



**Relevant Authorities and Regulations
in Support of DOE Property Transfer**

Appendix	Description
A	42 USC §2201 — Authorizes sale, lease or transfer of excess property <ul style="list-style-type: none"> ▪ Section 161(g) of the Atomic Energy Act of 1954
B	Letter dated August 7, 1997, from DOE acting general counsel to U.S. Rep. Tony Hall regarding the department's Section 161(g) property disposal authority
C	42 USC §7256 — Authorizes leasing of DOE property and related personal property <ul style="list-style-type: none"> ▪ The Hall Amendment from the National Defense Authorization Act of 1994
D	10 CFR 770 — Establishes how DOE will sell or lease property and sets procedures for requesting indemnification for any claim as a result of DOE activities at a defense nuclear facility <ul style="list-style-type: none"> ▪ Section 3158 of the National Defense Authorization Act of 1998
E	DOE EM Transfer of Real Property Standing Operating Policies and Procedures (June 2008)
F	Types of real property transfers <ul style="list-style-type: none"> ▪ Excerpted from "Cross-Cut Guidance on Environmental Requirements for DOE Real Property Transfers (Update)," March 2005, U.S. Department of Energy, Office of Pollution Prevention and Resource, Conservation Policy and Guidance
G	Initial procedures for DOE real property transfers <ul style="list-style-type: none"> ▪ Excerpted from "Cross-Cut Guidance on Environmental Requirements for DOE Real Property Transfers (Update)," March 2005, U.S. Department of Energy, Office of Pollution Prevention and Resource, Conservation Policy and Guidance

APPENDIX A

42 USC §2201(g) — Acquisition of real and personal property

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 section 2224 of this title, and to sell, lease, grant, and dispose of such real and personal property as provided in this chapter.

[Codification of Section 161(g) of the Atomic Energy Act of 1954.]

APPENDIX B

Letter dated August 7, 1997, from DOE acting general counsel to U.S. Rep. Tony Hall regarding the department's Section 161(g) property disposal authority



Department of Energy
Washington, DC 20585

August 7, 1997

The Honorable Tony P. Hall
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Hall:

Your July 29 letter requested the Department's view of its property disposal authority in the context of transfers of property done to mitigate local community impacts from reduction or discontinuance of the Department's defense production activities.

In our view, section 161g. of the Atomic Energy Act, 42 U.S.C. 2201(g), enables the Department to "sell, lease, grant, and dispose of" property associated with these activities independent of the authorities and procedures specified in other laws applied generally to executive agencies. The Department has in fact used this Atomic Energy Act authority to dispose of surplus real property originally acquired to carry out functions under the Atomic Energy Act.

In employing section 161g. authority the Department would first be guided by the statutory text. There is no textual requirement here that covered property transfers are to be limited by a "fair market value" test. To the contrary, the explicitly authorized means of disposal include "grant" as well as "sell" and "lease." While section 161g. does not further address the terms of the transfers it authorizes, it seems safe to conclude that those terms may be informed in particular transfer transactions by other public policy objectives expressed in other statutes that deal expressly with the Department's responsibilities.

The objective of aiding communities to adjust to DOE weapon production mission curtailments seems a proper one to guide the Department in the use of its authority under section 161g. to convey surplus property. That statute imposes no market value restriction, and if in the Department's judgment a conveyance at less than



2

market value would further the public policy objectives of the laws governing the downsizing of DOE's production complex, then the terms of section 161g. amply would support such a conveyance.

I hope that this information will be helpful to you and to the committees considering the Defense Authorization legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric J. Fygi'. The signature is fluid and cursive, with a large initial 'E' and 'F'.

Eric J. Fygi
Acting General Counsel

Appendix C

42 USC §7256 — Contracts, leases, etc., with public agencies and private organizations and persons

(a) General authority

The Secretary is authorized to enter into and perform such contracts, leases, cooperative agreements, or other similar transactions with public agencies and private organizations and persons, and to make such payments (in lump sum or installments, and by way of advance or reimbursement) as he may deem to be necessary or appropriate to carry out functions now or hereafter vested in the Secretary.

(b) Limitation on authority; appropriations

Notwithstanding any other provision of this subchapter, no authority to enter into contracts or to make payments under this subchapter shall be effective except to such extent or in such amounts as are provided in advance in appropriation Acts.

(c) Leasing of excess Department of Energy property

The Secretary may lease, upon terms and conditions the Secretary considers appropriate to promote national security or the public interest, acquired real property and related personal property that—

(1) is located at a facility of the Department of Energy to be closed or reconfigured;

(2) at the time the lease is entered into, is not needed by the Department of Energy; and

(3) is under the control of the Department of Energy.

(d) Terms of lease

(1) A lease entered into under subsection (c) of this section may not be for a term of more than 10 years, except that the Secretary may enter into a lease that includes an option to renew for a term of more than 10 years if the Secretary determines that entering into such a lease will promote the national security or be in the public interest.

(2) A lease entered into under subsection (c) of this section may provide for the payment (in cash or in kind) by the lessee of consideration in an amount that is less than the fair market rental value of the leasehold interest. Services relating to the protection and maintenance of the leased property may constitute all or part of such consideration.

(e) Environmental concerns

(1) Before entering into a lease under subsection (c) of this section, the Secretary shall consult with the Administrator of the Environmental Protection Agency (with respect to property located on a site on the National Priorities List) or the appropriate State official (with respect to property located on a site that is not listed on the National Priorities List) to determine whether the environmental conditions of the property are such that leasing the property, and the terms and conditions of the lease agreement, are consistent with safety and the protection of public health and the environment.

