

March 5, 2009

SUBJECT: NASA Position Paper – Hangar One and the Federal Facilities Agreement (FFA)

With respect to the remediation sites listed in the Moffett Field FFA: upon the signing of the Memorandum of Understanding between the Assistant Secretary of the Navy (Installations and Environment) and NASA, executed on December 12, 2008, it was NASA's understanding that Navy had funding for the FFA remediation requirements for FY 2009, FY 2010, and FY 2011. This is apparently not the case.

As a result, the Navy and NASA agree to the following:

- The Department of the Navy will implement the approved remedial action; NASA will assume responsibility for the operations and maintenance of the sites identified in the FFA after the remedial action is implemented and determined by EPA Region 9 to be operating properly and successfully as designed.
- This transfer of responsibility of the FFA from Navy to NASA will be done on a site-by-site basis, as each site enters the operations and maintenance phase and determined by EPA Region 9 to be operating properly and successfully as designed.
- Said remedial actions must be approved by EPA Region 9 and coordinated with NASA to ensure that ongoing Center operations are not impaired and that the method of remediation is consistent with NASA's master plan for the re-use of the Former Naval Air Station Moffett Field.

With respect to Hangar One: engineering cost estimates obtained by NASA indicate Navy's estimate for full remediation of Site 29 Hangar One is significantly understated (including the estimate for re-siding). This understatement significantly impacts NASA's ability to obtain adequate funding for external residing as previously planned.

As a result, the Navy and NASA agree to the following:

- Navy continues responsibility for CERCLA activities in compliance with all Applicable or Relevant and Appropriate Requirements (ARARs).
- As with the other FFA sites, NASA will assume responsibility for operations and maintenance after the remedial action is applied and is in operation and determined by EPA Region 9 to be operating properly and successfully as designed.
- NASA will then assume responsibility for the internal restoration and outfitting of Hangar One, for its adaptive re-use in support of the NASA mission.

This amends/implements the MOU executed on December 12, 2008 between the Assistant Secretary of the Navy (Installations and Environment) and NASA.