOVERY OF CONTAMINATION

1. If an actual or threatened release of a hazardous substance or petroleum product is discovered on the Property after the date of conveyance, GRANTEE, its successors or assigns, shall be responsible for such release or newly discovered substance unless GRANTEE is able to demonstrate that such release or such newly discovered substance was due to GRANTOR'S activities, use, or ownership of the Property. If the GRANTEE, its successors or assigns believe the discovered hazardous substance is due to GRANTOR'S activities, use or ownership of the Property, GRANTEE will promptly secure the site and notify the GRANTOR of the existence of the hazardous substances, and GRANTEE will not further disturb such hazardous substances other than as required under applicable law or regulation, or as authorized under the THWMFP, without the written permission of the GRANTOR.

2. GRANTEE, its successors and assigns, as consideration for the conveyance of the Property, agree to release GRANTOR from any liability or responsibility for any claims arising solely out of the release of any hazardous substance or petroleum product on the Property occurring after the date of the delivery and acceptance of this Deed, where such substance or product was placed on the Property by the GRANTEE, or its successors, assigns, employees, invitees, agents or contractors, after the conveyance. This paragraph shall not affect the GRANTOR'S responsibilities to conduct response actions or corrective actions that are required under the CERCLA Covenant and by applicable laws, rules, permits and regulations.

E. **NOTICE OF TRANSFER**

GRANTEE, its successors and assigns, shall provide written notice of proposed change of ownership and/or a new lease to GRANTOR, USEPA, and TCEQ no less than 60 days before the anticipated action. This is intended to provide sufficient time for incorporation of verbiage in transfer/lease documentation to ensure that all prospective owners and lessees are informed of the institutional controls, access rights, and ongoing environmental obligations including easements, covenants, restrictions.

F. RESTRICTION ON NATURAL RESOURCES

GRANTEE shall not install geothermal systems, oil or gas wells, disposal wells, or other subsurface resource extraction or injection wells that could interfere with groundwater conditions or remedial systems without prior written authorization from the GRANTOR. This restriction does not include subsurface utilities, foundations, electrical grounding systems, or infrastructure associated with on-site power generation, transmission or power distribution facilities, provided activities comply with drilling and subsurface disturbance restrictions set forth herein (reference Exhibit B.3).

IV. ADJACENT PROPERTY CONDITIONS

Other than as set forth in this paragraph and presented in Exhibit B.2, there are no known conditions on property adjacent to the PROPERTY that present potential risks to human health and the environment on the PROPERTY.

After conveyance of the PROPERTY, NNSA shall nonetheless provide the financial assurance and be obligated to execute all corrective measures now or hereafter required under the THWMFP with respect to contaminants identified in perched groundwater and the deeper High Plains Aquifer associated with discharges of legacy wastewater on Pantex Property west of FM 2373 that have migrated beneath the subject 713.19 acres since introduction of process waters into the ditches and playas during missions to support World War II and the Cold War on, at or from the Pantex Site. Such corrective measures shall include, but not be limited to, pump and treat systems, *in situ* bioremediation systems, monitoring/sampling of wells, and any future corrective measures that may be required by the USDOE/NNSA, USEPA, and TCEQ.

Exhibit B.1.

Hazardous Substances Information for the 713.19 Acre Parcel of USDOE/NNSA Pantex

The list of hazardous substances stored and released on a property is typically provided to the new owner of a property being transferred out of the Federal inventory to aid in understanding the types of hazardous constituents that may be found in the soil and/or groundwater at the site. This information is most helpful when dealing with a site where little investigation has been conducted and little is known about the environmental condition of the property. The 713.19 acres of USDOE/NNSA property was acquired from private landowners in 2008 who used the land for farming and ranching. USDOE/NNSA never conducted operations on this property, but instead implemented groundwater remedial action and surface irrigation via center pivot sprinkler application of treated groundwater. As a result, chemicals and hazardous substances have not been stored and/or used at the site by USDOE/NNSA.

Contaminants shown in the table below have migrated in perched groundwater beneath this 713.19 acre parcel as a result of activities conducted on the main Pantex property during World War II and the Cold War efforts.

