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# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY**

**NPR 8800.15C**

Effective Date: October 30,  
2014

Expiration Date: October 30,  
2019

[Printable Format \(PDF\)](#)

Request Notification of Change (NASA Only)

## **Subject: Real Estate Management Program w/Change 1, February 24, 2015**

**Responsible Office: Facilities Engineering and Real Property Division**

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## **Chapter 7. Disposition of Real Property**

### **7.1 Overview**

7.1.1 This chapter provides guidance on the disposal of NASA's real property assets. Disposition is the permanent removal of a real property asset from the responsibility of a Federal entity through conveyance to another entity or destruction. Disposition occurs only when the disposing Federal entity no longer has custody, control, and accountability for a real property asset. Disposition and disposal are synonymous terms that may be used interchangeably with regard to real property.

7.1.2 All disposals shall fit into one of the following categories that GSA has identified:

- a. Demolition (may also be referred to as deconstruction).
- b. Federal transfer.
- c. Lease expiration.
- d. Lease termination.
- e. Other " " may include destruction due to natural or man-made events such as fire, earthquake, flood, or explosion.
- f. Public benefit conveyance.
- g. Sale " " either negotiated or public.

7.1.2.1 These disposal categories are recognized throughout the Federal Government, and definitions can be found in Appendix A.

7.1.3 NASA does not have direct authority to dispose of its real property assets. [The Federal Property and Administrative Services Act of 1949](#), as amended, 40 U.S.C. §101 et seq. establishes the GSA as the Federal agency responsible for the disposal of Federal assets and the sole authority to institute regulations for such actions, which are found in GSA Federal Management Regulations (FMR). The authority to dispose of NASA real property, in accordance with the provisions of 40 U.S.C. §101, et seq., is delegated by GSA to the Assistant Administrator for Strategic Infrastructure and the Director, FRED, by 14 CFR, Part 1204.501. Therefore, all disposals of real property shall be coordinated by and through FRED.

### **7.2 Prerequisites to Disposition Actions**

7.2.1 Centers may use the process outlined in the flow chart in Appendix E to determine an appropriate disposition approach.

7.2.2 Before a disposal action can be initiated by a Center, the following criteria will be met:

- a. The real property shall be declared as excess of the needs of the holding Center.
- b. Before declaring property as excess, Centers shall discuss the property with all program offices at the Center to determine if they need the property.
- c. Centers shall ensure that related personal property is promptly redistributed, transferred, or disposed of in accordance with personal property authority. All actions will ensure that the timing and method of disposal of related personal property will not delay disposal of the real property.
- d. In accordance with NPR 8820.2, Centers shall maximize reuse, recycling, and salvage and minimize disposal when a project includes demolition.
- e. Proposed disposal actions shall be reviewed for legal sufficiency and concurrence by the Center's Chief Counsel's office.
- f. Centers shall submit a written request identifying the facility and presenting the rationale for disposal to NASA Headquarters for review and approval by the Director, FRED.

7.2.2.1 When the Center's written request has been approved by Headquarters, FRED shall notify all NASA Centers that the real property asset is available for use. This property screening will provide Centers and programs an opportunity to request ownership of the property.

7.2.2.2 Centers/programs with interest for all or part of the property shall submit written responses to FRED within the time frame specified in the screening notice.

a. Requests shall show that the property is essential to accomplish an assigned mission, that no other real property under the Center's or program's control can satisfy the requirement, and that existing funds are available for operation and maintenance of the property.

7.2.2.3 If FRED does not receive a written expression of interest from a Center or program, the property will be considered surplus.

7.2.3 The McKinney-Vento Homeless Assistance Act ([42 U.S.C. Chapter 119](#)), commonly called the Homeless Assistance Act, or McKinney Act, requires Federal agencies to identify and make available excess Federal buildings and land for use by states, local governments, and nonprofit agencies to assist the homeless. The Department of Housing and Urban Development (HUD) has the responsibility for administering this Act. HUD requests information from Federal agencies regarding unutilized, underutilized, excess, and surplus Federal real properties (including land, buildings, and relocatable buildings).