(2) Before entering into a lease under subsection (c) of this section, the Secretary shall obtain the concurrence of the Administrator of the Environmental Protection Agency or the appropriate State official, as the case may be, in the determination required under paragraph (1). The Secretary may enter into a lease under subsection (c) of this section without obtaining such concurrence if, within 60 days after the Secretary requests the concurrence, the Administrator or appropriate State official, as the case may be, fails to submit to the Secretary a notice of such individual's concurrence with, or rejection of, the determination.

(f) Retention and use of rentals; report

To the extent provided in advance in appropriations Acts, the Secretary may retain and use money rentals received by the Secretary directly from a lease entered into under subsection (c) of this section in any amount the Secretary considers necessary to cover the administrative expenses of the lease, the maintenance and repair of the leased property, or environmental restoration activities at the facility where the leased property is located. Amounts retained under this subsection shall be retained in a separate fund established in the Treasury for such purpose. The Secretary shall annually submit to the Congress a report on amounts retained and amounts used under this subsection.

(g) Additional authorities

(1) In addition to authority granted to the Secretary under any other provision of law, the Secretary may exercise the same authority to enter into transactions (other than contracts, cooperative agreements, and grants), subject to the same terms and conditions as the Secretary of Defense under section 2371 of title 10 (other than subsections (b) and (f) of that section).

(2) In applying section 2371 of title 10 to the Secretary under paragraph (1)—

(A) the term “basic” shall be replaced by the term “research”;

(B) the term “applied” shall be replaced by the term “development”; and

(C) the terms “advanced research projects” and “advanced research” shall be replaced by the term “demonstration projects”.

(3) The authority of the Secretary under paragraph (1) shall not be subject to—

(A) section 5908 of this title; or

(B) section 2182 of this title.

(4) (A) The Secretary shall use such competitive, merit-based selection procedures in entering into transactions under paragraph (1), as the Secretary determines in writing to be practicable.

(B) A transaction under paragraph (1) shall relate to a research, development, or demonstration project only if the Secretary determines in writing that the use of a standard contract, grant, or cooperative agreement for the project is not feasible or appropriate.

(5) The Secretary may protect from disclosure, for up to 5 years after the date on which the information is developed, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552 (b)(4) of title 5, if obtained from a person other than a Federal agency.

(6) (A) Not later than 90 days after August 8, 2005, the Secretary shall issue guidelines for transactions under paragraph (1).

(B) The guidelines shall be published in the Federal Register for public comment in accordance with rulemaking procedures of the Department.

(C) The Secretary shall not have authority to carry out transactions under paragraph (1) until the guidelines for transactions required under subparagraph (A) are final.

(7) The annual report of the head of an executive agency under section 2371 (h) of title 10 shall be submitted to Congress.

(8) (A) In this paragraph, the term “nontraditional Government contractor” has the meaning given the term “nontraditional defense contractor” in section 845(f) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note).

(B) Not later than 1 year after the date on which the final guidelines are published under paragraph (6), the Comptroller General of the United States shall submit to Congress a report describing—

(i) the use by the Department of authorities under this section, including the ability to attract nontraditional Government contractors; and

(ii) whether additional safeguards are necessary to carry out the authorities.

(9) The authority of the Secretary under this subsection may be delegated only to an officer of the Department who is appointed by the President by and with the advice and consent of the Senate.

(10) Notwithstanding any other provision of law, the authority to enter into transactions under paragraph (1) shall terminate on September 30, 2010.

Appendix D

10 CFR 770 — Transfer of Real Property at Defense Nuclear Facilities for Economic Development

Sec. 770.1 What is the purpose of this part?

(a) This part establishes how DOE will transfer by sale or lease real property at defense nuclear facilities for economic development.

(b) This part also contains the procedures for a person or entity to request indemnification for any claim that results from the release or threatened release of a hazardous substance or pollutant or contaminant as a result of DOE activities at the defense nuclear facility.

Sec. 770.2 What real property does this part cover?

(a) DOE may transfer DOE-owned real property by sale or lease at defense nuclear facilities, for the purpose of permitting economic development.

(b) DOE may transfer, by lease only, improvements at defense nuclear facilities on land withdrawn from the public domain, that are excess, temporarily underutilized, or underutilized, for the purpose of permitting economic development.

Sec. 770.3 What general limitations apply to this part?

(a) Nothing in this part affects or modifies in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(b) Individual proposals for transfers of property are subject to NEPA review as implemented by 10 CFR Part 1021.

(c) Any indemnification agreed to by the DOE is subject to the availability of funds.

Sec. 770.4 What definitions are used in this part?

Community Reuse Organization or CRO means a governmental or non-governmental organization that represents a community adversely affected by DOE work force restructuring at a defense nuclear facility and that has the authority to enter into and fulfill the obligations of a DOE financial assistance agreement.

Claim means a request for reimbursement of monetary damages.

Defense Nuclear Facility means “Department of Energy defense nuclear facility” within the meaning of section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

DOE means the United States Department of Energy.

DOE Field Office means any of DOE's officially established organizations and components located outside the Washington, D.C., metropolitan area. (See Field Office Manager.)

Economic Development means the use of transferred DOE real property in a way that enhances the production, distribution, or consumption of goods and services in the surrounding region(s) and furthers the public policy objectives of the laws governing the downsizing of DOE's defense nuclear facilities.

Excess Real Property means any property under DOE control that the Field Office, cognizant program, or the Secretary of Energy have determined, according to applicable procedures, to be no longer needed.

