UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

February 9, 1982

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Re: Chemical Manufacturers Association v. EPA
No. 79-1112 and consolidated cases (D.C. Cir.)

Dear Bill, Ky, Pat and Roberta:

In accordance with our earlier conversations, I am enclosing new drafts of a joint motion to defer briefing and of a settlement agreement.

These new drafts reflect our attempts to respond to the comments you gave us last week and to clarify the guidance that paragraph 6(b) of the agreement describes. The material changes appear in paragraphs 3 and 4 of the joint motion; paragraphs 3, 6(b), 7, 8, 9, 10 and 12 of the settlement agreement; the following paragraphs of Exhibit A: A(5), (6), (7), (10); B(5), (6), (7), (10); C(7), (8), (9), (14); D(7), (8); E(7), (8); and the following paragraph of Exhibit B: A(5), B(5), C(4), D(4) and E(4). In addition, we have deleted paragraph 10 of the February 1 draft of the settlement agreement.

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The new drafts do not reflect any reaction on our part to the comments that Bob Emmett gave Peter Wyckoff by telephone yesterday and that Mike Barr gave us in his letter of February 8, 1982, which we received only yesterday. We plan to discuss those comments with Bob and Mike this week.

Some of the industry petitioners asked whether EPA would object to adding the following sentence to the joint motion and settlement agreement: "EPA and industry petitioners may take all actions they deem appropriate at any time to defend the settlement agreement." EPA would object. We cannot see the need for the sentence; nothing explicit or implicit in the February 1 drafts would inhibit EPA or the industry petitioners in any attempt to defend the agreement. We much prefer to make the changes that you will see in paragraph 12 of the new draft of the agreement, although we doubt that even those changes are necessary.

Please let us have the final reactions of industry petitioners to these new drafts as soon as possible. You should convey them to me or Peter Wyckoff.

Finally, thank you for the hard work, courtesy and cooperation that you gave us yesterday in our efforts to file the two motions relating to an extension.

Sincerely yours,

David E. Menotti
Associate General Counsel
Air, Noise and Radiation Division

cc: Jesse Carrillo, Esquire
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