



Department of Toxic Substances Control



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Arnold Schwarzenegger
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May 23, 2007

Mr. Thomas Johnson, Jr.
Deputy Federal Project Director
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CLOSURE OF HAZARDOUS WASTE MANAGEMENT UNITS AT THE RADIOLOGICAL MATERIALS HANDLING FACILITY, BOEING SANTA SUSANA FIELD LABORATORY, SIMI VALLEY, CALIFORNIA

Dear Mr. Johnson:

On May 2, 2007 the District Court for the Northern District of California issued a decision requiring a full Environmental Impact Statement (EIS) for the cleanup of Area IV on the Santa Susana Field Laboratory. The Court found that the Department of Energy (DOE) violated and continues to violate the National Environmental Policy Act (NEPA) in not preparing an EIS for the cleanup of the Energy Technology Engineering Center (ETEC) facility in Area IV of the Santa Susana Field Laboratory. The Court concluded that the EIS needed to take into account the cumulative impacts from radioactive and chemical contamination, and the Court permanently enjoined DOE from transferring ownership or possession of, or otherwise relinquishing control over, any portion of Area IV until DOE has completed an EIS and issued a Record of Decision pursuant to NEPA.

In light of that decision, the Department of Toxic Substances Control (DTSC) is suspending its review of the Closure Plan submitted by Boeing for the closure of RMHF with respect to the chemical contamination issues, as our review will be affected by the EIS considerations. We believe it would be inappropriate for DOE to undertake actions to dismantle either Building 4024 or the radioactive materials handling facility (RMHF) prior to completion of the EIS, as the purpose of an EIS is to consider potential environmental impacts prior to taking actions, not afterwards. For example, the offsite disposition of wastes from these decommissioning activities needs to be considered in the EIS.

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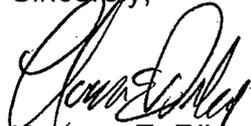
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Additionally, we note that DOE has long said that the reason RMHF would be the last building complex to be torn down is because it is needed for storage of wastes from other parts of the cleanup. As the EIS process may result in decisions to do further cleanup, demolishing RMHF would prejudice the outcome of the EIS and could make management of wastes from additional cleanup problematic. Therefore, based on the Court's clear message and retention of jurisdiction, it is our position that DOE must complete the required EIS prior to any consideration to demolish Building 4024 or the RMHF. DTSC invites DOE to consult with DTSC about Closure Plan considerations as part of DOE's preparation of the draft EIS to ensure all cumulatively significant impacts are addressed"

If you have any questions, please contact Mr. Mohinder Sandhu of my staff at (510) 540-3974.

Sincerely,



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SSFL Project Director

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