Field Office Manager means the head of the DOE Operations Offices or Field Offices associated with the management and control of defense nuclear facilities.

Hazardous Substance means a substance within the definition of "hazardous substances" in subchapter I of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601(14)).

Indemnification means the responsibility for reimbursement of payment for any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage, including business losses consistent with generally accepted accounting practices, which involve the covered real property transfers. Indemnification payments are subject to the availability of appropriated funds.

Person or Entity means any state, any political subdivision of a state or any individual person that acquires ownership or control of real property at a defense nuclear facility.

Pollutant or Contaminant means a substance identified within the definition of "pollutant or contaminant" in section 101(33) of CERCLA (42 U.S.C. 9601(33)).

Real Property means all interest in land, together with the improvements, structures, and fixtures located on the land (usually including prefabricated or movable structures), and associated appurtenances under the control of any federal agency.

Release means a "release" as defined in subchapter I of CERCLA (42 U.S.C. 9601(22)).

Underutilized Real Property or Temporarily Underutilized Real Property means the entire property or a portion of the real property (with or without improvements) that is used only at irregular intervals, or which is used by current DOE missions that can be satisfied with only a portion of the real property.

Sec. 770.5 How does DOE notify persons and entities that defense nuclear facility real property is available for transfer for economic development?

(a) Field Office Managers annually make available to Community Reuse Organizations and other persons and entities a list of real property at defense nuclear facilities that DOE has

identified as appropriate for transfer for economic development. Field Office Managers may use any effective means of publicity to notify potentially-interested persons or entities of the availability of the list.

(b) Upon request, Field Office Managers provide to interested persons and entities relevant information about listed real property, including information about a property's physical condition, environmental, safety and health matters, and any restrictions or terms of transfer.

Sec. 770.6 May interested persons and entities request that real property at defense nuclear facilities be transferred for economic development?

Any person or entity may request that specific real property be made available for transfer for economic development pursuant to procedures in Sec. 770.7. A person or entity must submit such a request in writing to the Field Office Manager who is responsible for the real property.

Sec. 770.7 What procedures are to be used to transfer real property at defense nuclear facilities for economic development?

(a) Proposal. The transfer process starts when a potential purchaser or lessee submits to the Field Office Manager a proposal for the transfer of real property that DOE has included on a list of available real property, as provided in Sec. 770.5 of this part.

(1) A proposal must include (but is not limited to):

(i) A description of the real property proposed to be transferred;

(ii) The intended use and duration of use of the real property;

(iii) A description of the economic development that would be furthered by the transfer (e.g., jobs to be created or retained, improvements to be made);

(iv) Information supporting the economic viability of the proposed development; and

(v) The consideration offered and any financial requirements.

(2) The person or entity should state in the proposal whether it is or is not requesting indemnification against claims based on the release or threatened release of a hazardous substance or pollutant or contaminant resulting from DOE activities.

(3) If a proposal for transfer does not contain a statement regarding indemnification, the Field Office Manager will notify the person or entity by letter of the potential availability of indemnification under this part, and will request that the person or entity either modify the proposal to include a request for indemnification or submit a statement that it is not seeking indemnification.

(b) Decision to transfer real property. Within 90 days after receipt of a proposal, DOE will notify, by letter, the person or entity that submitted the proposal of DOE's decision whether or not a transfer of the real property by sale or lease is in the best interest of the Government. If DOE determines the transfer is in the Government's best interest, then the Field Office Manager will begin development of a transfer agreement.

(c) Congressional committee notification. DOE may not transfer real property under this part until 30 days have elapsed after the date DOE notifies congressional defense committees of the proposed transfer. The Field Office Manager will notify congressional defense committees through the Secretary of Energy.

(d) Transfer. After the congressional committee notification period has elapsed, the Field Office Manager:

- (1) Finalizes negotiations of a transfer agreement, which must include a provision stating whether indemnification is or is not provided;
- (2) Ensures that any required environmental reviews have been completed; and
- (3) Executes the documents required for the transfer of property to the buyer or lessee.

Sec. 770.8 May DOE transfer real property at defense nuclear facilities for economic development at less than fair market value?

DOE generally attempts to obtain fair market value for real property transferred for economic development, but DOE may agree to sell or lease such property for less than fair market value if the statutory transfer authority used imposes no market value restriction, and:

(a) The real property requires considerable infrastructure improvements to make it economically viable, or

(b) A conveyance at less than market value would, in the DOE's judgment, further the public policy objectives of the laws governing the downsizing of defense nuclear facilities.

Sec. 770.9 What conditions apply to DOE indemnification of claims against a person or entity based on the release or threatened release of a hazardous substance or pollutant or contaminant attributable to DOE?

(a) If an agreement for the transfer of real property for economic development contains an indemnification provision, the person or entity requesting indemnification for a particular claim must:

- (1) Notify the Field Office Manager in writing within two years after such claim accrues under Sec. 770.11 of this part;
- (2) Furnish the Field Office Manager, or such other DOE official as the Field Office Manager designates, with evidence or proof of the claim;

(3) Furnish the Field Office Manager, or such other DOE official as the Field Office Manager designates, with copies of pertinent papers (e.g., legal documents) received by the person or entity;

(4) If requested by DOE, provide access to records and personnel of the person or entity for purposes of defending or settling the claim; and

(5) Provide certification that the person or entity making the claim did not contribute to any such release or threatened release.

(b) DOE will enter into an indemnification agreement if DOE determines that indemnification is essential for the purpose of facilitating reuse or redevelopment.

