

# Conversation Contents

**Fwd: For EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4**

Attachments 1-3 & 5-7 Withheld - b5 Deliberative Process

/20. Fwd: For EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4/1.1 EO12866\_Cooling Water Intakes\_2040-AE95\_Final\_Rule\_20130722 to 20130926.nonESA.docx

/20. Fwd: For EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4/1.2 EO12866\_Cooling Water Intakes\_2040-AE95\_Preamble\_20130722 to 20130926.nonESA.docx

/20. Fwd: For EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4/1.3 Director Requirements Compare Proposal to Final-f0919\_chredits.docx

/20. Fwd: For EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4/1.4 EO12866\_Cooling Water Intakes\_2040\_AE95\_BenAnal\_20130726.pdf

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**Megan Apgar <megan\_apgar@ios.doi.gov>**

**From:** Megan Apgar <megan\_apgar@ios.doi.gov>

**Sent:** Fri Sep 27 2013 15:05:33 GMT-0600 (MDT)

**To:** Rick Sayers <rick\_sayers@fws.gov>, Drew Crane <drew\_crane@fws.gov>

**Subject:** Fwd: For EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4  
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FYI. I will touch base with you on Monday about the new version.  
Have a great weekend!

Sent from my iPhone

Begin forwarded message:

**From:** "Higgins, Cortney" (b)(6) Personal Privacy  
**To:** "(Meg.E.Gaffney-Smith@usace.army.mil)" <Meg.E.Gaffney-Smith@usace.army.mil>, "Asha Mathew (amathew@doc.gov)" <amathew@doc.gov>, Ben Portis <bportis@tva.gov>, "Chip Smith (Chip.Smith@HQDA.Army.Mil)" <Chip.Smith@hqda.army.mil>, Christine Kymn <Christine.Kymn@sba.gov>, Clarence Severens <Clarence.Severens@treasury.gov>, "Daniel Hall (Daniel.Hall@do.treas.gov)" <Daniel.Hall@do.treas.gov>, "DHSOGCRegulations@hq.dhs.gov" <DHSOGCRegulations@hq.dhs.gov>, "DOE Reg Mailbox (gc-71energyregs@hq.doe.gov)" <gc-71energyregs@hq.doe.gov>, "DOT. REGULATIONS (DOT.REGULATIONS@dot.gov)" <DOT.REGULATIONS@dot.gov>, "Drek Newton (d.newton@navy.mil)" <d.newton@navy.mil>, "Edmund Miller (Edmund.Miller@osd.mil)" <Edmund.Miller@osd.mil>, "Ellen Brown (Ellen.Brown@ferc.gov)" <Ellen.Brown@ferc.gov>, "Eric T Gormsen (Eric.T.Gormsen@usdoj.gov)" <Eric.T.Gormsen@usdoj.gov>, "HHS (HHSExecSec@hhs.gov)" <HHSExecSec@hhs.gov>, "Jack W O'Grady (jwogrady@tva.gov)" <jwogrady@tva.gov>, "Jarad Daniels (Jarad.Daniels@hq.doe.gov)" <Jarad.Daniels@hq.doe.gov>, "Jordan Kislear (Jordan.Kislear@hq.doe.gov)" <Jordan.Kislear@hq.doe.gov>, "Kathleen Franks (Franks.Kathleen@dol.gov)" <Franks.Kathleen@dol.gov>, "Katrina Johnson (kmc@obpa.usda.gov)" <kmc@obpa.usda.gov>, "Kevin Bromberg (kevin.bromberg@sba.gov)" <kevin.bromberg@sba.gov>, "Kevin Jones (kevin.r.jones@usdoj.gov)" <kevin.r.jones@usdoj.gov>, Kristi Kubista-Hovis <Kristi.Kubista-Hovis@wdc.usda.gov>, "Lindsay Nehm (lindsay.nehm@navy.mil)" <lindsay.nehm@navy.mil>, "Mark Lawyer (Mark\_Lawyer@ios.doi.gov)" <Mark\_Lawyer@ios.doi.gov>, "Megan Feeney (Megan\_Feeney@ios.doi.gov)" <Megan\_Feeney@ios.doi.gov>, "Nivin Elgohary (nivin.elgohary@wdc.usda.gov)" <nivin.elgohary@wdc.usda.gov>, "Richard

Palmer ([Richard.Palmer@ferc.gov](mailto:Richard.Palmer@ferc.gov))" <[Richard.Palmer@ferc.gov](mailto:Richard.Palmer@ferc.gov)>, "Scott, Ari ([ari.scott@HQ.DHS.GOV](mailto:ari.scott@HQ.DHS.GOV))" <[ari.scott@hq.dhs.gov](mailto:ari.scott@hq.dhs.gov)>, T Choe <[tchoe@doc.gov](mailto:tchoe@doc.gov)>, "USDA Reg Mailbox ([usdareg@obpa.usda.gov](mailto:usdareg@obpa.usda.gov))" <[usdareg@obpa.usda.gov](mailto:usdareg@obpa.usda.gov)>

**Subject: For EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4**

Hi all,

Attached are the preamble, rule and economic analysis, all updated with edits  
(b)(5) Deliberative Process

The rule and preamble are in redline/strikeout, but the support documents are not. The revised documents don't yet incorporate all of the changes made as a result of the interagency comments.

