



**Department of Energy**  
Washington, DC 20585

August 11, 2009

Mr. Maziar Movassaghi  
Acting Director  
State of California  
Department of Toxic Substances Control  
1001 I Street, 25th Floor  
Sacramento, CA 95814

SUBJECT: Request - August 13, 2009 Meeting

Dear Mr. Movassaghi:

DOE received your August 6, 2009, email announcing a "new approach" to reach an agreement for the cleanup of the Santa Susana Field Laboratory (SSFL), and asking us to confirm our ability to attend a meeting on August 13 to initiate this new process as well as numerous twice-weekly subsequent meetings. This is very short notice with an enormous logistical challenge to DOE. Further, DOE has just spent seven months in intense negotiations with DTSC over a new cleanup order for the SSFL. We engaged in these negotiations in utmost good faith.

Concerning next steps in the negotiations at SSFL, DOE sent a letter to Norm Riley of DTSC on July 24, 2009, expressing that the DOE staff is ready to recommend the agreements reached in those negotiations to DOE senior management for approval as a revised cleanup order for the site and we stand by this position. DOE has never received a response to that letter. Thus, as far as DOE is concerned, the prior negotiations have reached a successful outcome. We frankly do not understand why DOE is being asked to engage in yet another round of negotiations. This leaves us with unanswered questions that affect our ability to respond to your request.

DOE appreciates your desire to move forward in this matter and we wish to cooperate. Progressing with the cleanup also serves DOE's interest in resolving its responsibilities at the SSFL. However, a proposal to redo the extensive work of the last seven months leaves us wondering whether this new approach would move us in the right direction.

DOE has been concerned about converting negotiations into a process with additional participants who are not Respondents. Engaging in negotiations in which a select few members of the public are invited to participate does not seem conducive to good public policy. Your email does not explain exactly who is being invited to join this new round

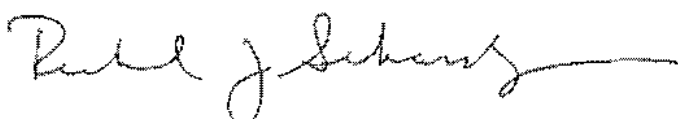


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of talks, and, more importantly, why they were selected. The email did not describe if these discussions will be publicly noticed and any interested member of the public invited to join. If the parties involved in the negotiations are more than the Respondents, DOE would want to know who is expected to sign any agreement that may be reached and what role the signatories would play in implementation.

DOE has no objection to DTSC initiating new discussions with Boeing and, if necessary, others to resolve any outstanding issues with Boeing. We support an approach that leads to a consensual outcome involving the Respondents. In light of your email query, DOE requests that you give serious consideration to the issues raised in this letter and whether new negotiations involving DOE are needed along with the proper scope and effect of such negotiations.

Sincerely,



Richard J. Schassburger  
Director  
Oakland Projects Office

cc:

Mark Batkin, NASA  
Allen Elliott, NASA  
Steven Rogers, Boeing  
Thomas Gallacher, Boeing  
Norm Riley, DTSC  
Cynthia Anderson, EM-2.1  
Frank Marcinowski, EM-10  
Melanie Pearson Hurley, EM-3  
Bruce Diamond, GC-51  
Steven Miller, GC-51  
Thomas Johnson, ETEC  
Stephie Jennings, ETEC  
Mell Roy, EMCBC  
Simon Lipstein, EMCBC