(c) DOE may not indemnify any person or entity for a claim if the person or entity contributed to the release or threatened release of a hazardous substance or pollutant or contaminant that is the basis of the claim.

(d) DOE may not indemnify a person or entity for a claim made under an indemnification agreement if the person or entity refuses to allow DOE to settle or defend the claim.

Sec. 770.10 When must a person or entity, who wishes to contest a DOE denial of request for indemnification of a claim, begin legal action?

If DOE denies the claim, DOE must provide the person or entity with a notice of final denial of the claim by DOE by certified or registered mail. The person or entity must begin legal action within six months after the date of mailing.

Sec. 770.11 When does a claim "accrue" for purposes of notifying the Field Office Manager under Sec. 770.9(a) of this part?

For purposes of Sec. 770.9(a) of this part, a claim "accrues" on the date on which the person asserting the claim knew, or reasonably should have known, that the injury to person or property was caused or contributed to by the release or threatened release of a hazardous substance, pollutant, or contaminant as a result of DOE activities at the defense nuclear facility on which the real property is located.

APPENDIX E

**DOE EM Transfer of Real Property
Standing Operating Policies and Procedures (June 2008)**

**U. S. Department Of Energy (DOE)
Office Of Environmental Management (EM)
Standing Operating Policies and Procedures (SOPP)**

Title: Transfer of Real Property at Defense Nuclear Facilities for Economic Development

EM ORG: EM-23

SOPP #: 30

Revision #: 0

Effective Date: June 30, 2008

1. **POLICY:** This policy defines the procedures for transfer of property currently owned by the Department of Energy Office of Environmental Management (DOE EM) to the private sector in accordance with 10 CFR 770, *Transfer of Real Property at Defense Nuclear Facilities for Economic Development*.
2. **OBJECTIVES:** To develop and institutionalize the process for transferring excess property currently owned by DOE EM to a Community Reuse Organization (CRO), person or entity for economic development.
3. **CANCELLATIONS:** This SOPP does not cancel any previous SOPPs.
4. **APPLICABILITY:**
 - a. This procedure only applies to the transfer of real property, buildings or land, currently owned by DOE EM which is to be transferred to a CRO, person or entity for economic development. This procedure does not apply to non-nuclear defense facilities. If ownership of the land or building is transferred, the property is not longer part of the defense nuclear facility. If the property is leased, it remains part of the defense nuclear facility
 - b. The provisions of this procedure will apply to all EM Headquarters (HQ) and Field Organizations responsible for the execution of the EM Program.
5. **REFERENCES:**
 - a. Section 3158 of the National Defense Authorization Act for fiscal year (FY) 1998, Public Law 105-85, as amended.
 - b. House Report 107-112, accompanying the Energy and Water Appropriations Bill, 2002.
 - c. Section 161g of the Atomic Energy Act of 1954
 - d. 10 CFR Part 770, Transfer of Real Property at Defense Nuclear Facilities for Economic Development
 - e. DOE O 430.1B, *REAL PROPERTY ASSET MANAGEMENT*, dated 9-24-03
6. **CONTACT: Charles Nalezny, General Engineer, Office of D&D and Facility Engineering, EM-23, (202) 586-0932, charles.nalezny@em.doe.gov**
7. **DEFINITIONS:**
 - a. Community Reuse Organization or CRO: A governmental or non-governmental organization that represents a community adversely affected by DOE work force restructuring at a defense nuclear facility and has the authority to enter into and fulfill the obligations of a DOE financial assistance agreement.
 - b. Claim: A request for reimbursement of monetary damages.
 - c. Defense Nuclear facility: DOE defense nuclear facility within the meaning of section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).
 - d. DOE: The United States Department of Energy.
 - e. DOE Field Office: Any of DOE's officially established organizations and components located outside the Washington, D.C., metropolitan area.
 - f. Economic Development: The use of transferred DOE real property in a way that enhances the production, distribution, or consumption of goods and services in the surrounding region(s) and furthers the public policy objectives

- g. of the laws governing the downsizing of DOE's defense nuclear facilities.
- g. Excess Real Property: Any property under DOE control that the Field Office, cognizant program, or the Secretary of Energy has determined, according to applicable procedures, to be no longer needed.
- h. Field Office Manager: The head of the DOE Operations Offices or Field Offices associated with the management and control of defense nuclear facilities.
- i. Hazardous Substance: A substance within the definition of "hazardous substances" in subchapter I of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. 9601 (14)).
- j. Indemnification: Reimbursement or payment for any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage, including business losses consistent with generally accepted accounting practices, which involve the covered real property transfers. Indemnification payments are subject to the availability of appropriated funds.
- k. Person or Entity: Any state, any political subdivision of a state or any individual person that acquires ownership or control of real property at a defense nuclear facility.
- l. Pollutant or Contaminant: A substance identified within the definition of "pollutant or contaminant" in section 101(33) of CERCLA (42U.S.C. 9601(33)).
- m. Real property: All interest in land, together with the improvements, structures, and fixtures located on the land (usually including prefabricated or moveable structures), and associated appurtenances under control of the federal agency.
- n. Release: A "release" as defined in subchapter I of CERCLA (42 U.S.C. 9601(22)).
- o. Underutilized Real Property or Temporarily Underutilized Real Property: The entire property or portion of the real property (with or without improvements) that is used only at irregular intervals, or which is used by current DOE missions that can be satisfied with only a portion of the real property.