7.2.3.1 Centers shall submit a completed Title V Property Survey to FRED for all buildings and land identified as meeting the McKinney Act criteria and that are proposed for disposal. This includes all buildings and land that are classified as not utilized and underutilized and those that are being submitted to GSA as excess in accordance with Section 7.3 of this document. FRED will forward all surveys to HUD.

7.2.3.2 Once HUD completes its review and Federal screening requirements, HUD will issue a suitability determination and notice of Federal Register announcement to NASA for all properties NASA submits. This determination will normally be made within 30 to 60 days from the date HUD receives the survey. After a property is published in the Federal Register, there is a waiting period of 20 days for unsuitable properties and 60 days for suitable properties. Final disposition of property may not occur until after the waiting period. Centers shall submit the survey early in the disposition process to allow adequate time for HUD's review, determination, and screening requirements.

7.2.3.3 Following the waiting period, Centers shall notify FRED if the property is to be demolished or reused. If one of these circumstances occurs, FRED will notify HUD to remove the property from the HUD inventory.

#### 7.2.4 Additional Requirement for Land Disposals

7.2.4.1 If the capitalized value of any land that is being disposed is greater than \$50,000, the proposed disposal action will be reported to Congress as per Section 207 of the Space Act (42 U.S.C. §2476a). This requirement applies only to land and not to buildings or other real property classifications that are being disposed. This report to Congress shall be prepared by FRED and signed by the NASA Administrator, or designee. The report will include a statement of the action proposed and the facts and circumstances relied upon in support of such action.

7.2.4.2 The Administrator, or the designee, shall also notify the Speaker of the House, the President of the Senate, and the appropriate committees and subcommittees. No disposal may take place until 30 days have passed since notification was provided or until each committee has provided written notice that it has no objection to the proposed disposal.

7.2.4.3 Plans for the disposal of real estate, regardless of level or origin, shall not be prematurely disclosed. Information concerning these plans will normally be designated "Sensitive but Unclassified (SBU)." This designation will be canceled after FRED has determined property is excess or 30 days after Congress has been notified.

Compliance with environmental, historic preservation, and similar legal documentation requirements does not constitute premature disclosure of disposal plans but needs to be coordinated by FRED.

## **7.3 Disposal Actions to the General Services Administration**

### **7.3.1 Disposal Procedures for Federal Transfers**

7.3.1.1 FMR 102-75 sets forth the procedures for disposing of real property that is excess to a Federal agency's needs. These regulations require the Federal agency to report such property to the GSA by submitting SF 118, Report of Excess along with a Report of Excess Checklist.

a. In accordance with FMR 102.75-115, Centers shall prepare SF 118 and the checklist and submit them to the Director, FRED.

b. Centers shall submit a written request signed by the Center Director for disposal approval and coordination from FRED, when they submit these documents.

7.3.1.2 A variety of supporting documents may be required along with the SF 118 and checklist, including evidence of title, appraisal reports, current use agreements, environmental reports, etc. Centers shall ensure that the appropriate Center officials have reviewed and concurred with these documents prior to submitting them to FRED.

7.3.1.3 FRED shall submit the documents to the GSA along with a written request signed by the Director, FRED. GSA will notify FRED of its acceptance of the Report of Excess.

7.3.1.4 Requests to withdraw reports of excess shall be routed through the same channels as the original request to excess the property.

### **7.3.2 General Services Administration Priority of Disposal Options**

7.3.2.1 Real property reported to the GSA as excess is first made available for transfer to other Federal agencies. If no other agency needs the property, it is then considered as surplus property and may be made available for other uses through public benefit conveyances (PBCs), negotiated sales, or public land sales, based on GSA's determination of the property's highest and best use. GSA's disposal flow chart is in Appendix F.

7.3.2.2 As a PBC, the property may be substantially discounted in price (up to 100-percent reduction in fair market value) if it is for a specific public use that qualifies through a partner Federal agency.

7.3.2.3 GSA may negotiate a sale at an appraised fair market value with a state or local government if the property will be used for another public purpose.

7.3.2.4 If state and local governments or other eligible nonprofits do not wish to acquire the property, GSA may dispose of surplus property via a competitive sale to the public, generally through a sealed bid or auction.

