

# Office of Legacy Management Real Property Reuse Strategy

August 2009



U.S. DEPARTMENT OF  
**ENERGY**

Legacy  
Management

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## Executive Summary

The U.S. Department of Energy (DOE) Office of Legacy Management (LM) is committed to the environmentally sound disposition, and the beneficial reuse, of property. LM is currently conducting real property reuse activities at LM sites throughout the country. This strategy document addresses LM's property disposition and real property reuse priorities for the next several years.

LM conducts regular, routine, long-term surveillance and maintenance of 83 sites. Sites will continue to transition to LM as facilities close and remediation is completed. A total of 123 sites will have transferred to LM from cleanup entities, both DOE and private, by 2015. LM assesses incoming sites for possible land reuse opportunities and periodically re-assesses sites under LM control.

Types of reuse evaluated for LM sites include disposition (the preferred reuse option), energy-related reuse (e.g., wind and solar power development), conservation reuse (e.g., partnerships with organizations for habitat protection or improvement), commercial and industrial reuse (e.g., reuse of buildings or land for commercial purposes), community reuse (e.g., opportunities for recreational or other community-driven activities), and agricultural reuse (e.g., extending grazing opportunities from adjacent lands). LM seeks to build partnerships with other federal and state agencies, national organizations, local development groups, and, in particular, groups that have experience with and knowledge of specific reuses.

Many sites requiring long-term surveillance and maintenance are owned by other government agencies or private parties. However, LM focuses its land reuse efforts on properties that are owned by DOE and are under LM custody and control—where LM has the authority to direct all activities that take place on the site and in the facilities.

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## 1.0 Introduction

### 1.1 History of the U.S. Department of Energy (DOE) Office of Legacy Management (LM)

Activities of the U.S. Department of Energy (DOE) and predecessor agencies, particularly during the Cold War, have left a legacy of environmental contamination at many sites throughout the country that may affect human health and the environment. Addressing this legacy has been, and will continue to be, a major DOE undertaking.

On December 15, 2003, DOE took a significant step toward managing its facility closure activities so as to ensure the future protection of human health and the environment by creating the Office of Legacy Management (LM) to carry out this mission. LM maintains control and custody of legacy land, structures, and facilities from private sector and federal nuclear weapons and materials production. LM is responsible for maintaining protectiveness of these lands for their long-term use and for ensuring that the remedy remains effective. Concentrating all legacy functions in one office dedicated to legacy management ensures sustainability and accountability for successful performance of these important DOE functions to the citizens, communities, regulators, agencies, and organizations involved with the sites.

### 1.2 LM Goals

To fulfill the mission of managing DOE's post-closure responsibilities and ensure the future protection of human health and the environment, LM has established five primary goals:

- **Goal 1**—Protect human health and the environment through effective and efficient long-term surveillance and maintenance.
- **Goal 2**—Preserve, protect, and make accessible legacy records and information.
- **Goal 3**—Support an effective and efficient workforce structured to accomplish DOE missions and ensure continuity of contractor worker pensions and medical benefits.
- **Goal 4**—Manage legacy land and assets, emphasizing protective real and personal property reuse and disposition.
- **Goal 5**—Improve program effectiveness through sound management.

### 1.3 Reuse Focus

In support of Goal 4, LM manages legacy land and assets with an emphasis on protecting human health and the environment, beneficial reuse, and asset disposition. To accomplish this goal, LM implements reuse of its real property assets taking into account economic, ecological, social, and cultural factors surrounding each site or particular asset. The preferred reuse option is disposition, which transfers property to others for beneficial reuse and reduces DOE's overall acreage footprint. When sites are transferred to LM for long term custody, every effort is made to accept only the real property assets necessary to perform the LM mission. Reuse possibilities are then evaluated following a formal process for transferred property. Reuse options include renewable energy-related development such as wind, solar, and biomass; commercial and industrial uses; community uses; conservation uses; and agricultural uses. The LM management

team determines whether to conduct reuse of LM properties, with input from LM site managers, LM realty officers, and the LM reuse program.

Informal or unmanaged uses (such as naturally occurring wildlife use) of LM land that occur without a specifically identified and managed effort are not considered to be “reuse.”

## **2.0 Purpose**

LM focuses its land reuse efforts on properties under DOE ownership that are within LM’s custody and control—where LM has the authority to direct all activities that take place on the site and in the facilities. This strategy document presents LM’s real property reuse priorities, including disposition, for the near term. This document also defines categories of reuse, presents reuse decision flowcharts, and identifies current LM reuse goals.

This document will updated periodically as dictated by changing priorities or need.