8. REQUIREMENTS:

- a. Monitoring
 - i. The EM Policy Administrator will conduct periodic reviews to evaluate these procedures to ensure compliance with established/approved policy.
 - ii. A copy of the findings will be submitted to the Director, Office of D&D and Facility Engineering (EM-23) and, when necessary, a Corrective Action Plan will be formulated.
- b. Records
 - i. The Office of D&D and Facility Engineering (EM-23) will maintain a copy of the following files generated by this procedure for a period of three (3) years:
 - 1) Memorandum from the Field Office Manager to the Assistant Secretary for EM transmitting the property transfer package for review and concurrence.
 - 2) Memorandum transmitting transfer package to the Office of General Counsel (GC), the Chief Financial Officer (CFO), Office of Management (MA), Assistant Secretary of the Secretarial Office responsible for the site of the property to be transferred, and the Office of Legacy Management (LM) requesting review and concurrence.

- 3) Environmental Baseline Survey Report for the Title Transfer of the Property.
 - 4) Risk Screen to Support the title transfer of property (if applicable)
 - 5) Covenant Deferral Request (CDR) (Required if property is contaminated).
 - 6) CDR approval letter from Environmental Protection Agency (EPA) Regional Office (required if property is contaminated and property is on Superfund list).
 - 7) CDR concurrence letter from the State Governor's Office (required if the property is contaminated and is on the Superfund list).
 - 8) CDR approval letter from Governor (required if the property is contaminated and not on the Superfund list)
 - 9) Concurrence with Clean Parcel Determination (CPD) by EPA Regional Office if the property is on Superfund list or by Governor if the property is not on the Superfund list (required if the property is not contaminated).
 - 10) Draft Quitclaim Deed or Lease for Property.
 - 11) Business Case Supporting Transfer of Property.
 - 12) Memorandum for the Secretary of Energy from the Assistant Secretary of EM recommending that he sign letters transmitting notification to Congressional Committees of the Department's plan to transfer property to a CRO, person or entity.
 - 13) Letters to the Congressional Committees.
 - 14) Notice to the Appropriations Committee of a property transfer.
 - 15) Notice to the Committee on Armed Services of a property transfer.
 - 16) Memorandum from Assistant Secretary for EM to the Field Office Manager regarding Indemnification Determination for the proposed transfer of a land parcel.
- ii. The files listed above (8b(i)) will be sent to the EM Central Records Facility for life-cycle records management after three years.
- c. Training - None at this time

9. ROLES & RESPONSIBILITIES:

- a. The Secretary of Energy
 - i. Assigns signature authority to the Assistant Secretary for Environmental Management to provide indemnification to the transferees.
 - ii. Signs letter transmitting Notification to Congressional Committees of the Department's plan to transfer property to a CRO, person or entity.
- b. The Assistant Secretary for Environmental Management
 - i. Signs memorandum transmitting transfer package to GC, CFO, MA, Assistant Secretary of the Secretarial Office responsible for the site of the property to be transferred, and LM requesting review and concurrence.
 - ii. Signs memorandum to the Field Office Manager regarding Indemnification Determination for a proposed transfer of land parcel.
- c. Field Office Manager
 - i. Signs memorandum to the Assistant Secretary for EM transmitting the property transfer package for review and concurrence.

- ii. Directs the Field Office Realty Specialist to execute the Quitclaim Deed or Lease.
- d. Deputy Assistant Secretary for Engineering and Technology (EM-20)
 - i. Concurs with transfer package and memorandum prepared for the Assistant Secretary for EM's signature.
- e. Director of the Office of D&D and Facility Engineering (EM-23)
 - i. Prepares the following documents for the headquarters property transfer package:
 - (1) Memorandum transmitting the headquarters property transfer package from the Assistant Secretary of EM to GC, CFO, MA, Assistant Secretary of the Secretarial Office responsible for the site of the property to be transferred, and LM requesting review and concurrence.
 - (2) Memorandum for the Secretary of Energy from the Assistant Secretary of EM recommending that he sign letters Transmitting Notification to Congressional Committees of the Department's plan to transfer property to a CRO, person or entity.
 - (3) Letters to the Congressional Committees.
 - (4) Notice to the Appropriations Committee of a proposed property transfer.
 - (5) Notice to the Committee on Armed Services of a proposed property transfer.
 - (6) Memorandum from the Assistant Secretary for EM to the Field Office Manager regarding the Indemnification Determination for the proposed transfer of land parcel.
- f. Deputy Assistant Secretary for Regulatory Compliance (EM-10)
 - i. Reviews and concurs with the transfer package. The review will focus on whether there is a basis for seeking an offset against potential natural resource damages claims. The transfer package will include a determination on whether there is a basis for a claim.
- g. DOE Headquarters Offices (GC, CFO, MA, Secretarial Office responsible for the site of the property to be transferred, and LM):
 - i. Reviews and concurs on the property transfer.
- h. Office of External Coordination in the Office of the Chief Financial Officer (CF-30)
 - i. Reviews and concurs on the property transfer package.
 - ii. Transmits the congressional notification letters to the Congressional Appropriations Committees.
- i. Office of Congressional and Intergovernmental Affairs (CI)
 - i. Reviews and concurs on the property transfer package. The CI review is focused on the congressional notification.
 - ii. Transmits the congressional notification letters to the Congressional Authorization Committees.
- j. EM-Field Organizations
 - i. Prepare the following documents:
 - (1) Transmittal letter from the Field Office Manager to the Assistant Secretary for EM transmitting the property transfer package for review and concurrence.
 - (2) Environmental Baseline Survey Report for the title transfer of the property.
 - (3) Risk Screen to Support the title transfer of the property (if applicable).