Table 1. Maximum Concentrations in Perched Groundwater Near or Beneath 713.19-Acre Parcel

Constituent	Maximum Concentration (ug/L)	Well ID
1,3,5-Trinitrobenzene	0.195	PTX06-1034
1,3-Dinitrobenzene	3.2	PTX06-1034
2,4-Dinitrotoluene	0.477	PTX06-1146
2,6-Dinitrotoluene	0.78	PTX06-1034
2-Amino-4,6-Dinitrotoluene	4.15	PTX06-1147
4-Amino-2,6-Dinitrotoluene	34.9	PTX06-1146
DNX (Hexahydro-1,3-Dinitroso-5-Nitro-1,3,5-Triazine)	3.89	PTX06-1147
HMX (Octahydro-1,3,5,7-Tetranitro-1,3,5,7-Tetrazocine)	261	PTX06-1146
MNX (Hexahydro-1-Nitroso-3,5-Dinitro-1,3,5-Triazine)	7.7	PTX06-1147
RDX (Hexahydro-1,3,5-Trinitro-1,3,5-Triazine)	3590	PTX06-1146
TNT (2,4,6-Trinitrotoluene)	0.45	PTX06-1034
TNX (Hexahydro-1,3,5-Trinitroso-1,3,5-Triazine)	84.9	PTX06-1034
Boron	2710	PTX06-1146
Chromium, Hexavalent	21.2	PTX06-1146
Chromium, Total	343	PTX06-1147
Perchlorate	4.1	PTX06-1034
1,2-Dichloroethane	6	PTX06-1034
Tetrachloroethene	0.63	PTX06-1146
Trichloroethene	1.1	PTX06-1034

Exhibit B.2.

USDOE/NNSA Pantex 713.19 Acre Parcel Remedial Action List and Status

Following is the list of remedial actions performed at the USDOE/NNSA in addressing the groundwater contamination that exists beneath the subject 713.19 Acre Parcel of property to be transferred from the USDOE/NNSA to Texas Tech University System (TTUS). A brief description of the actions taken and the regulatory status of groundwater cleanup is provided. More detailed information regarding the investigations conducted, the results of those investigations, and the remedial/corrective actions executed can be found in the Pantex Plant Administrative Record.

Solid Waste Management Unit (SWMU)	**REMEDIAL ACTIONS COMPLETED**	**CURRENT STATUS**	**STATUS ONGOING**
Cross Media Migration of Contaminants to Perched Groundwater (Source SWMU Nos. 2, 5-5, 122B, 5-13, 6)	Contaminants migrated through ditches and playas after legacy releases of process waters containing high explosives, solvents, hexavalent chromium, PFOA, and PFOS from the Pantex Property located west of FM 2373. Vertical migration of contaminants through the unsaturated zone occurred as a result of focused recharge. Once the recharge reached a depth of approximately 280 to 300 feet bgs, it accumulated above a fine-grained zone (aquitard) creating a plume of contaminated perched groundwater that migrated east beneath the 713.19 acres of land to the east that is being transferred via this deed. Accordingly, a remedy was selected under CERCLA comprised of two pump and treat systems and seven in situ bioremediation systems with long-term monitoring to remediate the contaminated perched groundwater.	**Active Remedial Actions Continuing.** In situ bioremediation (ISB) systems have been installed to the east of the 713.19-acre parcel and along its southeastern edge to degrade high explosive compounds. Injection wells, injection pads and conveyance to transport treated water from pump and treat facilities as the supply for mixing the amendment (dilute molasses) for injection are constructed and operating. Monitoring wells are also present on and near the transfer property for collection of samples for evaluation of performance over time.	Operation and maintenance of ISB systems to implement focused treatment and sample collection and analysis for evaluation of remedy performance is continuing. Monitoring and enforcement of restrictions as part of Land Use Controls conducted, as well as access and deed restriction implementation. Continued groundwater monitoring and pump and treat operation to supply ISB annual injections is also conducted.

