

## Document Log

<b>From</b>	<b>To</b>	
palmeag@nu.com	Sharon Zaya/R1/USEPA/US@EPA	
<b>CC</b>	<b>BCC</b>	
landilt@nu.com EMason@goodwinprocter.com EZoli@goodwinprocter.com		
<b>Subject</b>	<b>Date/Time</b>	
Merrimack Station PIC	06/09/2005 10:52 AM	

## Document Body

Sharon:

As I indicated when you and I spoke, I discussed your suggested interpretation of the Phase II Rule's 5% MAF requirement with PSNH's counsel and Elise Zoli and Betsy Mason at Goodwin Procter. As indicated in the Merrimack Station PIC, they continue to believe that both the Phase II Rule, and the extensive preamble that accompanied that regulation, indicate that a facility may calculate whether each of its individual intake structures exceed the 5% threshold. Since it seems that the issue is a matter of legal interpretation, they suggested, and I am now requesting consistent with our discussion, that EPA legal be involved. Elise is happy to reach out to Mark Stein directly, but will await your direction to me before doing so. We're also available to attend a meeting at your discretion.

I look forward to hearing from you. Thanks, Allan Palmer.

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