- (4) Covenant Deferral Request (CDR) (required if the parcel is contaminated).
- (5) Clean Parcel Determination (CPD) (required if the parcel is not contaminated).
- (6) Draft Quitclaim Deed or Lease for Property.
- (7) Business Case Supporting Transfer of Property.

10. **PROCEDURES**: See attached flowchart.

11. **APPENDICES**: None

Approved by: Mark A. Gilbertson

Signature: _____

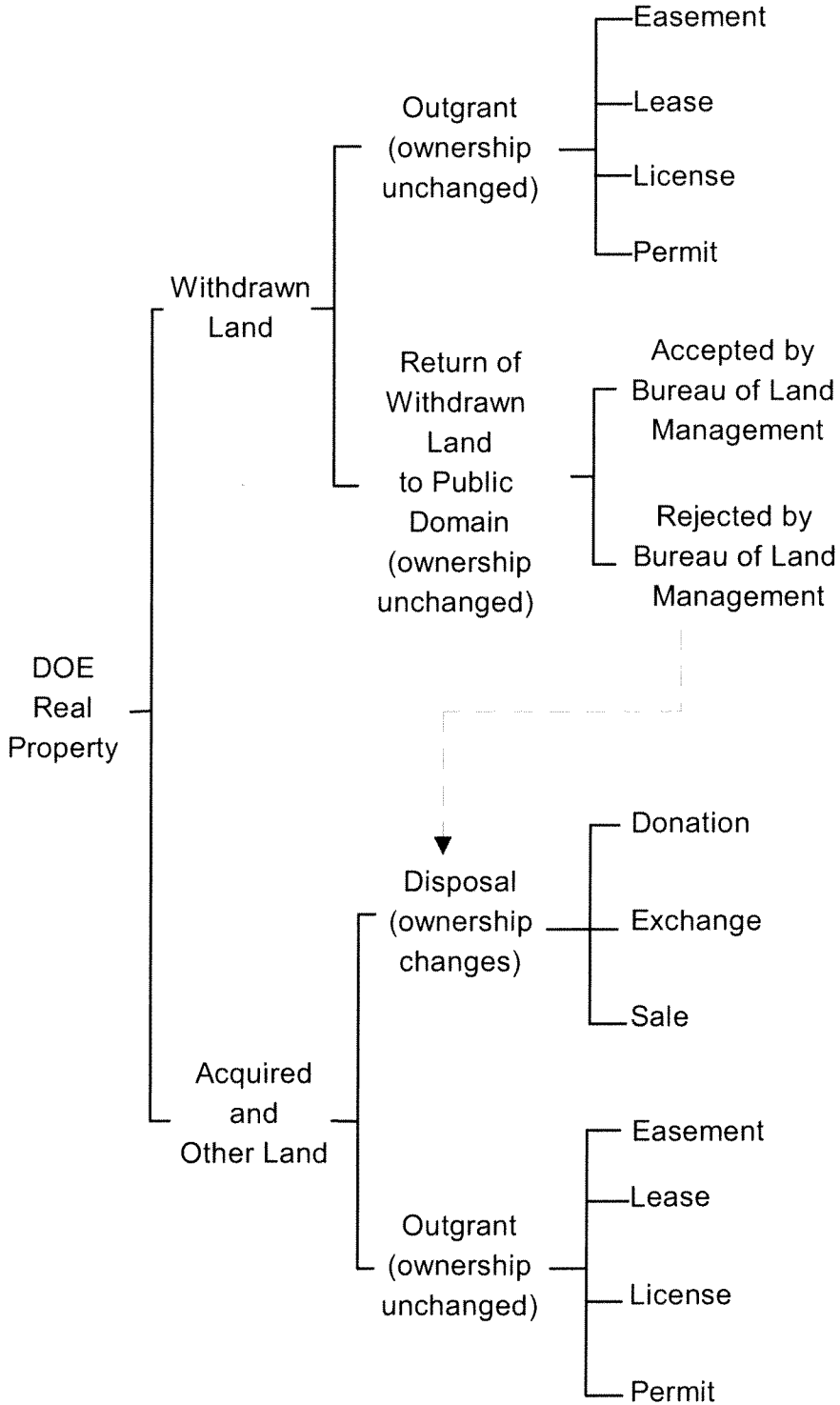
Title: Deputy Assistant Secretary for Engineering and Technology

