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COMMITTEES  
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BUDGET, SUBCOMMITTEE NO. 2 ON  
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EDUCATION  
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JOINT LEGISLATIVE AUDIT  
NATURAL RESOURCES

BOARDS AND COMMISSIONS  
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COMMISSION ON THE STATUS OF WOMEN  
SANTA MONICA BAY RESTORATION  
COMMISSION  
SANTA MONICA MOUNTAINS  
CONSERVANCY

September 19, 2011

Allen Elliott  
NASA  
Marshall Space Flight Center  
AS 01, Building 4494  
Huntsville, AL 35812

Re: Scoping Comments on EIS for NASA Cleanup Activities at SSFL

Dear Mr. Elliott:

We hereby submit the following comments on the scope of the Environmental Impact Statement being prepared by NASA in connection with the environmental cleanup and demolition activities at the Santa Susana Field Laboratory (SSFL).

The predicate for these comments is laid in the Administrative Order on Consent for Remedial Action (“the AOC”) executed on December 6, 2010 between the California Department of Toxic Substances Control and NASA.

With respect to the environmental review processes, the AOC is express as to the application of NEPA.

Paragraph 4.2.1 of the AOC states as follows:

*“NASA shall make its specific decisions on how to conduct the cleanup to background defined in this Agreement in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA)...”*

The commitment is mandatory, per the use of the word “shall,” and the reference is solely to “how” the cleanup shall be conducted.

We are, therefore very concerned that rather than proceeding to prepare an EIS that falls within the four corners of the AOC, NASA appears instead to be embarking on a process that exceeds the scope of the AOC.

Nowhere in the AOC do we find any permissive language that entertains even the possibility of a departure to a lesser level of cleanup. Moreover, the authority itself to determine

cleanup levels rests solely with the regulator (the California Department of Toxic Substances Control), and not with the Responsible Party (NASA).

Therefore, it is clear that the scope of the proposed EIS must be narrowed to meet with the agreed-upon terms that bind NASA in the AOC; i.e.,:

1. the specific decisions
2. related to evaluating how
3. cleanup to background will be achieved.

Thank you.

Sincerely,



**JULIA BROWNLEY**  
Assemblywoman, 41<sup>st</sup> District



**FRAN PAVLEY**  
State Senator, 23<sup>rd</sup> District



**MIKE FEUER**  
Assemblymember, 42<sup>nd</sup> District



**ZEV YAROSLAVSKY**  
Los Angeles County Supervisor, 3<sup>rd</sup> District



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Los Angeles City Councilmember, 12<sup>th</sup> District