Solid Waste Management Unit (SWMU)	REMEDIAL ACTIONS COMPLETED	CURRENT STATUS	STATUS ONGOING
Cross Media Migration of Contaminants from Perched Groundwater to the underlying High Plains Aquifer	Nature and extent determination is being investigated in the High Plains Aquifer. This investigation has matured and a remedial investigation report is projected for completion in April 2028. Remedy selection and remedial action installation is anticipated by about 2034. A CERCLA non-time critical action is planned for design and construction to stabilize the potential for plume expansion while the process to select a final remedy is underway.	**Acquiring additional data to inform nature and extent definition in 2026.** Modeling to aid in human health risk assessment is scheduled for completion in 2027.	Future remedy selection and implementation with the goal to install a selected remedy about 2034, subject to availability of funds.

Exhibit B.3.

Deed Certification/Restrictions for Parkhill Land Survey 713.19-Acre Tract

DEED CERTIFICATION

STATE OF TEXAS
CARSON COUNTY

INDUSTRIAL SOLID WASTE
CERTIFICATION OF REMEDIATION AND GROUNDWATER RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS THAT:

Pursuant to the Rules of the Texas Commission on Environmental Quality (TCEQ) pertaining to Industrial Solid Waste Management, and the U.S. Environmental Protection Agency's (USEPA) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) regulations, this document is hereby filed in the Deed Records of Carson County, Texas in compliance with the recordation requirements of said rule:

I

The U.S. Department of Energy/National Nuclear Security Administration (USDOE/NNSA) is performing long-term remediation of perched groundwater beneath the land described herein, in conjunction with the remediation of Pantex Plant. In the past, untreated industrial wastewater was released to Pantex ditches and playas which resulted in the contamination of the uppermost groundwater (perched groundwater) under Pantex. A description, survey and map of the deed restricted area, as well as a list of the known waste constituents, including known perched groundwater concentrations which are still in place, and treatment areas, are attached hereto and made part of this filing. Further information concerning this matter may be found by an examination of the Administrative Record File for Pantex Plant, located at the Pantex Plant, or in the Record files available for inspection upon request at the central office of the TCEQ in Austin, Texas and in the USEPA Region 6 Office in Dallas, Texas.

The TCEQ derives its authority to review the remediation of this tract of land from the Texas Solid Waste Disposal Act set forth in Chapter 361 of the Texas Health and Safety Code, which enables the TCEQ to promulgate closure and remediation standards to safeguard the health, welfare and physical property of the people of the State of Texas and to protect the environment by controlling the management of solid waste. In addition, pursuant to Sections 5.012 and 5.013 of the Texas Water Code, Annotated, the TCEQ is given primary responsibility for implementing the laws of the State of Texas relating to environmental media and shall adopt any rules necessary to carry out its powers and duties under the Texas Water Code. In accordance with its authority, TCEQ requires certain persons to provide certification and/or recordation in the real property records to notify the public of the conditions of the land and/or the occurrence of remediation. This deed certification is not a representation or warranty by the TCEQ of the suitability of this land for any purpose, nor does it constitute any guarantee by the TCEQ that the remediation standards specified in this certification have been met.

The USEPA derives its authority to review the remediation of this tract of land from the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. §9620). The USEPA derives its authority from the Presidential Reorganization Plan No. 3 of 1970 and Order 1110.2 when the USEPA was established to protect human health and the environment from pollutants. The regulations that

implement CERCLA are found in 40 CFR §300.430 (National Contingency Plan). Deed restrictions are required as part of the use of institutional controls as required by 40 CFR §300.430(a)(iii)(D). This deed certification is not a representation or warranty by the USEPA of the suitability of this land for any purpose, nor does it constitute any guarantee by the USEPA that the remediation standards specified in this certification have been met.