Date: _____

APPENDIX F

Types of real property transfers

Exhibit 1-2 Types of Real Property Transfers



APPENDIX G

Initial procedures for DOE real property transfers

Exhibit 1-4 Initial Procedures for DOE Real Property Transfers

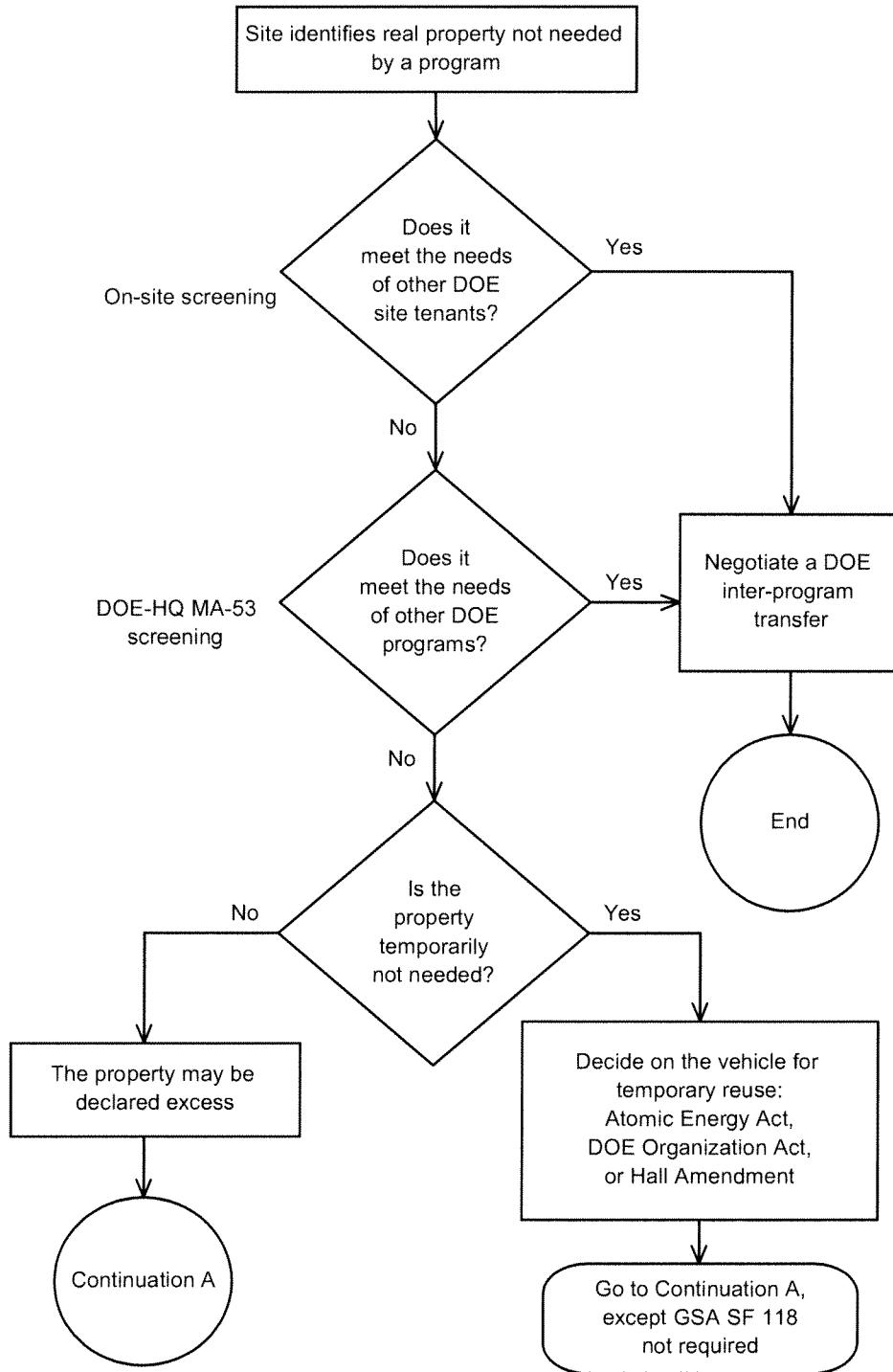
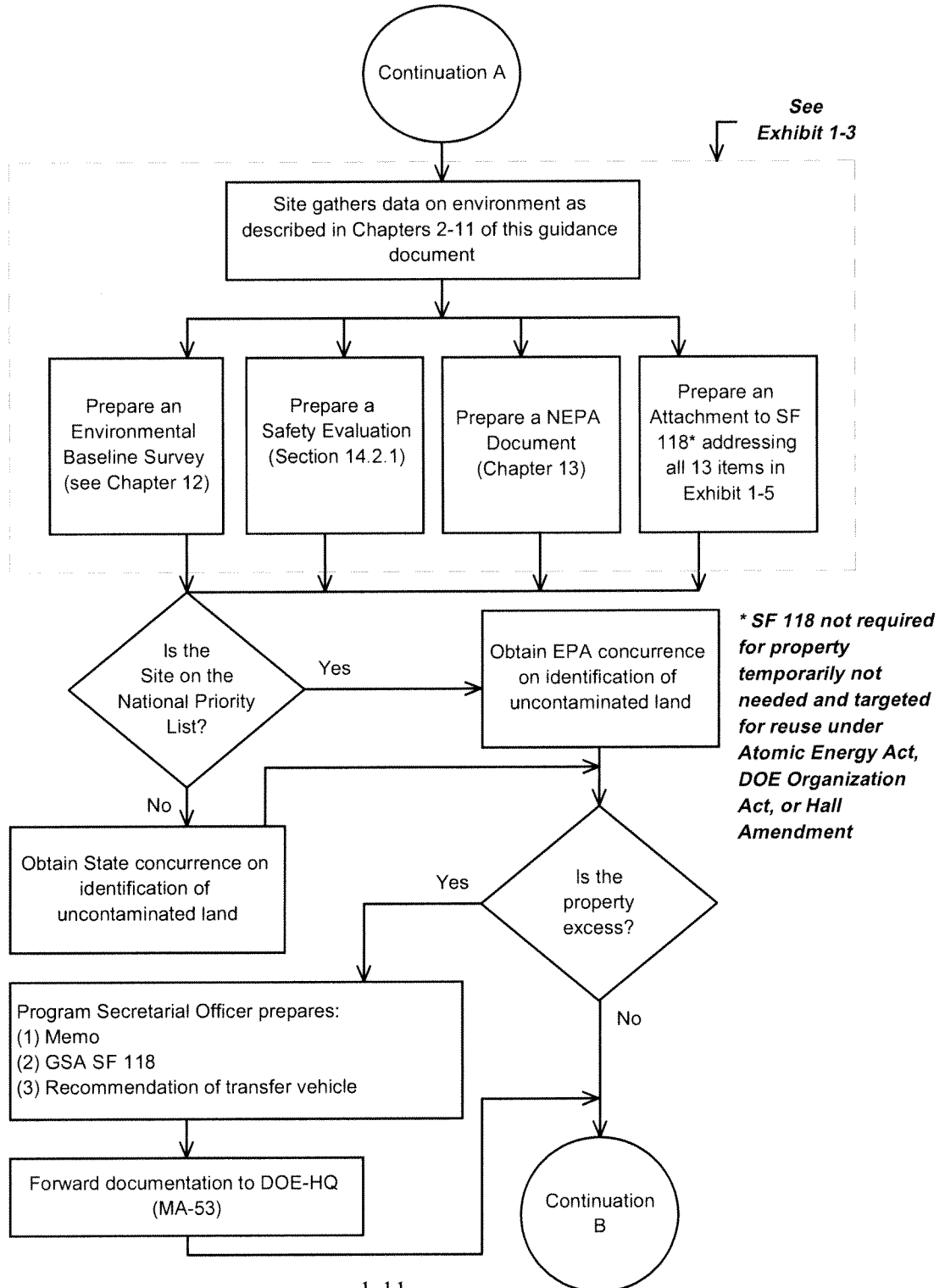