## **3.0 Types of Reuse**

Real property reuse within LM is organized into the following categories: disposition, renewable energy, conservation, agriculture, community, and commercial/industrial. All reuse opportunities are evaluated to ensure that human health and the environment continue to be protected and that reuse opportunities do not negate institutional controls identified for a specific land parcel.

### **3.1 Disposition**

LM’s preferred reuse option is property disposition. Under this category, property that is excess to DOE’s needs is dispositioned through the appropriate disposition pathway (General Services Administration, etc.). In particular, because some properties are located near or adjacent to urban areas, LM has found that local communities have interest in utilizing these properties for various purposes.

Property that cannot be released without environmental restrictions may still be dispositioned but is also considered for various reuses while remaining in DOE ownership, as described in the following sections.

### **3.2 Renewable Energy**

Many states have enacted requirements for utilities to use a certain amount of renewable energy in their energy portfolios (e.g., 12 percent renewable sources). Wind energy is currently used throughout the United States on a limited basis, and private and federal entities are conducting research to expand its use. Research also continues on solar energy.

In partnership with DOE’s National Renewable Energy Laboratory (NREL), LM has screened its custody and control sites for wind and solar energy development potential (NREL 2008). LM assesses the renewable energy development potential of new sites transitioning into the program, following this document.

LM continues to pursue solar and wind power commercial generation and pilot-scale research opportunities for LM land. These opportunities may include potential partnerships with federal and private owners of land adjacent to the sites.

### **3.3 Conservation**

This reuse category includes conservation uses such as natural resource protection, habitat development and enhancement, wildlife management options, and open-space preservation at LM sites. Creating partnerships with owners of adjacent land, nearby communities, or conservation groups allows for larger-scale approaches to conservation, which may provide greater value than smaller, project-specific ecological plans.

### **3.4 Agriculture**

Much of the LM land in the western U.S. is surrounded by open rangelands administered by the U.S. Bureau of Land Management or is adjacent to large ranches used primarily for livestock production. LM promotes the agricultural use of its land.

Additional agricultural uses may include the production of crops, where appropriate. Agricultural uses may also be combined with habitat improvement or leasing various areas to local ranchers for hay production (as is currently being done at the Falls City, Texas, Site).

### **3.5 Community**

LM works with local community leaders, planners, and the public to identify appropriate public or private uses of LM land. Community uses include the following:

- Development of recreational uses, such as hiking or biking on developed nature trails
- Partnerships with local entities to reuse existing site infrastructure to further their mission
- Partnerships with local school districts or universities to utilize historical or natural resources present at the site to educate students

### **3.6 Commercial/Industrial**

This reuse includes using existing facilities for business development or partnerships with local economic development commissions, enhancing business opportunities in the local area. Industrial uses include refurbishing existing buildings for factory uses or other technology-based purposes.

## **4.0 Reuse Opportunities at LM Sites**

### **4.1 Useful LM Resources**

The *LM Site Management Guide* (DOE 2008a) identifies when sites are expected to transfer to LM and shows all sites currently in LM custody. When a property is evaluated for different types of reuse, this reference is used to ensure that information about each site, such as actual or

planned transfer date, regulatory driver, and type (indicating the level of long-term surveillance and maintenance), is consistent. This document is updated biannually.

The table, *DOE Office of Legacy Management Site Overview—All Sites* (DOE 2008b), documents and tracks the acreage, monitoring approach, and number of wells for all LM sites. This table is updated biannually with the *LM Site Management Guide*.

## **4.2 Process Flowcharts**

Process flowcharts depict the disposition of land at existing LM sites, the planning and implementation of reuse at existing LM sites, and the planning and implementation of reuse at future LM sites. The flowcharts identify the process steps, individual or team responsibilities, areas of coordination among groups, and funding streams. A brief discussion of each process follows.

### **4.2.1 Disposition of Existing LM Sites**

The process for disposal of land at existing LM sites is shown in Figure 1. Disposition opportunities are typically generated by LM/LMS project staff when a determination is made that property is excess to LM needs. The LM Site Manager generates a disposition scenario for an existing site or for a portion of an existing site and discusses the potential with the LM Reuse Program Manager and the LM Realty Officer. This team deems whether disposition should be pursued and whether a disposition feasibility study is necessary. If disposition is not to be pursued, there is no further action and the decision is documented for the record. The LM Site Manager either generates a Request for Realty Services (RRS) for the LM Reuse Program Manager to conduct a feasibility study (assessing the regulatory, political and technical issues associated with potential disposition) or for the LM Realty Officer to conduct disposition. As disposition occurs, the site, realty, and reuse teams work together to assure all necessary regulatory aspects of the disposition are handled.