II

Land Description:

Attachment 1 - Parkhill Survey – 713.19-acre Tract of Land in Sections 21, 22, and 23 of Block M-4, John H. Gibson Survey, Carson County, Texas

Figure 1 – Map of Well Locations Corresponding to Perched Groundwater Contamination Table

Contaminants deposited in perched groundwater have been determined to exist at concentrations that exceed cleanup levels as defined in 30 TEX. ADMIN. CODE §335.563. Perched groundwater contaminants on the described property (see Attachment 1 Survey) are included in Table 1 attached to this filing. The groundwater contaminants are being remediated to meet non-residential (i.e., industrial/commercial) groundwater criteria in accordance with a plan designed to meet the requirements of 30 TEX. ADMIN. CODE §335.561 (Risk Reduction Standard 3) which mandates that the remedy be designed to eliminate or reduce, to the maximum extent practicable, substantial present or future risk, and in accordance with the Pantex Plant Hazardous Waste Permit No. 50284 (this Permit is kept on file by the U.S. Department of Energy at the Pantex Plant near Amarillo, Texas, the Region 1 Office of the Texas Commission on Environmental Quality in Amarillo, Texas, the Region 6 Office of the U.S. Environmental Protection Agency in Dallas, TX, and the Central Office of the Texas Commission on Environmental Quality in Austin, Texas). Additionally, the remedial design meets requirements under CERCLA (42 U.S.C. 9601-9675), as documented in the Pantex CERCLA Record of Decision (this Decision is kept on file in the same locations as Hazardous Waste Permit No. 50284 with one additional copy at the Region 6 office of the USEPA in Dallas, Texas). In addition to ongoing engineered controls/remedial action on and adjacent to this property, the remediation plan will also require post-closure care and institutional control measures.

Additionally, in 2024, Pantex began investigating the deeper drinking water aquifer, the High Plains Aquifer (consisting of the Ogallala and Dockum Aquifers), due to discovery of a plume of high explosives contamination. In order to protect the High Plains Aquifer while investigation and planning for a remedial action continues, this deed restriction also provides for controls to protect the drinking water aquifer. Conditions and controls described herein supersede those listed in Document # 2010-00000443, Volume 519, Page 168 of the Carson County records for the 713.19-acre portion of Pantex East area, described therein. Institutional or legal controls placed on the property to ensure appropriate future use include:

1. Restriction of all perched groundwater use in the survey area until the Ground Water Protection Standards (GWPSs) established in the ROD are met.

2. Restriction of all groundwater use in the survey area to ensure that current plumes under investigation by Pantex Plant and any future remedial actions will not be impacted by withdrawal of water. This use restriction will remain in place until groundwater remedial actions achieve

cleanup to the Ground Water Protection Standards (GWPSs) across the entire plume of contamination, regardless of the plume location.

3. All drilling to depths greater than 200 feet within the survey area will require prior written authorization by the USDOE/NNSA. Authorization will be obtained as follows.
    - To obtain authorization, the following information must be submitted to USDOE/NNSA at least 30 days in advance of drilling to allow adequate review and response time:
        - Exact location of well or boring, depicted on a map, along with the State Plane coordinates for each location.
        - Purpose for drilling.
        - Depth of boring to be installed and criteria for determining the bottom depth of the boring.
        - Design specifications for item to be installed.
        - Specifications to be used in the selection of the company/contractor to ensure the driller meets applicable regulations.
        - The owner will comply with USDOE/NNSA's reasonable restrictions or required changes to ensure protection of human health and the environment.
        - Final boring information/log will be provided to the USDOE/NNSA upon completion of drilling.
4. All surface water impoundment and stormwater conveyance plans will require prior written authorization by the USDOE/NNSA. Authorization will be obtained as follows.
    - To obtain authorization, the following information must be submitted to USDOE/NNSA at least 60 days in advance of installation to allow adequate review and response time:
        - Exact location of surface water impoundment(s) and drainage improvements, depicted on a map, with property boundaries and a background aerial image for reference.
        - Purpose for surface water impoundment(s).
        - Design specifications for surface water impoundment(s)
        - Any permit requirements that must be followed for the installation of a surface water impoundment.
        - The owner will comply with USDOE/NNSA's reasonable restrictions or required changes to ensure protection of current remedies and human health and the environment.
        - Final surface impoundment as-builts will be provided to the USDOE/NNSA upon completion of the impoundment.
5. Infrastructure designs for the general layout of roads, parking lots, buildings or other structures, and associated drainage features will require authorization by the USDOE/NNSA to ensure that water does not pond at the surface in areas that could impact groundwater remedial actions and access to existing wells and remedial action components is preserved to support ongoing maintenance and operation of the selected remedial action systems. Soil incursions to a depth of 3

feet below ground surface (bgs) or greater shall be identified for utility placement or construction of facilities until remedial action pipeline conveyances are relocated to the edge of the property defined in Attachment 1. Once these conveyances are relocated, the depth of soil incursions of interest will be increased to 15 feet bgs via issuance by written notice.

