



Department of Energy
Washington, DC 20585

AUG 27 2009

Mr. Maziar Movassaghi
Acting Director
Department of Toxic Substances Control
1001 I Street
Sacramento, CA 95814

SUBJECT: Response to August 19, 2009 letter

Dear Mr. Movassaghi:

DOE has received and reviewed your August 19, 2009 letter to DOE and NASA as well as the email of the same date to various stakeholders. On behalf of DOE, I want to reemphasize our commitment to continue to work with the State to achieve final settlement of this matter and an expedited and thorough cleanup of the site. We are ready to cooperate to finalize a draft amended consent order between DTSC and the federal agencies. We also support public input into this process and will review with care any comments received.

Although DOE supports the general direction for these negotiations proposed in your letter, we nevertheless need to point out that the draft consent order released to the public is not the same version as that which formed the basis for our July 24 and August 11 letters, and is not, in our view, "the most recent draft." This is a matter which I hope we can discuss in the near future. In this connection, we believe some changes are needed to reflect the prior negotiations, and the separation of one of the parties from the draft consent order. I also hope that DTSC can achieve a rapid and successful conclusion to its separate negotiations with Boeing, since the two federal agencies and Boeing need to work cooperatively to achieve a comprehensive cleanup of the SSFL. Finally, we would like to discuss a public participation outreach plan, in follow up to our prior discussion of this matter in Sacramento.

All of us at DOE look forward to working with Rick Brausch as the new project manager for the site. We found Norm Riley to be a tough while highly capable and thoroughly professional advocate for the State. His willingness to listen to (if not always agree with) our concerns went a long way toward achieving the progress we've made so far. Having spoken with Rick at our recent meetings, I am confident that we will have a similarly productive relationship as we move forward.

Sincerely,

Richard J. Schassburger
Director
Oakland Projects Office



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