The specific site task order typically funds the site aspects of the disposition including the regulatory and environmental issues, such as National Environmental Policy Act requirements, regulator concurrence, and community involvement, as appropriate. The reuse and real property task order funds the actual disposition, including preparation of the disposition package for submittal to the General Services Administration for land transfer.

When the disposition is complete, the LM Realty Officer notifies the LM Reuse Program Manager, LM Facility Information Management System (FIMS) Manager, and LM Site Manager of the number of acres and disposition type for tracking and reporting purposes.

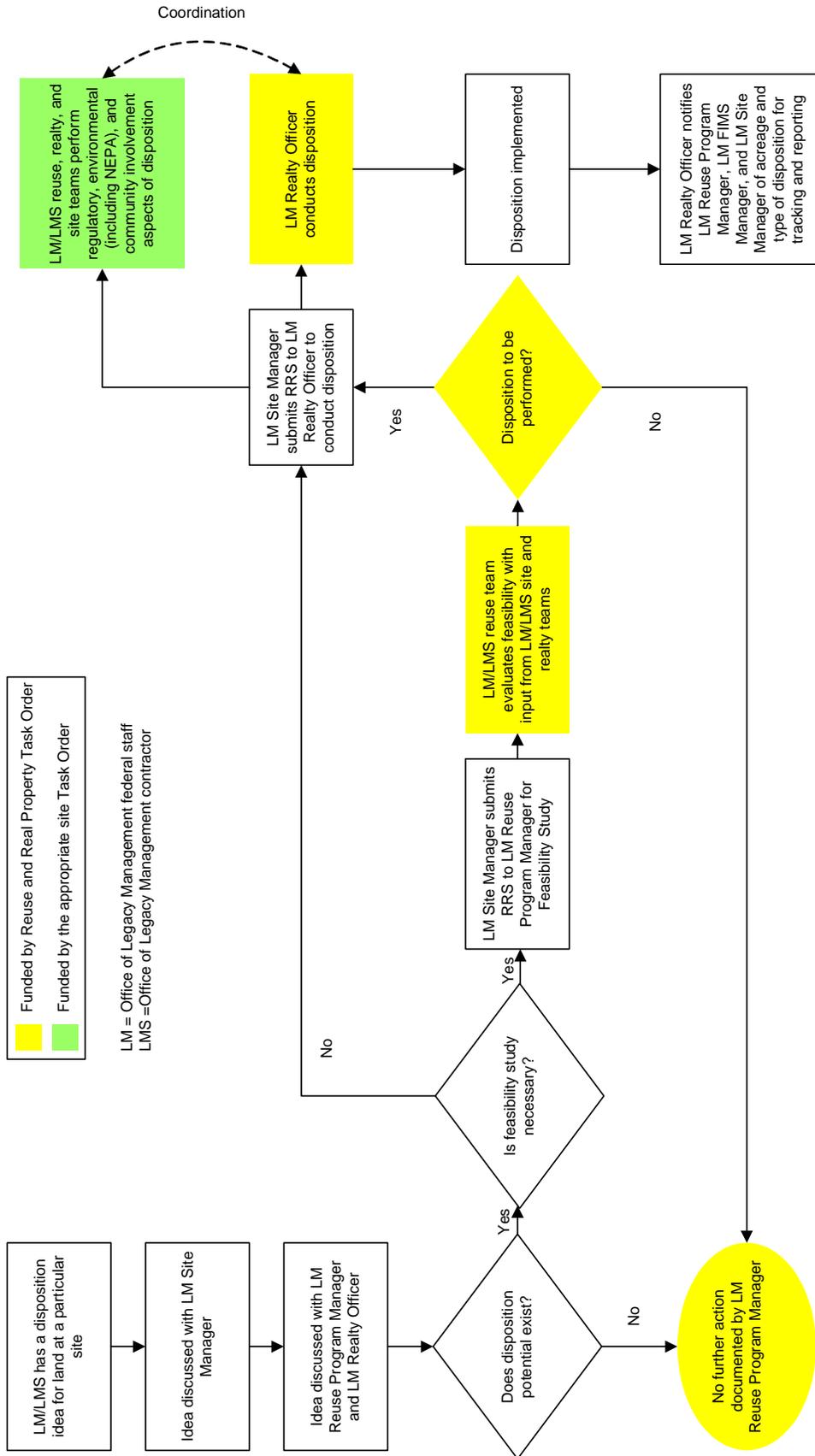


Figure 1. Existing LM Sites—Disposal

## **4.2.2 Reuse of Existing LM Sites**

The steps for implementing reuse of an existing site are shown on Figure 2 and many of the steps are the same as for disposals at existing sites, as shown in Figure 1. It is likely that opportunities for reuse may be generated from the reuse team as LM actively looks for ways to place more DOE holdings in beneficial reuse. The LM Site Manager and LM Reuse Program Manager determine if there is reason to proceed with a feasibility analysis. For simple reuses such as grazing or haying operations, there may be no need for a study, but for opportunities in renewable energy, a feasibility study would be warranted. The LM Site Manager initiates the RRS to begin the feasibility study. The LM Reuse Program Manager conducts the study, with input from the LM Realty Officer and Site Manager. LM management, when presented with the findings, determines if the reuse will be conducted. If the reuse is not approved, the LM Reuse Program Manager documents the result. If reuse is to proceed, the LM Reuse Program Manager facilitates a team approach for reuse development and implementation involving real estate and site staff. Once the reuse is implemented, the LM Reuse Program Manager assures that reporting entities within LM are informed. Funding of specific reuse tasks is similar to those associated with disposals.

## **4.2.3 Reuse of Sites Transferring to LM**

The steps to evaluate and implement reuse at sites transferring into LM are shown on Figure 3. The LM/LMS transition team coordinates with the transferring entity (DOE program, private owner, federal agency, etc.), roughly a year prior to site transfer. The LM/LMS transition team includes among others, site management, the reuse team, and the real property team. This timeframe provides time for the LM Reuse Program Manager to evaluate reuse feasibility as previously identified in Figure 2 for reuse of existing LM sites. If the reuse is to proceed, the LM Site Manager incorporates the reuse plan into the Long-Term Surveillance Plan, or other long-term care plan for the site. The goal is for the reuse to be implemented within a year of the site transferring to LM.