Authorization will be obtained as follows.

- To obtain authorization, the following information must be submitted to USDOE/NNSA at the following design stages:
  - The 30% design
  - The 60% design
  - The final design
  - Each design stage shall increase detailed display of the infrastructure relative to boundaries and aerial references.
  - The owner will comply with USDOE/NNSA's reasonable restrictions or required changes to ensure protection of current remedies and human health and the environment.
  - Final as-builts will be provided to the USDOE/NNSA upon completion of infrastructure installation (within 30 days of completed construction).

6. Construction or land use may not modify surface grades, foundations, or subsurface structures in a manner that interferes with installed or reasonably anticipated future remedy components.

7. Use of the land described herein shall be consistent with maintaining the integrity of the components of the Selected Remedy and keeping them free from damage and functioning. Relocation of remedial action system components planned and executed in coordination with USDOE/NNSA is consistent with this requirement. The remedial action system components present on the property defined in Attachment 1 include injection well ISB710, conveyance lines, *in situ* remediation injection lines, monitoring wells, and associated utilities. Figures 2 and 3 identify all of the wells/systems on the subject property that comprise the remedial action system components, long-term groundwater monitoring network, and the underground conveyance lines. Figure 3 also depicts easements preserved for maintenance and operation of remedial action system components and monitoring of wells. Soils shall not be disturbed within these easement buffers nor shall structures be constructed without prior written authorization by USDOE/NNSA.

These land use controls will be maintained until the groundwater meets the Groundwater Protection Standards/Cleanup Levels as established for the Pantex Plant in Hazardous Waste Permit No. 50284 or the Pantex CERCLA Record of Decision.

III

The owner of this site is the USDOE/NNSA and its address is FM 2373 and Hwy 60, Amarillo, TX, where more specific information may be obtained regarding Section II of this document.

EXECUTED effective the _____ day of _____.

USDOE/NNSA Pantex Plant

By: _____
Jason Armstrong
Manager, USDOE /NNSA Pantex Field Office , Amarillo, TX

STATE OF TEXAS
CARSON COUNTY

BEFORE ME, on this the _____day of _____, Mr. Jason Armstrong personally appeared, known to me to be the person and agent of said Pantex Site Office whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and in the capacity therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____.

