



Department of Energy

**Environmental Management
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May 11, 2007

Michael Massey
Assistant Regional Counsel
Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco CA 94105

EMCBC-OLS-023-07

RE: EPA's additional comments to DOE concerning the EE/CA for Building 4024 of the Energy Technology Engineering Center at the Santa Susana Field Laboratory

Dear Mr. Massey,

Thank you for your letter of April 12, 2007, providing to the Department of Energy (DOE) and the United States Environmental Protection Agency's (EPA) additional comments on the Engineering Evaluation/Cost Analysis (EE/CA) for Building 4024 of the Energy Technology Engineering Center at the Santa Susana Field Laboratory. As requested, DOE has reviewed the Applicable or Relevant and Appropriate Requirements (ARAR) section, Appendix A, of the EE/CA. In response to the EPA's additional Comments, DOE has amended the EE/CA as follows:

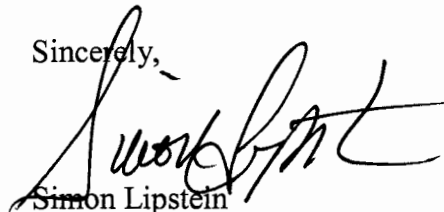
- The Clean Water Act, 33 U.S.C. § 1251 *et seq.*, as well as Ventura County Ordinance 4142 and the Porter-Cologne Water Quality Control Act, were incorporated into Appendix A of the EE/CA as ARAR's.
- Low-level waste will be shipped to a federally-owned low-level waste disposal facility. Decommissioned material will be shipped to a Class I hazardous waste disposal facility in compliance with California Executive Order D-62-02. This Executive Order has been added to Appendix A of the EE/CA as an ARAR.
- The citation to the Hazardous Materials Transportation Act in Appendix A of the EE/CA has been changed from 49 U.S.C. § 1801 to 49 U.S.C. § 5101, *et seq.*
- The ARAR listed formerly listed as 40 CFR Part 260-26 has been amended to 40 CFR Part 260-265.

- DOE will comply with National Historic Preservation Act; however, DOE will not include this statute as a “location-specific” ARAR.

DOE will comply with applicable environmental statutes and regulatory requirements. DOE’s contract does require the contractor to comply with applicable environmental statutes and regulations.

Thank you for providing EPA’s additional comments on the ETEC Building 4024 EE/CA. Please let me know if you have any questions with respect to these responses to the additional comments.

Sincerely,



Simon Lipstein
Attorney

cc:

T. Johnson, EM-3.2