US Department of Energy

National Aeronautics and Space Administration

September 8, 2009

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

SUBJECT: Follow up to your September 3, 2009 letter

Dear Mr. Movassaghi:

DOE and NASA received and reviewed your September 3, 2009, letter, as well as your release draft of version 2.0 of the proposed Amended Consent Order (ACO). As DOE stated in its August 11 and August 27 letters (attached) and NASA stated in its August 21 letter (attached), we remain committed to working with the State to achieve a consensual resolution of this matter and complete a thorough cleanup of the Santa Susana Field Laboratory.

As you are aware, DTSC, DOE, NASA and Boeing have been engaged in good faith negotiations for the past eight months. These collective efforts took us through many drafts, and your proposed release draft 2.0 (which might more aptly be styled version 2.1) is at least the 10th substantive revision of the original draft sent to us by DTSC in December 2008. We firmly believe version 2.0, which Respondents sent to DTSC on August 13, 2009, reflects the latest agreements between representatives of DOE, NASA and DTSC on all provisions of the ACO, including significant compromises by all parties.

Version 2.0 includes the substantive provisions of version 1.9, plus an agreed upon modified section 1.3.3, and additional technical changes that resulted from discussions with DTSC after our last meeting on June 9. Due to DTSC's decision to now pursue a separate agreement with Boeing, DTSC release version 2.0 required additional edits to reflect that change. As we discussed this morning by phone, the decision to pursue separate negotiations with Boeing necessitates modifications to the version of the draft agreement with all three respondents. The release draft of version 2.0 contains many of these necessary changes, but there remain a number of provisions where some additional changes are needed to clearly reflect the appropriate roles of the two federal agencies. We will continue to work with you regarding these modifications.

DOE and NASA fully support your plan to extend the public comment period to October 2 and to disseminate a more detailed public participation plan to assure the widest possible public involvement.

Again, we remain committed to working with DTSC on a consensual agreement to avoid a legal conflict while keeping the cleanup moving forward. DOE and NASA look forward to continue working with you and Rick Brausch on this matter.

Sincerely yours,

Thomas Johnson, Jr.
DOE ETEC Federal
Project Director

Allen Elliott
NASA Project Manager
for SSFL

Enclosures:
1. Ltr DOE to DTSC August 11, 2009
2. Ltr DOE to DTSC August 27, 2009
3. Ltr NASA to DTSC August 21, 2009

Cc: by email without attachments

Rick Braush, DTSC
Mark Batkin, NASA
Cynthia Anderson, DOE EM-2.1
Frank Marcinowski, DOE EM-10
Melanie Hurley, DOE EM-3
Tania Smith, DOE EM-3
Bruce Diamond, DOE GC-51
Steven Miller, DOE GC-51
Richard Schassburger, DOE Oakland
Stephanie Jennings, DOE ETEC
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