_____
Notary Public in the State of Texas

_____
County of

_____
My Commission Expires

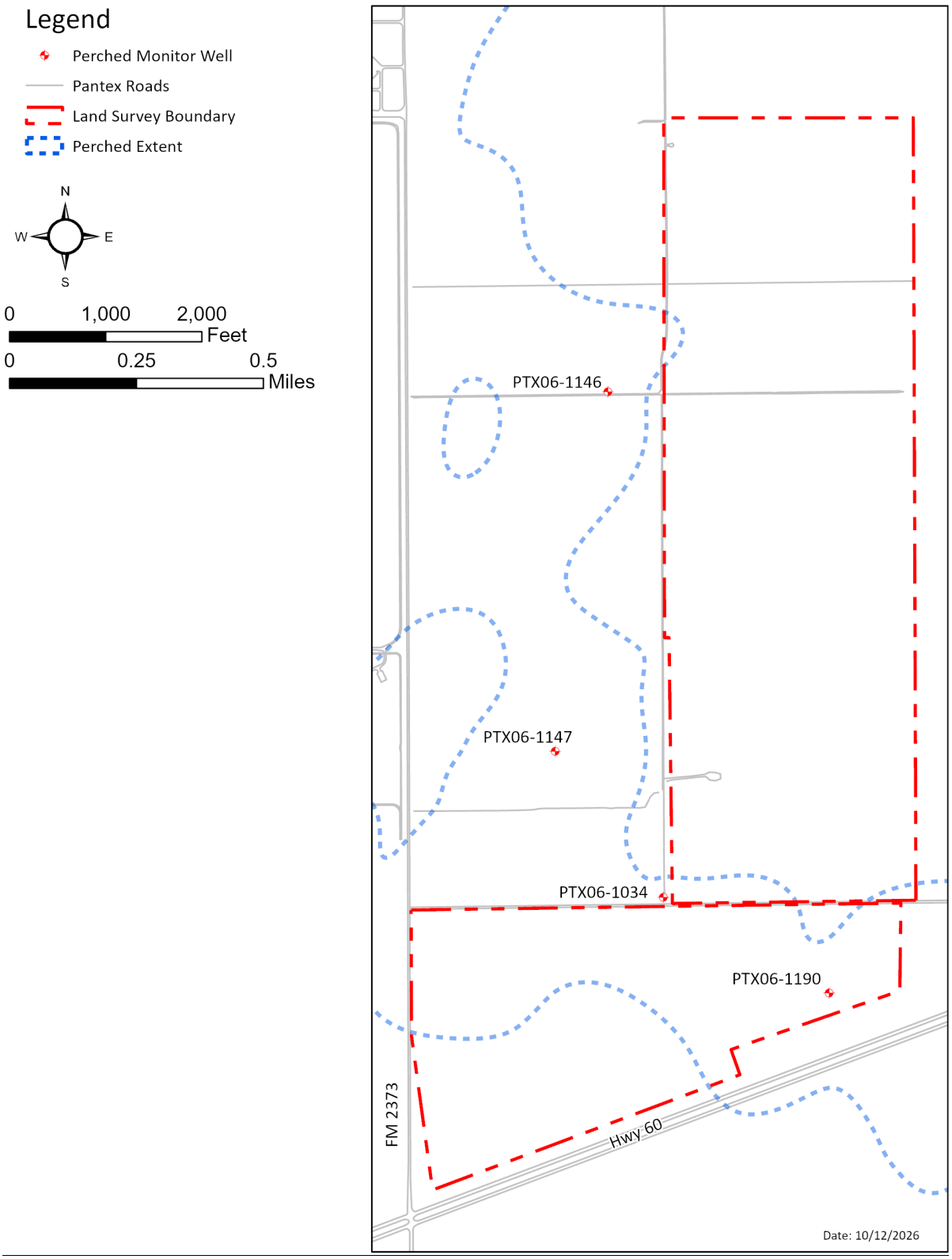


Figure 1. Map of Well Locations Corresponding to Perched Groundwater Contamination Table

Table 1. Maximum Concentrations in Perched Groundwater Near or Beneath the Surveyed Property, Pantex Plant

Constituent	Maximum Concentration (ug/L)	Well ID
1,3,5-Trinitrobenzene	0.195	PTX06-1034
1,3-Dinitrobenzene	3.2	PTX06-1034
2,4-Dinitrotoluene	0.477	PTX06-1146
2,6-Dinitrotoluene	0.78	PTX06-1034
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DNX (Hexahydro-1,3-Dinitroso-5-Nitro-1,3,5-Triazine)	3.89	PTX06-1147
HMX (Octahydro-1,3,5,7-Tetranitro-1,3,5,7-Tetrazocine)	261	PTX06-1146
MNX (Hexahydro-1-Nitroso-3,5-Dinitro-1,3,5-Triazine)	7.7	PTX06-1147
RDX (Hexahydro-1,3,5-Trinitro-1,3,5-Triazine)	3590	PTX06-1146
TNT (2,4,6-Trinitrotoluene)	0.45	PTX06-1034
TNX (Hexahydro-1,3,5-Trinitroso-1,3,5-Triazine)	84.9	PTX06-1034
Boron	2710	PTX06-1146
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Chromium, Total	343	PTX06-1147
Perchlorate	4.1	PTX06-1034
1,2-Dichloroethane	6	PTX06-1034
Tetrachloroethene	0.63	PTX06-1146
Trichloroethene	1.1	PTX06-1034