Exhibit 1-4 Initial Procedures for DOE Real Property Transfers (Continuation A)



**Exhibit 1-4
Initial Procedures for DOE Real Property Transfers
(Continuation B)**

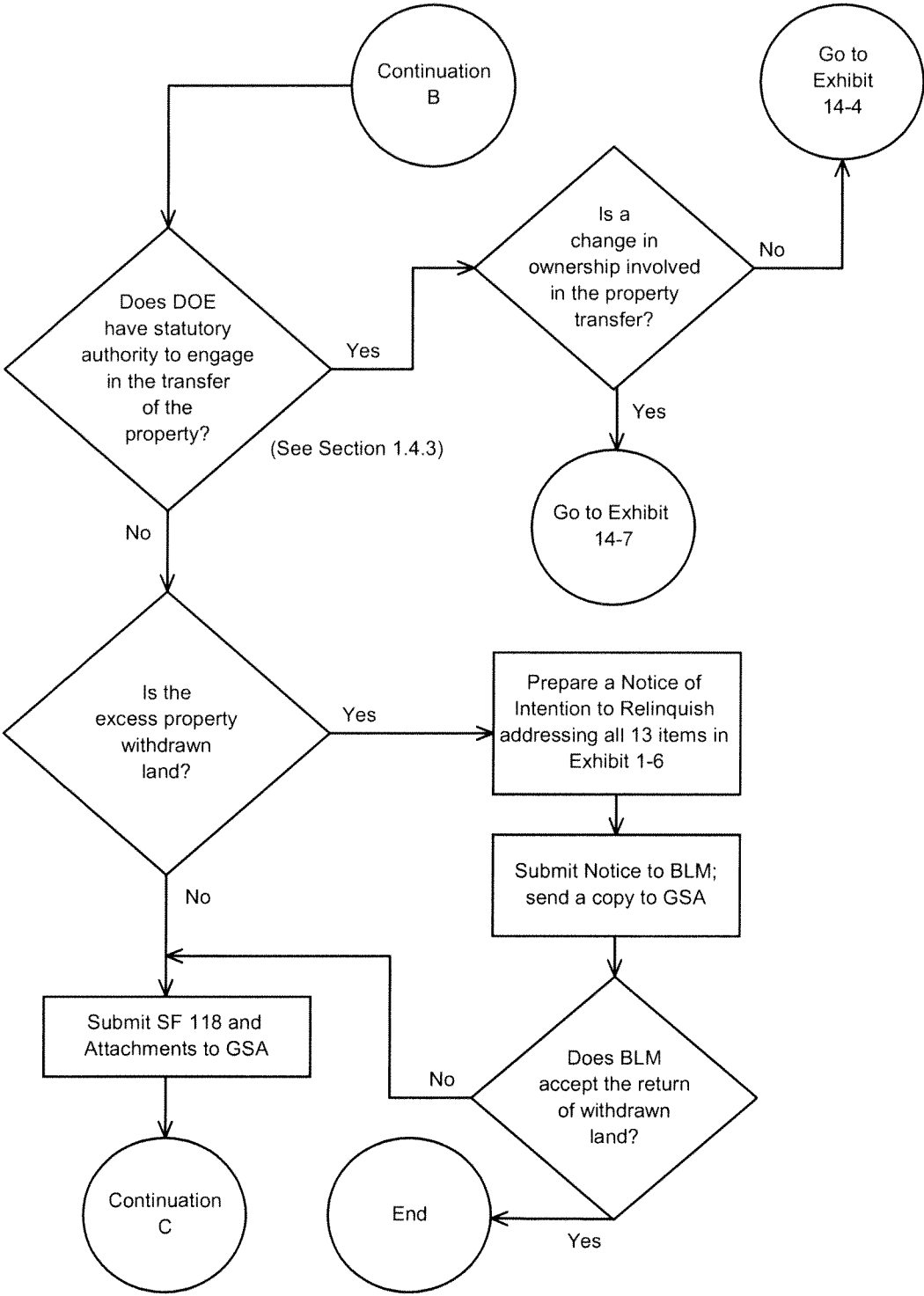


Exhibit 1-4
Initial Procedures for DOE Real Property Transfers
(Continuation C)

