



**The Deputy Secretary of Energy**  
Washington, DC 20585

February 27, 2008

MEMORANDUM FOR HEADS OF DEPARTMENTAL ELEMENTS

FROM: CLAY SELL *Clay Sell*

SUBJECT: 2008 Inherently Governmental and Commercial Activities Inventory

This is to request the data required to complete the Department of Energy's submission for the 2008 Federal Activities Inventory Reform Act (FAIR Act) of 1998, Public Law 105-270, commercial activities inventory and the Office of Management and Budget (OMB) inventory of inherently governmental activities.

Completion of the annual inventory of full-time equivalents (FTEs) and submission to OMB is an important statutory requirement. The Secretary and I expect that the data you submit will be the result of your personal attention in distinguishing the commercial activities performed by your Federal staff from those activities that are inherently governmental. We urge you to involve and communicate with your staff as the inventory is conducted.

Each organization must submit its 2008 Inherently Governmental and Commercial Activities inventory to the Office of Procurement & Assistance Management by April 21, 2008. By the same date organizations must also provide written justifications for FTEs designated as performing commercial activities not appropriate for private sector performance and those designated as inherently governmental. In addition, major line organizations (listed on Attachment 4) must provide the Secretary a written verification of the accuracy of their submissions by May 5, 2008.

The Department's Competitive Sourcing Official redelegates the authority to sign OMB Circular A-76 required justifications, for the designation of FTEs performing inherently governmental or commercial activities that are not appropriate for private sector performance, to the Heads of the organizations that are required to submit an inventory verification of accuracy.

The attachments to this memorandum include detailed guidance on meeting FAIR Act requirements. This information will also be provided to the points of contact listed in Attachment 3.

Please direct any questions or concerns to Dennis O'Brien, Office of Procurement & Assistance Management at (202) 586-1690 or at [dennis.o'brien@hq.doe.gov](mailto:dennis.o'brien@hq.doe.gov).



Attachments:

OMB Guidance	Attachment 1
Guide to Inventory Submission	Attachment 2
List of Inventory Point of Contacts	Attachment 3
Headquarters Departmental Elements	Attachment 4
Collection Tool Training	Attachment 5
Sample Inventory Verification of Accuracy Memoranda	Attachment 6
Sample Narrative	Attachment 7
Sample Reason Code A Justification	Attachment 8
Sample Reason Code Z Justification	Attachment 9