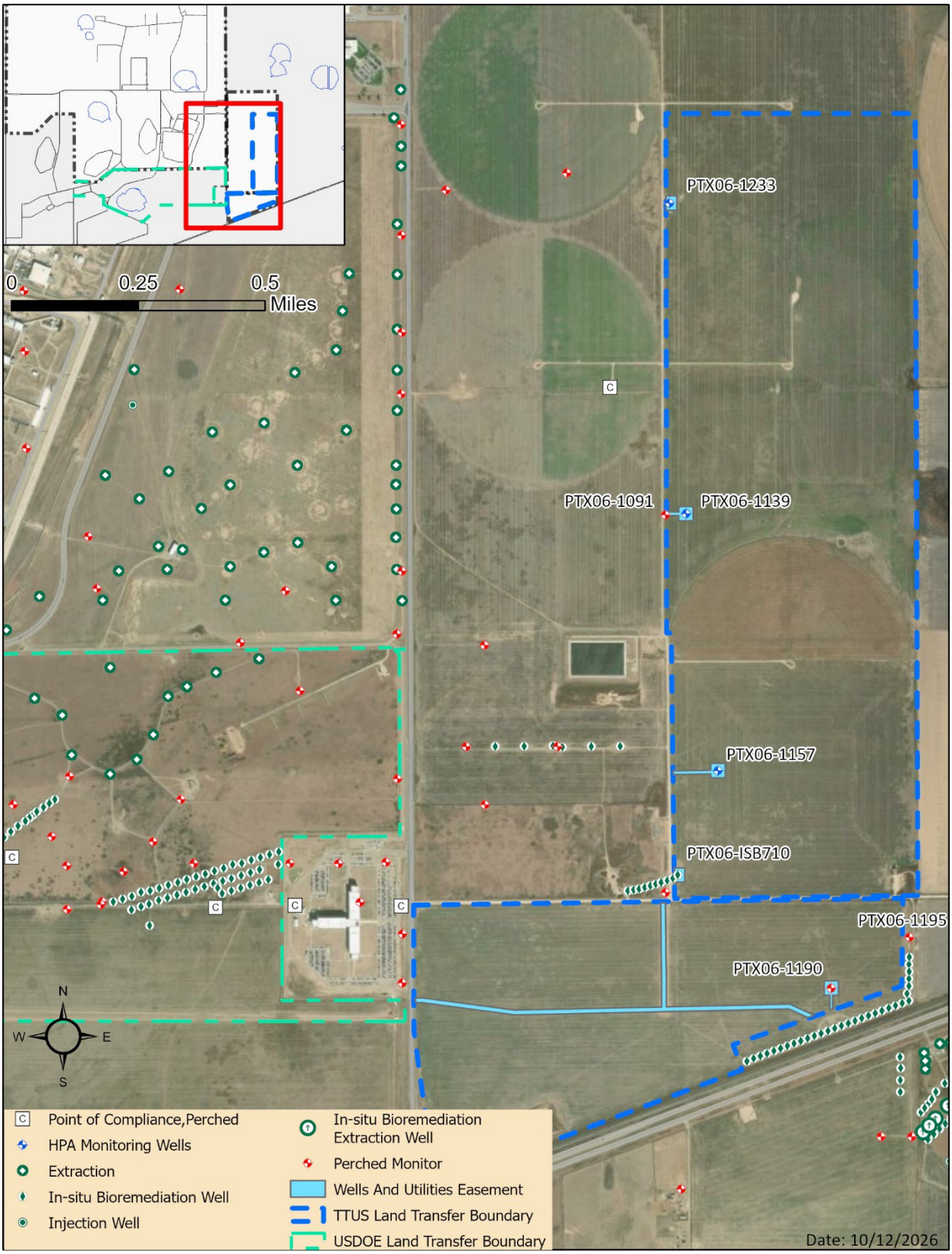


Figure 2. Map of Wells and Remedial Action System Components



Figure 3. Easements for Wells and Remedial Action System Components

Attachment 1. Parkhill Survey of 713.19-acre Tract of Land in Sections 21, 22, and 23 of Block M-4, John H. Gibson Survey, Carson County, Texas