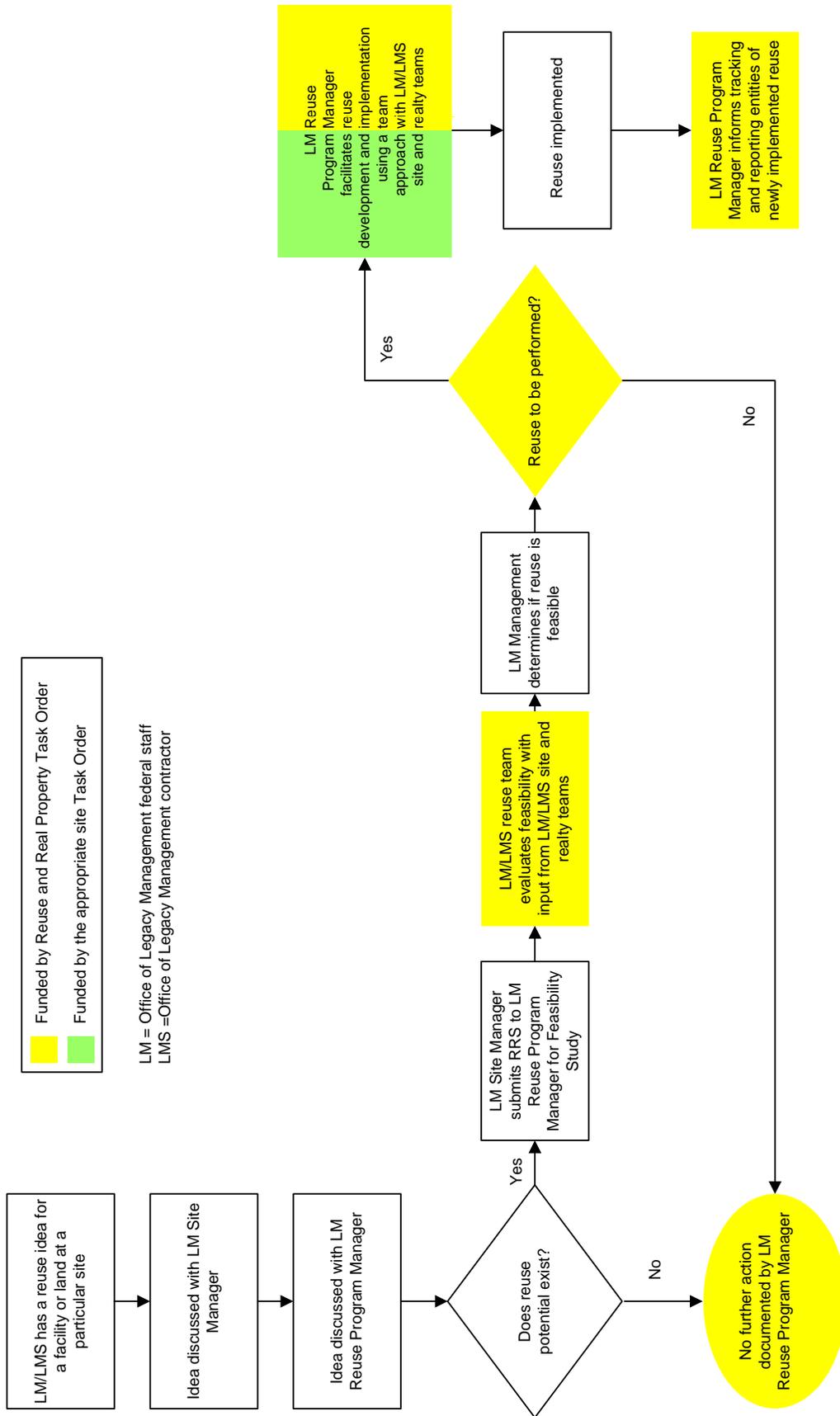
## **4.3 Current LM Reuse Priorities**

In 2008, after evaluating all LM custody and control sites, the following three sites were chosen for reuse initiatives. Although reuse implementation is currently being pursued at each of these sites, LM continually evaluates all sites for potential reuse opportunities.

### **4.3.1 Monticello, Utah, Disposal Site**

#### **4.3.1.1 Site Description**

The Monticello Disposal Site, located immediately south of Monticello in San Juan County, Utah, contains low-level radioactive waste from an adjacent processing mill that operated from 1941 until the early 1960s. The mill generated approximately 2.5 million cubic yards of low-level radioactive waste from processing uranium and vanadium ores. After remediation of the millsite was completed in 1999, the approximately 110-acre millsite was deeded to the City of Monticello through the Federal Lands-to-Parks Program administered by the National Park Service. Restoration of the millsite included the construction of three wetland ponds, restoring the riparian zone along a perennial stream that flows through the site, and reestablishing native vegetation. Under the land transfer agreement, the City maintains the property in perpetuity as an



Funded by Reuse and Real Property Task Order  
 Funded by the appropriate site Task Order  
 LM = Office of Legacy Management federal staff  
 LMS = Office of Legacy Management contractor

Figure 2. Existing LM Sites—Reuse



LM = Office of Legacy Management federal staff  
 LMS = Office of Legacy Management contractor