### **7.3.3 Disposal Proceeds**

7.3.3.1 Proceeds from the disposal of NASA real property and from property separately identifiable from associated real property shall be deposited to the appropriate U.S. Treasury account. Pursuant to FMR 102-75.965, NASA may request reimbursement from GSA for protection and maintenance costs during the time period that the property is pending disposal.

7.3.3.2 The RPAO shall notify the DCFO (F) when property is disposed and, therefore, removed from NASA real property records. The DCFO (F) will effect final settlements, salvage value, and removal of the assets from the general ledger.

### **7.3.4 Holding Agency Responsibilities**

7.3.4.1 After real property is reported to GSA as excess, NASA remains the holding agency for that property.

7.3.4.2 The holding Center or program retains custody and accountability of the property and shall continue programming funds and personnel for protection and maintenance until the date GSA disposes of the property or agrees to assume this responsibility.

7.3.4.3 In coordination with GSA, the Center shall provide access to the real property to interested parties.

7.3.4.4 FRED shall maintain close liaison with GSA to ensure prompt transfer of custody and accountability to GSA or the recipient of the property.

## **7.4 Requirement for Disposal by Demolition**

7.4.1 Demolition, including deconstruction, is an appropriate disposal action for certain NASA real property assets no longer required by NASA. If the real property is to be demolished, the Center shall send a request signed by the Center Director or designee via the SAAM e-router for approval by the Director, FRED. This request letter should

include the information specified in the NASA Real Estate Desktop Guide.

7.4.1.1 Once the Director, FRED, has approved the demolition request, Centers shall submit NASA Form 1509 to NASA Headquarters for approval. Requirements and processes for NASA Form 1509 are detailed in NPR 8820.2.

## 7.5 Disposal Action Considerations

### 7.5.1 Environmental Considerations

7.5.1.1 All disposals require the NASA disposing official to coordinate with the Center Environmental Office as early as possible to ensure that all environmental requirements are met.

7.5.1.2 The Center shall comply with NASA NEPA requirements for documentation to assess potential environmental impacts of the action, in accordance with NPR 8580.1. An Environmental Assessment or Environmental Impact Statement may be required.

7.5.1.3 NEPA documentation includes an EBS that reviews the operational history of the real property to identify potential environmental issues. In many cases, required remediation will need to be completed prior to transfer of the property.

7.5.1.4 Environmental requirements may also include the closure requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Resource Conservation and Recovery Act (RCRA), in accordance with NPR 8850.1.

7.5.1.5 Disposal of real property shall comply with Federal guiding principles for sustainability, as established in Executive Orders 13423 and 13514, as applicable to deconstruction, waste diversion, and recycling.

### 7.5.2 Historic Preservation Considerations

7.5.2.1 All disposals require the NASA disposing official to coordinate with the Center's Historic Preservation Officer as early as possible to ensure that all historic preservation requirements are met.

7.5.2.2 If the disposal involves historic property, then it is necessary to comply with the requirements of Section 106 of NHPA, which usually involves coordinating with the SHPO and the ACHP. Section 106 of the NHPA helps determine whether there will be adverse effects on historic properties as a result of the disposal action and what mitigation measures are appropriate. The goal of the coordination efforts is to establish an MOA with the SHPO or ACHP regarding these proposed mitigation measures.

### 7.5.3 Local Considerations

7.5.3.1 Centers shall, with FRED concurrence, coordinate disposal of real property that may affect community development plans with the appropriate state and local elected officials.

### 7.5.4 Safety Considerations

7.5.4.1 The NASA disposing official shall coordinate with the Center Safety and Mission Assurance office (SMA) as early as possible to ensure that all safety hazards and other related safety issues have been identified and addressed to comply with NASA standards, procedures, and criteria.

7.5.4.2 Safety documentation shall include a Safety Baseline Survey that provides the operational safety history of the real property and identifies the potential safety hazards and concerns as related, but not limited to:

- a. Fire protection.
- b. Confined space entry.
- c. Nuclear safety.
- d. Radiation protection.
- e. Explosives.
- f. Pressurized systems.

7.5.4.3 Safety Baseline Surveys may also include past records of Safety and/or Facility Deficiencies Inspections. In many cases, required abatement actions will need to be completed prior to the actual transfer of the property.

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