

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

December 11, 2013

The Honorable Ernest Moniz  
Secretary  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

Dear Secretary Moniz:

We write regarding the Department of Energy's sudden and surprising decision to modify, and issue as a final rule, regulations regarding transfers of land no longer needed by the federal government. The potential negative impacts of these changes could affect the sites and communities we represent for generations to come. We are deeply concerned that these changes were made without input from the very communities that the underlying law was intended to help.

At all of the Defense Nuclear Facility sites, 70 years ago the federal government took privately-owned land in order to construct facilities required for our nation's defense. Today, as land is cleaned up and no longer needed for that purpose, it need not remain in the hands of the federal government indefinitely and should be returned to the local communities. There is no better way for the Department to demonstrate that cleanup at these sites has been successful, than to return the land for economic and beneficial use by the communities.

The 1998 National Defense Authorization Act required the Secretary of Energy to issue regulations for the transfer of property at DOE defense nuclear facilities for the "purpose of permitting the economic development of the property." While the intent of Congress remains clear, the Department's recent modifications could make it more difficult for land to be transferred to local communities. The changes could result in increased costs and risks for local communities and would likely result in an even lengthier transfer process by removing any deadline for responding to requests for land. There is already at least one DOE designated Community Reuse Organization that has had a land transfer request pending with the Department for nearly three years, and the community has been told it still could take yet another 18 months or more.

DOE should ensure that any modifications to existing regulations help facilitate land transfers of this nature in a more timely manner. It would benefit communities and sites if deadlines were more strictly adhered to - yet these changes appear to do exactly the opposite by abandoning deadlines altogether. We are concerned that this will harm community efforts to prepare for the future and increase the chances that land will remain locked up under federal control into perpetuity. At a minimum, these modifications are vague enough to add increased uncertainty to the transfer process - as well as inviting lawsuits from those who would prefer that these lands remain closed and under federal control.

In order to appropriately assess the impacts on our constituents, we write to request the following: 1) the purpose of the Department modifications to 10 CFR 770 issued on November 13, 2013, 2) a description and timeline of the process used by the Department to develop and finalize the modifications, 3) the reason why the 90 day deadline to respond to land transfer requests from local government entities and

Community Reuse Organizations was eliminated and the Department's new schedule for considering requests, 4) the reason for altering language regarding indemnification 5) a list of the sites that are impacted by the modifications as well as a list of sites not impacted, and 6) the Department's definitions of "downsized site" and "closed site."

We also request that the Department proactively communicate with and seek input from impacted communities on these modifications before moving forward with implementation.

Sincerely,



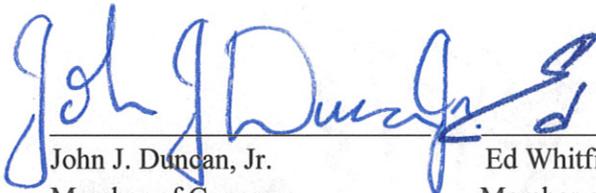
Doc Hastings  
Member of Congress



Chuck Fleischmann  
Member of Congress



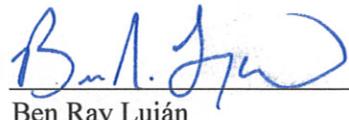
Joe Wilson  
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