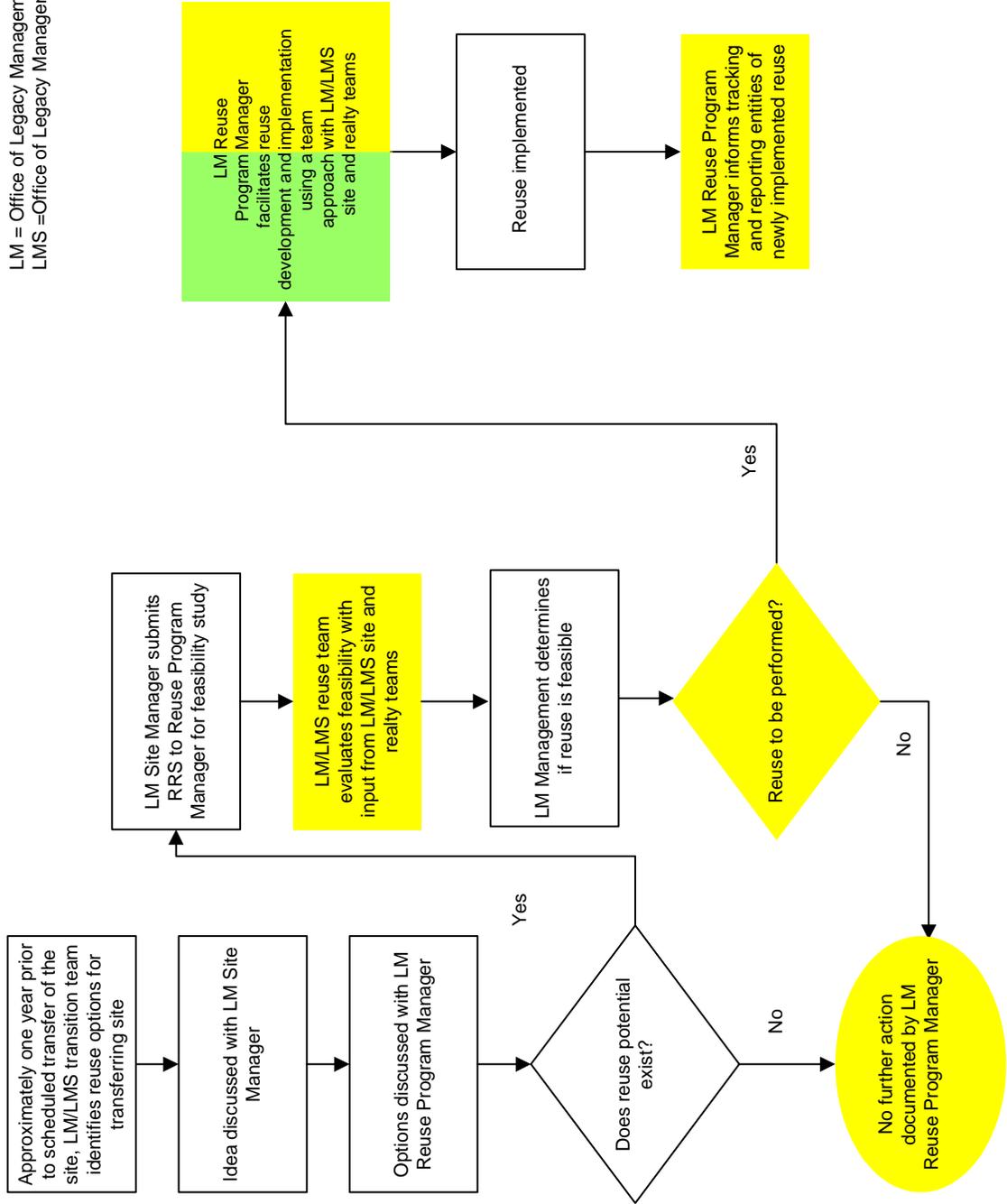


Figure 3. Assessing Reuse Potential of Sites Transferring to LM

open-space public park. About 270 additional acres of adjacent, undeveloped property were transferred from DOE to the City with the former millsite and designated for public recreational use.

Contaminated materials removed from the millsite are stabilized in a disposal cell on DOE-owned property approximately 1 mile south of the former millsite. The estimated 585-acre disposal site area contains the 87-acre disposal cell, an evaporation pond, an office building and support facilities, several experimental test areas, and a surrounding buffer zone. The disposal cell area is fenced. Surrounding areas are largely privately owned ranches or are undeveloped semi-arid plains dominated by wild grasses, sage, oak brush, and piñon/juniper stands. LM responsibilities at the site include continued operation and maintenance of disposal cell leachate collection systems and vegetated cover; monitoring and control of residual radioactive material encountered beneath Monticello streets, in utility corridors, and on supplemental standards properties; groundwater and surface water monitoring; and routine surveillance to ensure compliance with land and water use restrictions (institutional controls) associated with the site remedies. In addition, LM is responsible for groundwater remediation of Operable Unit III, currently an active pump-and-treat system with monitored natural attenuation.

#### 4.3.1.2 Rationale for Reuse and Reuse Strategy

The disposal site area is larger than necessary to support activities required to maintain site integrity, conduct research, and buffer other adjacent uses. The LM Site Manager has identified part of a parcel of land, formerly MP-01081-VL, consisting of approximately 180 acres east of the disposal cell that is excess to DOE needs.

