

Management System: Real Property Management

Subject Area: Land Management and Disposal

Procedure: Disposing Real Property by Atomic Energy Act (AEA), Section 161g

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Lead Subject Matter Expert:
Larry Kelly

Management System Owner:
Bud Sokolovich

1.0 Applicability

This procedure applies to any person or entity who requests transfer of title to and ownership of Government-owned real property assets under the purview of the Office of Environmental Management (EM). Pursuant to 42 U.S.C. 2201(g), Section 161g of the *Atomic Energy Act (AEA)*, the AEA (and by operation of subsequent statutes, its successor agencies) is authorized to acquire, purchase, lease, and hold real and personal property, including patents, as agent of and on behalf of the United States, subject to the provisions of 42 U.S.C. Section 2224, Section 174, *Development and Control of Atomic Energy*, and to sell, lease, grant, and dispose of such real and personal property as provided in this Act. According to DOE Office of General Counsel guidance, to use Section 161g authority, such property must have been used in furtherance of the purposes of the AEA. All agencies are directed to maintain their real property inventories at the minimum level needed for mission accomplishment.

2.0 Required Procedure

Step 1	<p>The potential purchaser or lessee must prepare and provide to the Requesting Site Office or Program Manager Environmental Management Consolidated Business Center (EMCBC) a business case proposal for the transfer of real property. The proposal must include:</p> <ul style="list-style-type: none"> • Description of the property, • Intended use and duration, • Justification for the transfer, • The consideration offered, and • Financial requirements.
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Step 2	The EMCBC in conjunction with the Certified Realty Specialist (CRS) or Real Estate Contracting Officer (RECO) reviews the proposal, and responds within 90 calendar days of its decision on whether the transfer is in the best interest of the Government. The response must include U.S. Department of Energy (DOE)'s intent to proceed with the development of a transfer package.
Step 3	<p>The CRS/RECO must submit to the DOE Headquarters (HQ) Office of Acquisition and Project Management (MA-60), a <i>DOE Request Screening for Disposition of Real Property Form</i>.</p> <p>MA-652 will screen the Lead Program Site Office/ Cognizant Site Office LPSO/CSO's unneeded real property throughout DOE, including EM HQ Facilities and Infrastructure Division and to all Real Estate Offices to determine whether the property is excess to the Department. MA-652 notifies to the CRS/RECO that screening is complete (via electronic mail) within 7 to 14 calendar days.</p>
Step 4	The CRS/RECO coordinates with the National Environmental Policy Act (NEPA) Officer 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.
Step 5	The requesting office in conjunction with the EM Program Office and the CRS determines what, if any, consideration (fair market value or nominal cost) will be paid for the transfer.
Step 6	<p>The CRS/RECO in conjunction with the EM Program Office and the EMCBC Office of Chief Legal Counsel prepares the proposed transfer package that will ultimately be forwarded to the EM-1. 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, • Appraisal, if required, • Draft quitclaim deed, • Notices to the Appropriation Committees and the Armed Services Committees, and • The draft Congressional Notification Letters.
Step 7	The CRS/RECO prepares a transmittal memorandum and forwards the

	<p>proposed transfer package to the appropriate requesting office for review and concurrence, and resolves any local comments as needed.</p> <p>The requesting office will sign the transmittal memorandum and forward to the HQ Office of the Deputy Director for Field Operations, with a copy to EM HQ Office of Safety, Security, and Infrastructure.</p>
Step 8	EM-3 reviews the proposed transfer package and works out any issues with the requesting office. EM-3 then coordinates the package with HQ's Offices including the Office of Management (MA-1), Chief Financial Officer (CF-1), and General Counsel (GC-1) and works with CRS/RECO 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 memo 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, if required.</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 requesting office notifies MA-50 of Congresses 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 CRS/RECO 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*
- 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*
- *DOE Real Property Desk Guide*, dated June 2014

4.0 Records Generated

Records generated through implementation of this procedure are identified as follows and are maintained by the Office of Technical Support and Asset Management in accordance with the EMCBC Organizational File Plan:

Records Category Code	Records Title	Responsible Organization	QA Classification (Lifetime, Non-Permanent, or Not Applicable)
ADM 03-01-A	Real Property Files – Original Executed Deed and Supporting Documentation	Office of Technical Support and Asset Management	N/A

EMCBC RECORD OF REVISION**DOCUMENT TITLE: Disposing Real Property by Atomic Energy Act (AEA),
Section 161g**

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