



Portsmouth EM Site Specific
Advisory Board

SITE OPTIMIZATION AND FUTURE LAND USE SUBCOMMITTEE

TUESDAY, JANUARY 14, 2014 @ 6:45 P.M.

**THE PURPOSE OF THIS MEETING IS TO DISCUSS THE DOE LAND TRANSFER POLICIES
TO THE SSAB SUBCOMMITTEE**

SUBCOMMITTEE CHAIR

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SUBCOMMITTEE VICE CHAIR

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DAN MINTER

DOE DEPUTY DESIGNATED

FEDERAL OFFICIAL

JOEL BRADBURNE

DOE FEDERAL COORDINATOR

GREG SIMONTON

AGENDA

- PRESENTATION – DOE LAND TRANSFER, LESLEY CUSICK, RSI
- DISCUSSION

ADJOURN

SUPPORT SERVICES

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SITE OPTIMIZATION AND FUTURE LAND USE SUBCOMMITTEE

MEETING SUMMARY

JANUARY 14, 2014 • 6:45 P.M.

THE OHIO STATE UNIVERSITY ENDEAVOR CENTER
1862 SHYVILLE ROAD, PIKETON, OH 45661

Subcommittee Members Present: Shirley Bandy, subcommittee vice chair; Al Don Cisco, Adrian Harrison, Sharon Manson

SSAB Subcommittee Members Absent: Brian Huber, subcommittee chair; Dan Minter

Other SSAB Members Present: Stan Craft, Val Francis, board vice chair

U.S. Department of Energy (DOE) and contractors: Greg Simonton, Johnny Reising, DOE; Rick Greene, Joe Moore, Lesley Cusick, Restoration Services, Inc. (RSI); Jeff Wagner, Dennis Carr, Pete Mingus, Karen Price, Fluor-B&W Portsmouth (FBP); Steve Shepherd, Southern Ohio Diversification Initiative (SODI)

Liaisons: Mike Rubadue, Ohio Department of Health (ODH); Maria Galanti, Melody Stewart, Ohio Environmental Protection Agency (EPA)

Support Staff: Eric Roberts, Julie Galloway, Cindy Lewis, EHI Consultants (EHI)

Public: None

Bandy opened the meeting at 6:45 p.m.

1. Presentation – Property Transfer Process, Lesley Cusick, RSI

- Why does DOE want to transfer property?
- When is the right time for reuse?
- What will help shape reuse at your site?
- Questions?

Question/Comment:	Answer:
Bandy: Is it possible for SODI to put together a proposal requesting land then go out and solicit businesses to come here. Right after you were here last time, there was something in the news about changes to	Cusick: I would suggest you put together a proposal. Talk about the types of jobs that are possible. That process can be worked though as it gets closer to being transferred. Yes, it was built up as being a big negative. It

<p>the land transfer process. What does that mean to this site?</p>	<p>is not a negative, it is a huge positive.</p> <p>Roberts: I think many people do not realize the positive, because they do not understand the process.</p>
<p>Francis: I want to know if we are making the right recommendations concerning the FFE project. I do not want to wait and a year down the road and find out the subcommittee is making recommendations on the wrong things. I do not want DOE to say we just cannot do this. It needs to have a chance. Until the subcommittee knows the decision on an on-site cell, they cannot make decisions on some of the other things.</p>	<p>Price: FBP is on board with the FFE plan. It just takes time, so we only plan once.</p>

Bandy: Meeting adjourned at 8:05 p.m.

2. Action Items: None



10 CFR 770

What's new?

How do the revisions affect PORTS?



Lesley T. Cusick
Restoration Services, Inc.

14 January 2014



Quick Review – Why transfer property?



- The EM mission is a clean-up mission. Included within that is the DOE-wide effort to advance the beneficial reuse of the agency's unique and diverse mix of assets, including land...”
- Real property transfers get property onto the tax rolls, reduce the federal footprint, freeing up real property assets for community-led private sector growth and innovation
- Transfers work hand-in-hand with clean-up and can occur in parallel with it



How do you get there?



- DOE transfer authority – Atomic Energy Act of 1954, Section 161(g)
- Title 10, *Code of Federal Regulations*, Part 770 (10 CFR 770) – Transfer of Real Property at Defense Nuclear Facilities for Economic Development (interim final rule issued in 2000, finalized in 2013)
- Federal Property Administrative Services Act of 1949, also known as the General Services Administration process, or “GSA process”





10 CFR 770 revised elements

- **770.1** – Purpose of the rule
 - Added “closed or downsized” to the purpose – no effect @ PORTS
- **770.2** – What real property is covered?
 - Added “closed or downsized” – no effect @ PORTS
 - Removed the word “excess” re: property and added “unneeded” – a positive effect
- **770.4** – Definitions
 - Clarified that transfers can occur with other governmental or non-governmental organizations, provided they are recognized by DOE – no effect @ PORTS
 - Deleted “excess” and added “unneeded” – a positive effect
 - Clarified availability of “underutilized” property – no effect @ PORTS



10 CFR 770 revised elements - continued



- **770.5** – Notification of available property
 - Added local governments to those to be notified of property appropriate for transfer – a positive effect
- **770.7** – What procedures are used?
 - Clarified that additional detail in a transfer request would be beneficial such as by including economic benefits – no effect
 - Clarified that a proposal should demonstrate that the proposed transferee is committed to participating in the economic development of the property – no effect
 - Removed the “90 day” notification timeframe for DOE to reply to a requester of whether or not the transfer is in the best interest of the government (and would start to pursue the transfer) and replaced it with “after a review of the proposal” - no effect



10 CFR 770 revised elements - continued



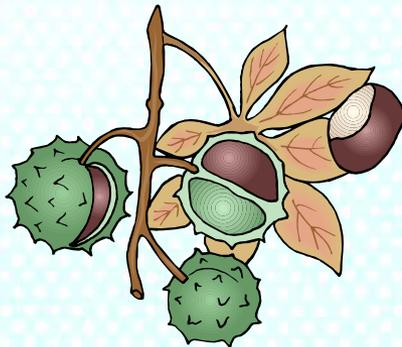
- 770.7 – What procedures are used? (continued)
 - Deleted text on the internal DOE transfer process steps – no effect
- 770.9 – What conditions apply to indemnification?
 - Added the following language...
 - “Any indemnification provided will apply to any successor, assignee, transferee, lender, or lessee of the original entity that acquires ownership or control” – **big positive effect**



The positive changes in a nutshell



- opportunity for stronger proposals
- no longer has to be “excess” property
- **Increases communication about potentially available property**
- makes it plain that “indemnification flows with the land”



PORTS is readying for reuse on two levels



- Long-term opportunities (transfer) and short-term flexibility (leasing)
- DOE has been preparing for reuse on a holistic level for awhile: site background study, soil clean-up level establishment, long-term multi-media sampling data and new samples to enhance datasets, cultural resource surveys, various site due diligence surveys, PORTSFUTURE to gather community input on reuse, developing a site-wide NEPA review for reuse, CERCLA decision-making efforts for clean-up efforts to enable a future vision of the site re: buildings and waste disposition...

