

Management System: Real Property Management

Subject Area: Land Management and Disposal

Procedure: Disposing Real Property for Economic Development

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1.0 Applicability

This procedure applies to any person or entity who requests specific real property be made available for transfer under economic development pursuant to procedures in 10 CFR 770, *Transfer of Real Property at Defense Nuclear Facilities for Economic Development*. Transfers of real property under these regulations are intended to offset negative impacts on communities caused by unemployment from related U.S. Department of Energy (DOE) downsizing, facility closeouts, and workforce restructuring at these facilities.

NOTE: The Site Office or Program Managers determine through the Department's present and future missions what property, if any, is excess and available for Economic Development purposes. The Government normally does not seek interested parties for disposal of real property. Notification of available properties is made through public meetings, receipt of inquiries from the public, phone calls, etc.

2.0 Required Procedure

Step 1	<p>The potential purchaser or lessee must prepare and provide to the Site Office or Program Manager a proposal for the transfer of real property. The business case proposal must include:</p> <ul style="list-style-type: none"> • Description of the property, • Intended use and duration, • Description of the economic development that would be furthered by the transfer, • Information supporting economic viability, • The consideration offered,
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	<ul style="list-style-type: none"> • Financial requirements, and • If requesting indemnification.
Step 2	<p>The Certified Realty Specialist (CRS) or Real Estate Contracting Officer (RECO) must submit a <i>DOE Request Screening for Disposition of Real Property Form</i> to the DOE Headquarters (HQ) Office of Asset Management and Project Management (MA-50).</p> <p>MA-50 will screen the Lead Program Secretarial Office (LPSO) or the Cognizant Secretarial Officer (CSO) for unneeded real property throughout DOE, including the EM HQ Facilities and Infrastructure Division and to all Real Estate Offices to determine whether the property is excess to the Department. MA-50 notifies the CRS/RECO that screening is complete (via electronic mail) within 7 to 14 calendar days.</p>
Step 3	<p>The Site Office or Program Manager in conjunction with the Site Office and/or the CRS/RECO reviews the proposal, and responds to the potential Purchaser or Lessee within 90 calendar days of its decision. The determination is based on Departmental mission and whether the transfer is in the best interest of the Government. The response must include DOE's intent to proceed with the development of a transfer package.</p>
Step 4	<p>The CRS/RECO coordinates with the EMCBC National Environmental Policy Act (NEPA) Office for the required documentation, and obtains concurrences from the State Government, the U.S. Environmental Protection Agency (EPA), and the State Historic Preservation Office, as required.</p>
Step 5	<p>The Site Office or Program Manager in conjunction with the Site Office and/or the CRS/RECO determines what, if any, consideration (fair market value or nominal cost) will be paid for this transfer. A conveyance at less than market value may be done if it, in the DOE's judgment, furthers the public policy objectives.</p>
Step 6	<p>The CRS in conjunction with the Program Office and the EMCBC Office of Chief Counsel prepares the proposed transfer package that will ultimately be forwarded to the Director of the Office of EM. The documentation surrounding the transfer must include certain information such as: background data, discussion, sensitivities, policy impact, and the Site's recommendation. The package must also contain the following items:</p> <ul style="list-style-type: none"> • NEPA documentation, • Letters of concurrence by EPA, the State Government, and other entities as required, • Plat and legal description,

	<ul style="list-style-type: none"> • Appraisal, if required, • Draft quitclaim deed, • Notices to the Appropriation Committees and the Armed Services Committees, • Draft Congressional Notification Letters, and • Business Case Proposal.
Step 7	<p>The CRS/RECO prepares a transmittal memorandum and forwards the proposed transfer package to the appropriate Site Office or Program Manager for review and concurrence, and resolves any local comments as needed.</p> <p>The Site Office or Program Manager will sign the transmittal memorandum and forward to HQ Office of the Deputy Director for Field Operations, with a copy to HQ Office of Safety, Security, and Infrastructure.</p>
Step 8	EM-3 reviews the proposed transfer package and works out any issues with the Site Office or Program Manager. EM-3 then coordinates the package with DOE HQ's Offices including the Office of Management (MA-1), Chief Financial Officer (CF-1), and General Counsel (GC-1) and works with the CRS to resolve any comments.
Step 9	After MA-1, GC-1, and CF-1 concur, CF-1 sends the package to the U.S. Office of Management and Budget (OMB) for their review and concurrence.
Step 10	<p>Once OMB has approved the transfer package, EM-1 signs the action memorandum and the package is forwarded to DOE HQ Office of the Assistant Secretary for Congressional and Intergovernmental Affairs (CI-1) for their review.</p> <p>Once CI-1 concurs, MA-1 approves the transfer package (as delegated authority from the Secretary) and provides the package to the Secretary for signature and submittal to Congress.</p>
Step 11	Once submitted to Congress, DOE must wait 60 calendar days before the CRS/RECO finalizes the deed and transfers the real property.
Step 12	After the 60 calendar days , the Program Office notifies MA-50 of Congress's approval to execute the transfer.
Step 13	MA-50 will notify the CRS/RECO of approval, usually through electronic mail. However, if no approval or disapproval is received by Congress at the end of the 60 calendar days , the ISC moves forward with the transfer action.

Step 14	The RECO executes and records the deed in the appropriate local Governmental offices.
Step 15	The CRS/RECO notifies the FIMS Administrator of the document disposal action.
Step 16	The Facilities Information Management System (FIMS) Administrator will archive the property record in the FIMS database after the property has been disposed via transfer.

3.0 References

- *DOE Request Screening for Disposition of Real Property Form*
- *10 CFR 770, Transfer of Real Property at Defense Nuclear Facilities for Economic Development*
- *P.L. 105-85, Section 3158, Defense Authorization Act for Fiscal Year 1998*
- *DOE Real Property Desk Guide*, dated 2014

EMCBC RECORD OF REVISION**DOCUMENT TITLE: Disposing Real Property for Economic Development**

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