The parcel is landlocked. Interest has been expressed by the City to acquire the property for public or other uses. A RRS form was prepared for the LM Realty Officer to proceed with disposition of this parcel in accordance with federal real estate procedures. A RRS was also prepared to implement a short-term grazing lease in the interim while disposition occurs.

#### 4.3.1.3 Next Steps

The LM Realty Officer is actively working to disposition the excess acreage. Disposition is expected to be complete in FY2010.

### 4.3.2 Salmon, Mississippi, Site

#### 4.3.2.1 Site Description

The 1,470-acre Salmon, Mississippi, Site is located in Lamar County, approximately 20 miles southwest of Hattiesburg, in southwestern Mississippi. It is roughly square in shape, and each side is approximately 1.5 miles long. The site was used by the U.S. Atomic Energy Commission and the U.S. Department of Defense for underground nuclear testing in the 1960s.

The site was decontaminated, remediated, and decommissioned in 1972, and all buildings and equipment were removed at that time. Two small, shallow pockets of residual contamination (drilling mud) were left for remediation by natural attenuation. A subsequent remedial investigation was completed in 1999. Final site restoration was completed in 2002, and the State concurred with the completion of site restoration, subject to long-term stewardship. The site was transferred to LM in 2006. Twenty-eight groundwater monitor wells and a monument at surface

ground zero remain. The site is inspected annually, and water samples are collected at the time of inspection. Groundwater levels are monitored quarterly.

