

Steve Pullen

From: Tom or Susan McMichael [susan_mcm@mindspring.com]
Sent: Wednesday, November 14, 2001 6:26 AM
To: Steve Pullen
Subject: Re: Triassic Park - Comments and Responses

Steve-

FYI, where the agency determines to draft specific findings/conclusions e.g. financial assurance...) the findings becomes the legal vehical for responding to comments. (This is also in our authorization agreement with EPA) This is the reason that the WIPP responses only cross-reference areas where we drafted specific findings. In other words, we do not need to respond to comments that cover areas where we are drafting the findings. This is actually the purpose of the FOFs and conclusions of law. (E.G. the findings should delinate how many people support/oppose/reasons and the agency's response - with a corresponding conclusion of law that the agency's decision to (1) either change or not change the FA based upon PUBLIC COMMENT was reaonable, in accorance with law and based upon substantial evidence.). The only reason we do a response to comments is to make the tedious task of drafting FOF/COLs easier - e.g. break out only the big topics for the FOF/COLs and incorporate response to comments for the others by reference to our response to comments.

If there is an overlap b/t findings and responses, the attorney should be directly involved. The HO will review the FOF/COL's and the responses only where we incorporate and direct her to.

Talk to you soon,

Susan M.

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

From: "Steve Pullen" <Steve_pullen@nmenv.state.nm.us>
To: "Julia Mullen" <julia_mullen@nmenv.state.nm.us>; "David Cobrain" <David_Cobrain@nmenv.state.nm.us>; "Clay Clarke" <clay_clarke@nmenv.state.nm.us>; "Susan McMichael" <susan_mcmichael@nmenv.state.nm.us>; "Susan McMichael" <susan_mcm@mindspring.com>
Sent: Tuesday, November 13, 2001 11:01 AM
Subject: FW: Triassic Park - Comments and Responses

> Hey gang,
>
> Attached are the draft lists of comments and responses. The comments are
> listed chronologically and the responses by permit part. Paige Walton of
> TechLaw put these lists together, including the initial attempt at the
> responses, and remains available if needed. (Thanks Paige!)
>
> I'll be working on the responses and corresponding permit changes. David
> will be working on the financial responsibility responses. I notice the
> WIPP responses reference findings and testimony. If anyone sees a need to
> insert a particular legal finding, please coordinate with the appropriate
> permit writer or attorney. Also, if anyone has any suggested changes to
> the
> lists, please send them to me highlighted in red so I can ensure

appropriate
> version control.
>
> I understand these lists need to be submitted to the Hearing Officer with
> the finding and conclusions, as well as the corresponding altered permit
> language. I don't mean to be too alarmist, but my calendar shows we have
> 11
> working days to accomplish all of the above.
>
> Questions:
> - Do I need to ask TechLaw, particularly Charlotte Robinson, to be
> involved
> with the responses? (Engineering or Contingency Plan issues)
> - What about the "non-substantive changes" made to the permit prior to the
> hearing? Should these also be referenced in the lists?
> - Any questions or comments?
>
> Thanks, Steve P.
>
>
>
> -----Original Message-----
> From: Paige Walton [mailto:paigewalton@home.com]
> Sent: Monday, November 12, 2001 2:02 PM
> To: Steve Pullen
> Subject: Re: Triassic Park
>
>
> Hi Steve -
>
> I think I have the two matrices pulled together. They seemed to have
> grown
> over night, though. Let me know if there is anything else I can do to
> help.
>
> Thanks,
> Paige
>