

Roberts, Kathryn, NMENV

From: Roberts, Kathryn, NMENV
Sent: Wednesday, October 15, 2008 8:53 AM
To: 'David J McInroy'
Cc: Steven Paris; Bearzi, James, NMENV; Cobrain, Dave, NMENV
Subject: RE: Example CME text clarification

Dave,

The Permittees' proposed additional language for sections pertaining to initial screening of alternatives is acceptable. Through email and telephone correspondence between NMED and the Permittees, a few options have been discussed regarding resubmittal of the MDA G CME Report.

One of the options is for the Permittees to submit a replacement document (not a revised document) as soon as possible. In that case, the Permittees must provide 2 hard copies and one electronic copy, as well as one electronic, red-line strikeout version to NMED. Additional hard copies must also be provided so we can give copies to those parties who originally requested a copy of the CME Report (CCNS, Embudo Valley, etc.).

Another option is for the Permittees to delay submission of the additional information until NMED issues its Notice of Disapproval (NOD). The NOD would include a comment addressing how alternatives were eliminated via the initial screening process and the Permittees would include revised sections in the MDA G CME Report, Revision 1.

It is possible that the Permittees may choose Option 1 in an attempt to mitigate at least part of any potential stipulated penalty we may assess. Your legal group, however, is correct that submission of a replacement document (absent a direction from us to do so in a NOD) could be construed as a withdrawal of the original document, thus leading to a conclusion that the Permittees did not, in fact, submit the report by the due date in the Consent Order. The Permittees may propose another viable option for submittal of the MDA G CME Report.

Ultimately, it is the Permittees' choice as to the next course of action. NMED will not instruct you on which route to take, or devise yet other routes. Although NMED recognizes the Permittees' efforts to maintain open lines of communication, this is not NMED's decision.

Please let me know if you have any questions.

Katie

-----Original Message-----

From: David J McInroy [mailto:mcinroy@lanl.gov]
Sent: Tuesday, October 07, 2008 5:39 PM
To: Roberts, Kathryn, NMENV
Cc: Steven Paris
Subject: Example CME text clarification
Importance: High

Katie,

Welcome back! Hope you had a great trip. Thanks for the opportunity to discuss your concerns with the MDA G CME last week. We appreciate your willingness to work with us to help clarify the information presented in the report as it pertains to the remedy alternative screening process. Our staff has looked at rearranging the existing information in the report in an attempt to improve the understanding of the process used to obtain the final four alternatives for final evaluation. Attached are a few examples showing how the revised section 7.4 of the CME could make the document more easily understood and draws added attention to existing text and tables. public and



our other stakeholders.

Per our conversation, we have included the first three alternatives for you to look at before completing the other 9 for a total of 12. We would appreciate any and all comments as we make every attempt to make the document as clear as possible.

Thanks again,

Dave

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