

September 14, 2009

NASA Declaration of Excess of Agency-Held Federal Property  
at the Santa Susana Field Laboratory, Ventura County, California

On April 10, 2009, NASA provided notice to Congress, pursuant to the provisions of Section 207 of the National Aeronautics and Space Act of 1958, as amended, of the Agency's intent to declare as excess its NASA-held Federal property at the Santa Susana Field Laboratory (SSFL) in Ventura County, California. Beginning in 2004, NASA's impending transition from operation of the Space Shuttle Program to the next generation human space flight transportation system compelled numerous internal review and evaluation efforts to identify resource requirements to support the new mission, including infrastructure and real property assets. Following a thorough internal review process, NASA concluded that the Agency has no future mission requirement for its property at SSFL, used primarily by the Space Shuttle Program until 2006.

Title to the NASA property at SSFL is held by the United States. NASA has custody and control of the Federal land at SSFL and is responsible for all site management functions such as security, maintenance, and regulatory compliance, including the management of historic resources. As the Federal steward for this and other U.S. real property assets, NASA executes its real property management responsibilities in accordance with the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 524) and the Federal Management Regulation (41 CFR 102-76.60), which direct at least an annual survey of property under Executive Agencies' control and prompt reporting of excess property to the GSA. NASA's Agency-level real property management goals and policy also reflect this commitment to continual evaluation of assets to ensure alignment with the NASA mission.

It is important to note that NASA's action of reporting the property as excess is not a property transfer in any respect, but represents the point of engagement of GSA's responsibility to effect the disposition of the property. NASA retains custody and control after the report of excess is delivered to the GSA and until such time as custody of the property is reassigned to another Federal entity or title to the property is transferred outside the U.S. Government.

NASA remains committed to its responsibilities for environmental cleanup work under the Consent Order with the California Department of Toxic Substances Control. As stated in the property summary accompanying the notification to Congress, NASA will continue to be responsible for all remedial actions on its property at SSFL until those actions are completed. The Consent Order will remain in effect and NASA will ensure that its requirements are implemented. Should the GSA excess process lead to a reassignment of custody to another Federal entity, the day-to-day site management functions noted above would become the responsibility of the new U.S. Government steward. However, regardless of such action, NASA retains its cleanup responsibility under the Consent Order. Likewise, should the GSA excess process eventually result in a transfer of the Federal property outside the Federal Government, NASA retains its cleanup responsibilities and any provisions (i.e., access, land use restrictions) needed to accomplish that cleanup would be negotiated and included in a transfer agreement.

Further, in accordance with the Comprehensive Environmental Response Compensation and Liability Act (CERCLA, 42 U.S.C. 9620, Section 120 (h)(3)), transfer of title to a non-Federal entity can take place only after cleanup is complete or with the concurrence of the Governor of California that the property is suitable for transfer prior to completion. The CERCLA establishes a baseline requirement that any deed transferring Federal property to a private party include a covenant warranting that (i) all remedial actions necessary to protect human health and the environment with respect to any hazardous substance remaining on the property have been taken before the date of transfer, and (ii) any additional remedial action found to be necessary after the date of such transfer shall be conducted by the United States.

The GSA excess process is governed by the Federal Property and Administrative Services Act, and encompasses a number of required procedural elements, including opportunities for public and stakeholder outreach and feedback, as well as GSA development of documentation as required under the National Environmental Policy Act (NEPA), which also incorporates a public process. As NASA proceeds with its report of excess for the Federal property at SSFL and GSA undertakes the excess process, we remain prepared to respond to questions or provide information. If you have an inquiry for NASA, please contact Merrilee Fellows by e-mail at [mfellows@nasa.gov](mailto:mfellows@nasa.gov). Information about the GSA disposition process can be found at <https://propertydisposal.gsa.gov>. Questions regarding the GSA disposition process can be directed to W. James Biederman by email at [wjames.biederman@gsa.gov](mailto:wjames.biederman@gsa.gov). All GSA media or congressional inquiries should be sent to Ms. Gene Gibson by email at [gene.gibson@gsa.gov](mailto:gene.gibson@gsa.gov).