

Management System: Real Property Management

Subject Area: Other Interests in Real Property

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1.0 Introduction

This subject area describes Other Interests in Real Property and how the need may be met by outgrant of government property or an ingrant of private property; i.e., easement, permit or license, or right of entry agreements.

A real property transaction may require less than a fee or leasehold interest to satisfy a particular requirement. A U.S. Department of Energy (DOE) Real Estate Contracting Officer (RECO) and/or Certified Realty Specialist (CRS) must review and approve all real estate actions to acquire, manage, and dispose of real property assets prior to execution.

2.0 Contents

Procedures	Procedure Content
1. Acquiring or Granting an Easement	<ul style="list-style-type: none"> • Determine need, prepare easement, and submit for review and comment. • If required, obtain National Environmental Policy Act (NEPA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and other environmental concurrences; obtain appraisal and survey with a legal description. • Resolve concerns and revise agreement accordingly. • Obtain signatories and approve easement. • Enter information in the Facilities Information Management System (FIMS), as appropriate.

<p>2. Acquiring or Granting a License or Permit</p>	<ul style="list-style-type: none"> • Determine need, prepare license or permit, and submit for review and comment. • If required, obtain NEPA, CERCLA, and other environmental concurrences; obtain appraisal and survey or map, as appropriate. • Resolve concerns and revise agreement accordingly. • Obtain signatories and approve permit or license. • Enter information in FIMS, as appropriate.
<p>3. Acquiring or Granting a Right of Entry</p>	<ul style="list-style-type: none"> • Determine need, prepare right of entry agreement, and submit for review and comment. • Resolve concerns and revise agreement accordingly. • Obtain map of the subject property. • Obtain signatories and approve Right of Entry.

3.0 Related Information

3.1 Requirements

- 10 CFR 770 Transfer Of Real Property At Defense Nuclear Facilities For Economic Development
- 41 CFR 101 Federal Property Management Regulations System
- 41 CFR 102 Federal Management Regulation
- DOE O 430.1B, Admin. Change 2 Real Property Asset Management
- DOE O 458.1, Admin. Change 2 Radiation Protection Of The Public And The Environment
- DOJ RPG A Procedural Guide For The Acquisition Of Real Property By Governmental Agencies, Department Of Justice, 1972
- E.O. 13327 Federal Real Property Asset Management (Amended by E.O. 13423)
- P.L. 83-703 (68 stat. 919) The Atomic Energy Act of 1954
- P.L. 95-91, Section 647 Department of Energy Organizational Act
- P.L. 95-91, 91 Stat. 578 (Sections 302 and 347) Department of Energy Organizational Act of 1977, Delegated Authority for Real Property
- P.L. 105-85 National Defense Authorization Act For FY 1998
- P.L. 106-580 Federal Property And Administrative Services Act Of 1949, As Amended

3.2 References

- DOE *Real Property Desk Guide*, dated June 2014
- 42 U.S.C. 11411, *Stewart McKinney Homeless Assistance Act*.
- 42 U.S.C. 2201 (g), Section 161(g) of the *Atomic Energy Act*
- 42 U.S.C. Section 2224, Section 174, *Development and Control of Atomic Energy*
- P.L. 105-85, Section 3158, *Defense Authorization Act for Fiscal Year 1998*

3.3 Other Documents

- DOE Permit (Outgrant)
- DOE Easement for Road/Street (Outgrant)
- DOE Right-of-Entry (Outgrant)
- DOE License for Non-Federal Use of Property DOE Permit (Outgrant)
- DOE Permit (Ingrant)
- DOE License (Ingrant)
- DOE Right-of-Entry (Ingrant)

EMCBC RECORD OF REVISION**DOCUMENT TITLE: Other Interests in Real Property**

If there are changes to the controlled document before the two-year review cycle, the revision number stays the same; one of the following will indicate the change:

I Placing a vertical black line in the left margin adjacent to sentence or paragraph that was revised; or

I Placing the words GENERAL REVISION at the beginning of the text. This statement is used when entire sections of the document are revised.

If changes and updates occur at the two-year review cycle, the revision number increases by one.

Rev. No.	Description of Changes	Revision on Pages	Date
0	Initial Document		3/10/2015