



TRANSFER OF DOE REAL PROPERTY FOR ECONOMIC DEVELOPMENT

Roundtable: Opportunities for ECA Communities
Reusing DOE Sites and Property

Washington, DC
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Authority for DOE Economic Development Transfers

- NDAA FY 1998 (50 U.S. Code 2811):
 - “The Secretary of Energy shall prescribe regulations for the transfer by sale or lease of real property at Department of Energy defense nuclear facilities for the purposes of permitting economic development of the property.”
 - Interim Final Rule published 2/29/2000
 - 10 CFR Part 770
 - Final Rule effective 12/13/2013



Indemnification

“...the Secretary may hold harmless and indemnify a person or entity ... against any claim for injury to person or property that results from the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Energy activities at the defense nuclear facility on which the real property is located.” (50 U.S. Code 2811(b))

“DOE will enter into an indemnification agreement **if DOE determines that indemnification is essential for the purpose of facilitating reuse or redevelopment.**”
(emphasis added) (10 CFR 770.9(b))



Transfers at “defense nuclear facilities” (50 U.S. Code 2811(a))

List of Defense Nuclear Facilities:

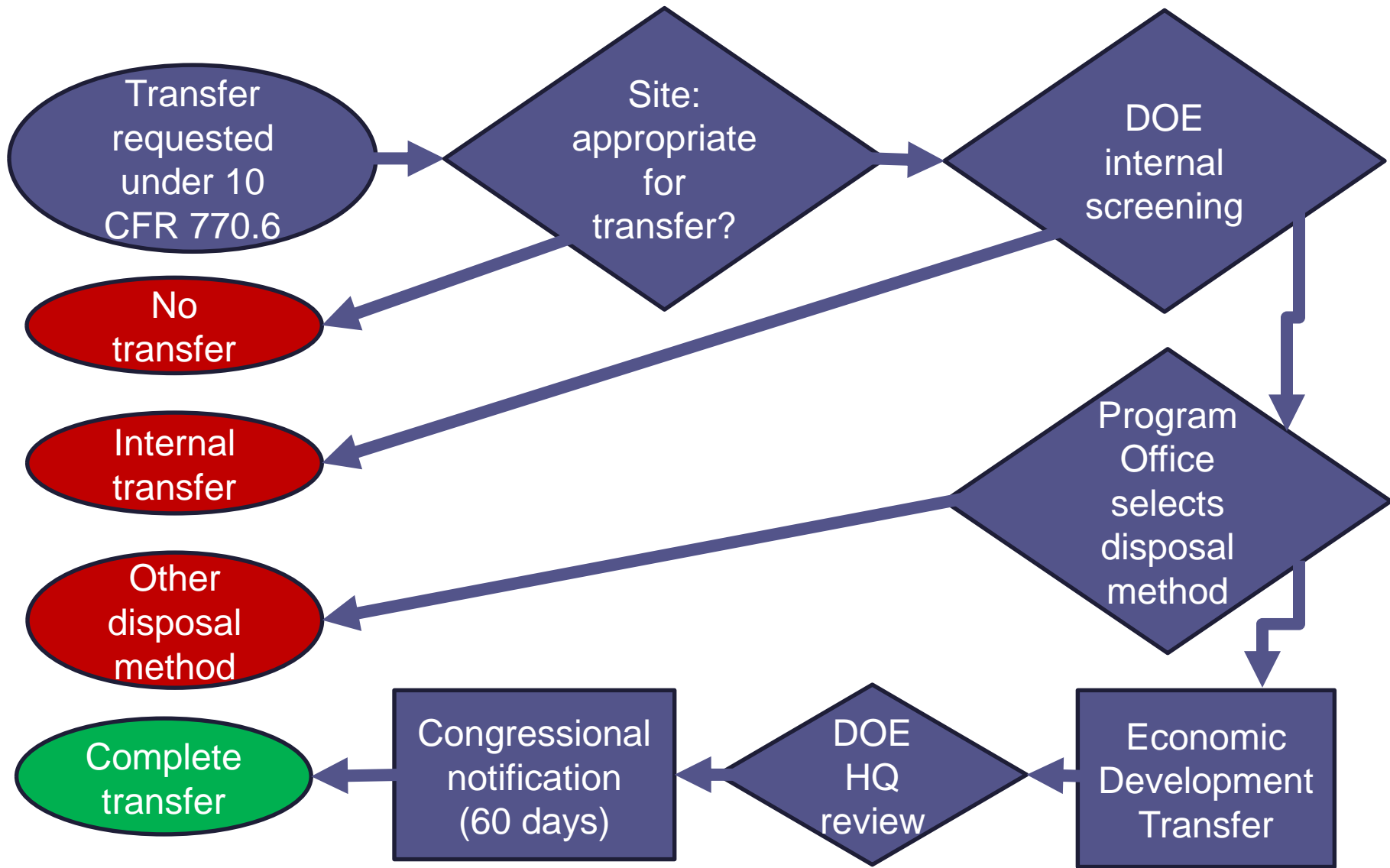
- Argonne National Lab
- Brookhaven National Lab
- Fernald site
- Hanford site
- Idaho National Lab
- Kansas City Plant
- K-25 Plant (ETTP)
- Lawrence Livermore National Lab
- Los Alamos National Lab
- Mound Facility
- Nevada Test site
- Oak Ridge Reservation
- Oak Ridge National Lab
- Paducah Plant
- Pantex Plant
- Pinellas Plant
- Portsmouth Plant
- Rocky Flats Site
- Sandia National Lab
- Savannah River Site
- Waste Isolation Pilot Project
- Y-12 Plant

Source: Appendix to Preamble to 10 CFR Part 770. Fed. Reg. Vol. 65, No. 40 at 10687 (2/29/2000)



Economic Development Definition

“...the use of transferred DOE real property in a way that enhances the **production, distribution, or consumption of goods and services** in the surrounding region(s) or which furthers reuse or redevelopment, and furthers the public policy objectives of the laws governing the downsizing of DOE's defense nuclear facilities.” (emphasis added) (10 CFR 770.4)



Transfer Process Overview



QUESTIONS?

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