



## Department of Energy

Oak Ridge Operations Office  
P.O. Box 2001  
Oak Ridge, Tennessee 37831—

February 11, 2000

J. Devereux Joslin  
112 Newcrest Lane  
Oak Ridge, Tennessee 37830

Dear Mr. Joslin:

I have been asked to respond to your letter dated January 22, 2000 addressed to Leah Dever, Manager of the Oak Ridge Operations Office. Your letter related to a proposal involving possible development in an area lying westerly of the Clinch River and the East Tennessee Technology Plant.

I am enclosing a data sheet that was prepared in order to address the Department of Energy's involvement in this issue. It is my understanding that the final vote for rezoning was approved by the Oak Ridge City Council on February 7, 2000. However, until such time as DOE receives a written request from the developer indicating its intent to proceed with its proposed project, DOE does not consider there is a current action requiring DOE's participation. I hope the information provided will address your concerns. Please feel free to call me at 576-0977 for any additional questions you may have.

Sincerely,

A handwritten signature in blue ink that reads "Katy Kates".

Katy Kates  
Realty Officer

Enclosure  
As stated

DOE DATA SHEET  
FLOODPLAIN STRIP ABUTTING "BOEING" PARCEL

I. DOE'S CONVEYANCE OF 1217-ACRE PROPERTY

- DOE conveyed self-sufficiency parcel "E" containing approximately 1217 acres to City of Oak Ridge in 1987 who, in turn, conveyed the land to Boeing Tennessee, Inc. The environmental assessment resulted in a Finding of No Significant Impact. Additionally, it was found that there was no discernable contamination on that parcel.
- DOE's 1987 quitclaim deed to the City contained certain restrictions for development; one of those was for residential development. This restriction was noted because of a determination by headquarters DOE Counsel that economic development, as related to the self-sufficiency program, consisted of industrial development only.
- Subsequent to that determination, the parameters of economic development through the self-sufficiency program were expanded to include commercial and residential purposes. Thus, any decision to abrogate such previous restriction became an administrative decision. In abrogating this restriction, DOE prohibited use of all groundwater.

II. DOE'S FLOODPLAIN STRIP

- DOE did not convey approximately 182 acres of land which abutted both the site and the water. This land comprises the 500-year floodplain which equates to land up to the 750-foot contour plus 10 feet inward. Any references made referring to a 100-foot or 500-foot strip of land did not derive from DOE.
- When AEC acquired this floodplain strip of land from TVA in 1959, TVA reserved a flowage easement over the land. Any subsequent transfer of the land will be subject to TVA's reserved easement.
- At the time the 1217-acre site was conveyed, DOE agreed to coordinate with the future developer/owner of that parcel to issue easements for necessary utilities and infrastructure over the floodplain area, thus avoiding the creation of uneconomic encumbrances affecting use of the parcel. Such easements would first be subject to accomplishment of appropriate environmental documentation.
- DOE has declared the 182-acre floodplain strip of land excess to its needs. DOE has stated its intent to convey the land to whomever the owner of the abutting Boeing parcel is at the time DOE is ready to transfer the land.
- The unique nature of this DOE ownership is that the strip surrounds a peninsula-type landholding and abuts both land and water. DOE cannot create a situation which would result in an uneconomic encumbrance or devalued use of the Boeing parcel. Consequently, the party to whom the floodplain strip should be conveyed is the abutting landowner. Section 161(g) of the Atomic Energy Act is the appropriate authority for eventual transfer of this property. Any such transfer will be at fair market value plus administrative costs.

- DOE's floodplain strip cannot be conveyed/transferred unless the appropriate processes are followed. Without a formal request from the owner or potential owner, the selected transfer process will not be initiated – land survey, appraisal, NEPA documentation including a cultural resources report, CERCLA investigation, Federal Facilities Agreement notification, public interaction, etc. Additionally, this is not considered to be in the environmental management arena unless and until it is discovered that there are known levels of contamination requiring remediation by DOE. As pertains to the transfer of land, this analysis would be conducted when an action is requested to proceed. DOE cannot transfer land to a private party with known unacceptable levels of contamination. DOE is responsible for the remediation of any such contamination prior to transfer.
- There have also been concerns as to the lack of availability of public records addressing "deed restrictions" relating to this issue. These concerns relate to long-term stewardship requirements currently being developed. DOE's transfer by quitclaim deed of the 1217-acre parcel is easily locatable in the Roane County public records. This deed does contain any restrictions that exist on that parcel. As to restrictions on DOE's 182-acre floodplain strip, those are, as yet, undeveloped because the land remains titled to DOE and environmental documentation has not been accomplished which might reveal need for any such restrictions.



Katy Kates  
DOE Realty Officer