Land surrounding the site contains a mixture of rural residences as well as commercial and industrial properties. The general area is forest and contains numerous creeks. Oil and gas leases are active in nearby areas. Much of the adjacent area contains densely forested private property, some of which is managed for the longleaf pine timber resource. Over half the site boundary adjoins private hunt clubs.

Prior to acquisition by the federal government, the Salmon Site was part of a privately owned longleaf pine plantation. The longleaf pine is the natural and desired forest in this area, and it originally stretched from east Texas to the Piedmonts in Virginia. Management as a longleaf pine forest provides value as a forestry resource, and it also provides a valuable habitat for the many natural species present in this area. Surveys of the Salmon Site in the early 1990s identified the presence of the gopher tortoise, a federally listed threatened species.

Currently, the Salmon Site is overgrown with trees, the understory is dense, and blowdown trees remain from Hurricane Katrina. The understory and blowdown are a potential fire hazard and, therefore, a threat to owners of adjoining land. Primary site roads, monitor wells, and surface ground zero areas are kept clear and in good condition. Most trails are impassable because of the blown-down trees and subsequent vegetation growth. The U.S. Department of Agriculture (Animal and Plant Health Inspection Service [Wildlife Service]) removed beavers whose burrowing threatened a causeway.

#### 4.3.2.2 Rationale for Reuse and Reuse Strategy

The Salmon Site has several different wildlife habitats, including ponds, streams, wetlands, and dry highland areas. Wildlife and site conditions would both benefit from restoration of the longleaf pine, where appropriate, and the nurturing of other types of habitat where the longleaf pine does not successfully grow. Such restoration would include managing the site for fire prevention and specifically for nurturing gopher tortoise habitat.

Public Law 104-201-Sept. 23, 1996, Part IV, Section 2851[b] states that the Secretary of Energy may convey the Salmon Site to the State of Mississippi, without compensation, subject to the condition that the State use the conveyed property as a wildlife refuge and working demonstration forest. Under this scenario, the United States would still retain rights to the subsurface and to access the site including the right to install additional appropriate monitoring wells.

#### 4.3.2.3 Next Steps

The end-state vision is to restore the site to a fire-safe, plantation-like, working forest and to enhance the natural wildlife habitat. The Mississippi Fish and Wildlife Foundation prepared a Timber Management Plan for LM in October 2008 providing short-and long-term timber management options to help restore the site to a longleaf pine ecosystem. The Timber Management Plan indicates that removing undesirable trees, controlled burning of overgrown vegetation, cutting fire breaks, and planting longleaf pine could be funded by the initial harvesting of merchantable timber on the site. Once the initial management practices are completed, overall annual cost would decrease and profit could be realized.

LM has initiated discussions with the State of Mississippi to transfer the site to the State for use as a wildlife refuge and fire-safe, plantation-like demonstration forest. Site inspections, monitoring groundwater and surface water, and necessary site maintenance will continue according to the draft *Long-Term Surveillance and Maintenance Plan*.

### **4.3.3 Bluewater, New Mexico, Disposal Site**

#### 4.3.3.1 Site Description

The Bluewater Disposal Site is located about 9 air miles northwest of Grants in Cibola County, New Mexico. Anaconda Copper Company constructed the original carbonate-leach mill at the site in 1953 to process uranium ore. Subsequently, an acid-leach mill was constructed and began operations in 1957. Milling operations at the site ceased in 1982. Site reclamation began in 1991, and by 1995, all mill tailings, contaminated soils, demolished mill structures, and contaminated vicinity property materials were encapsulated in three on-site disposal areas.

This large site covers an estimated 3,305 acres. A 1,101-acre basalt flow covers the southern and western portions of the site, and 386 acres are used for the three on-site disposal cells. Much of the remainder of the site consists of windswept and poorly vegetated reclaimed evaporation pond areas and undisturbed areas with a typical cover of native vegetation. Generally vegetation is sparse both on the site and in the surrounding region. Several utility lines and fences cross the site, and a perimeter barbed-wire fence surrounds it. The site is subject to wind erosion and sand deposition, primarily during spring. Owners of adjacent land include a ranch owner, mining companies, and the U.S. Bureau of Land Management.

The site is managed under Title II of the Uranium Mill Tailings Radiation Control Act of 1978 and was transferred to DOE for long-term management in 1997. The site is classified as a Category 2 site. LM's management responsibilities include annual site inspections and records management activities.

#### 4.3.3.2 Rationale for Reuse and Reuse Strategy

In 2007, NREL ranked LM sites for renewable energy potential using available resource data and models. The Bluewater Site met the criteria of having adequate solar resources: relatively flat land with less than a 3 percent slope, and a large land area available for solar panels. The site is also accessible to a major transmission line for connecting to and transporting the power.

