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12/07/2004 02:13 PM

To Rich Leukroth/DC/USEPA/US@EPA

cc Gautam Srinivasan/DC/USEPA/US@EPA

bcc

Subject Incineration ECAs/ endgame

History:



This message has been replied to and forwarded.

Rich:

Here are my comments/suggestions on the points you made in your email to me on December 1, 2004.

A. First paragraph: I wouldn't have any problems with you creating master "public" and CBI versions that have all the changes that the various companies have made and initialled in their public and CBI versions of each (telomer and flouropolymer) ECA. However, these would be, in effect, "information" copies of the documents, and not the "official" versions; the "official" versions would be, for each company, the "public" and "CBI" version of each (telomer and fluoropolymer) ECA. These are the versions that EPA should initial and execute (sign); the electronically corrected "information" copies would only be that -- information copies, to make it easier for the public and the companies and EPA (in the case of the CBI versions) to get its/their arms around what has been agreed to. The docket (and the FR notice) should explain that this is the role of the "information" copy(s), i.e., point out that the "official" versions are the ones signed/initialled by each company and EPA. The only alternative, as I see it, to this approach would be to recirculate ALL of the packages for resignature, which no one (including you) even wants to contemplate, much less attempt to do.

B. Telomer ECAs:

1. Clariant. I assume you mean that the Clariant change needs to be initialled by EPA, prior to signature by EPA (?).

2. DuPont. Why do we need to worry about EPA initialling an address correction? This is a non-substantive change.

C. Fluoropolmer ECAs:

1. AGC. AGC didn't sign and return the "official" version, because it had no CBI to declare, and the way the document was set up, it would be (incorrectly) invoking CBI protections, if AGC had signed it. I think all you need to do is to put a note in the file that the "public" version is the "official" version, because AGC made no CBI claims.

2. Dynenon. No comments. If a conference call is needed to sort out chemical name changes that Dynenon made (and presumably initialled), so be it.

3. Daikin.

a) I assume, again, that you mean that a change to page 4 made by Daikin (and initialled) needs to be initialled by EPA prior to signature (?).

b) Daikin probably retained the pages with the changes that EPA initialed that you are missing. I will email Daikin representatives, and ask them to initial these pages, and return them to you.

4. DuPont. Once again, I think we can dispense with initialling address changes, on the basis that such changes are non-substantive.

Per my voicemail message, please call me if you want to discuss any of this

or, email me, or both.

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