To further evaluate the Bluewater Site's potential, meetings were held in August 2008 with Public Service Company of New Mexico, one of the utility companies with infrastructure located at the site. Issues associated with solar development at the site were discussed, and it was determined that site conditions were potentially appropriate for a photovoltaic system.

Further evaluation of the site was included in the *Office of Legacy Management Path Forward for Solar Photovoltaic Development on DOE-Owned Land in New Mexico, April 2009*. This document identifies and discusses the issues and options evaluated for determining the feasibility of a solar facility at the site. Additionally, an important aspect of the Path Forward document was a determination of interest by private industry. More than 30 percent of solar industry firms issued a Request for Expression of Interest responded positively. The conclusion reached from the research and development of the document was that the goal of LM partnering with private

industry to develop renewable energy on LM land in New Mexico is a viable concept. The report further recommended that a detailed project plan for the Bluewater site be prepared.

#### 4.3.3.3 Next Steps

Preparation of the Bluewater Project Plan is underway. The plan will further evaluate the renewable energy market, define roles and responsibilities, further define technical requirements and include a cost/benefit analysis case study for the Bluewater Site. The project plan will include a cost estimate and schedule for implementation. The Bluewater Project Plan will be completed by September 30, 2009.

## 5.0 Program Assessment Rating Tool (PART)

The PART was developed by the Office of Management and Budget (OMB) to assess and improve program performance so that the federal government can achieve better results. LM's PART implementation plan was developed in 2006 to outline performance measures for its goals. LM Goal 4 performance measures are defined in the PART, and language describing these measures was updated by OMB in 2008. The current PART performance measures are as follows:

- Increase the number of LM custody and control sites in beneficial reuse. Increase is measured against the baseline. The goal is 9,039 additional acres placed in beneficial reuse by FY 2015.
- Disposition LM-managed federal property. Measure by the number of properties disposed of per year. The goal is five federal properties by the end of fiscal year 2015.

Table 1 depicts the current OMB-accepted baseline for reuse. LM continues to provide OMB with quarterly updates to reflect actual acreages. LM also works with OMB to redefine the baseline to reflect updated site transition schedules and acreages.

## 6.0 References

NREL (National Renewable Energy Laboratory), 2008. *Assessing the Potential for Renewable Energy Development on DOE Legacy Management Lands*, DOE/GO-102008-2435, National Renewable Energy Laboratory, Golden, Colorado.

DOE (U.S. Department of Energy), 2008a. *LM Site Management Guide aka the 'Blue Book'*, U.S. Department of Energy Office of Legacy Management, Grand Junction, Colorado.

DOE (U.S. Department of Energy), 2008b. *DOE Office of Legacy Management Site Overview – All Sites*, U.S. Department of Energy Office of Legacy Management, Grand Junction, Colorado.

Table 1. Baseline—LM Acres Planned for Reuse

Site	Baseline—LM Acres Planned for Reuse										Requested Dispositions
	2007	2008 <sup>a</sup>	2009	2010	2011	2012	2013	2014	2015		
Rocky Flats, CO, Site							323				1
Canonsburg, PA, Disposal Parcel C Disposition	34										1
New Brunswick, NJ, Disposition Site	4										1
Bear Creek, WY, Disposal Site		1,000									
Lisbon Valley, UT, Disposal Site		1,000									
Split Rock, WY, Disposal Site		3,800									
Mound, OH, Site				306							
Highland, WY, Disposal Site		400									
Panna Maria, TX, Disposal Site		361									
Fernald, OH, Site			1,050								
Colonie Site, NY, Disposition Site			11								1
Middlesex Sampling Plant, NJ, Disposition Site				10							1
Conquista, TX, Disposal Site					600					140	
Maywood, NJ, Disposition Site										140	
<b>Total</b>	38	6,561	1,061	316	600	0	323	8,899	9,039	0	
<b>Cumulative Total</b>	<b>38</b>	<b>6,599</b>	<b>7,660</b>	<b>7,976</b>	<b>8,576</b>	<b>8,576</b>	<b>8,899</b>	<b>9,039</b>	<b>9,039</b>	<b>0</b>	<b>6</b>

Notes:

<sup>a</sup>Transfer of Bear Creek, Lisbon Valley, Highland, and Panna Maria Title II sites to LM are likely delayed because of the current uranium boom. Sites are currently privately owned. Baseline change will be requested when transfer dates are understood. Also, reuse of the Mound Site is now planned for 2010 due to change in the transfer date from LM to EM.