Please provide me with questions/comments on the revised documents by COB Friday, October 4th. Please let me know if you have any questions. |

Here is a quick synopsis of the things that changed:

(b)(5) Deliberative Process

o (b)(5) Deliberative Process

Regards,  
Cortney

---

Cortney Higgins  
Policy Analyst  
OMB/OIRA/NRE  
(b)(6) Personal Privacy

**"Sayers, Rick" <rick\_sayers@fws.gov>**

**From:** "Sayers, Rick" <rick\_sayers@fws.gov>  
**Sent:** Mon Sep 30 2013 05:39:12 GMT-0600 (MDT)  
**To:** Gary Frazer <gary\_frazer@fws.gov>, Paul Souza <Paul\_Souza@fws.gov>  
**Subject:** Fwd: For EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4  
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(b)(5) Deliberative Process

Rick Sayers  
Chief, Division of Environmental Review  
U.S. Fish & Wildlife Service-- Ecological Services  
4401 N. Fairfax Dr., Rm 420  
Arlington, VA 22203  
(703) 358-2442

----- Forwarded message -----

**From:** Megan Apgar <megan\_apgar@ios.doi.gov>  
**Date:** Fri, Sep 27, 2013 at 5:05 PM  
**Subject:** Fwd: For EO 12866/13563 review: Criteria and Standards for Cooling Water

Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4

To: Rick Sayers <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>, Drew Crane <[drew\\_crane@fws.gov](mailto:drew_crane@fws.gov)>

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**Subject:** For EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4

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[REDACTED]

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\_\_\_\_\_

Regards,  
Cortney

---

Cortney Higgins

Policy Analyst  
OMB/OIRA/NRE

(b)(6) Personal Privacy

**"Ashfield, Patrice" <patrice\_ashfield@fws.gov>**

**From:** "Ashfield, Patrice" <patrice\_ashfield@fws.gov>  
**Sent:** Mon Sep 30 2013 11:56:17 GMT-0600 (MDT)  
**To:** "Sayers, Rick" <rick\_sayers@fws.gov>  
**Subject:** Re: For EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4

drew just stopped by and mentioned that he did take a look at the latest preamble of the Rule and (b)(5) Deliberative Process

. Ok with you?

---

Patrice Ashfield  
Branch Chief of Consultation and Habitat Conservation Planning  
U.S. Fish and Wildlife Service  
4401 North Fairfax Drive  
Arlington, Virginia 22203  
(703) 358-2478

---

On Mon, Sep 30, 2013 at 7:39 AM, Sayers, Rick <rick\_sayers@fws.gov> wrote:  
(b)(5) Deliberative Process

Rick Sayers  
Chief, Division of Environmental Review  
U.S. Fish & Wildlife Service-- Ecological Services  
4401 N. Fairfax Dr., Rm 420  
Arlington, VA 22203  
(703) 358-2442

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Date: Fri, Sep 27, 2013 at 5:05 PM

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**From:** "Higgins, Cortney" (b)(6) Personal Privacy  
**To:** "(Meg.E.Gaffney-Smith@usace.army.mil)" <[Meg.E.Gaffney-Smith@usace.army.mil](mailto:Meg.E.Gaffney-Smith@usace.army.mil)>, "Asha Mathew ([amathew@doc.gov](mailto:amathew@doc.gov))" <[amathew@doc.gov](mailto:amathew@doc.gov)>, Ben Portis <[bportis@tva.gov](mailto:bportis@tva.gov)>, "Chip Smith (Chip.Smith@HQDA.Army.Mil)" <[Chip.Smith@hqda.army.mil](mailto:Chip.Smith@hqda.army.mil)>, Christine Kymn <[Christine.Kymn@sba.gov](mailto:Christine.Kymn@sba.gov)>, Clarence Severens <[Clarence.Severens@treasury.gov](mailto:Clarence.Severens@treasury.gov)>, "Daniel Hall (Daniel.Hall@do.treas.gov)" <[Daniel.Hall@do.treas.gov](mailto:Daniel.Hall@do.treas.gov)>, "DHSOGCRegulations@hq.dhs.gov" <[DHSOGCRegulations@hq.dhs.gov](mailto:DHSOGCRegulations@hq.dhs.gov)>, "DOE Reg Mailbox ([gc-71energyregs@hq.doe.gov](mailto:gc-71energyregs@hq.doe.gov))" <[gc-71energyregs@hq.doe.gov](mailto:gc-71energyregs@hq.doe.gov)>, "DOT. REGULATIONS (DOT.REGULATIONS@dot.gov)" <[DOT.REGULATIONS@dot.gov](mailto:DOT.REGULATIONS@dot.gov)>, "Drek Newton ([d.newton@navy.mil](mailto:d.newton@navy.mil))" <[d.newton@navy.mil](mailto:d.newton@navy.mil)>, "Edmund Miller ([Edmund.Miller@osd.mil](mailto:Edmund.Miller@osd.mil))" <[Edmund.Miller@osd.mil](mailto:Edmund.Miller@osd.mil)>, "Ellen Brown ([Ellen.Brown@ferc.gov](mailto:Ellen.Brown@ferc.gov))" <[Ellen.Brown@ferc.gov](mailto:Ellen.Brown@ferc.gov)>, "Eric T Gormsen ([Eric.T.Gormsen@usdoj.gov](mailto:Eric.T.Gormsen@usdoj.gov))" <[Eric.T.Gormsen@usdoj.gov](mailto:Eric.T.Gormsen@usdoj.gov)>, "HHS (HHSExecSec@hhs.gov)" <[HHSExecSec@hhs.gov](mailto:HHSExecSec@hhs.gov)>, "Jack W O'Grady ([jwogrady@tva.gov](mailto:jwogrady@tva.gov))" <[jwogrady@tva.gov](mailto:jwogrady@tva.gov)>, "Jarad Daniels (Jarad.Daniels@hq.doe.gov)" <[Jarad.Daniels@hq.doe.gov](mailto:Jarad.Daniels@hq.doe.gov)>, "Jordan Kislear (Jordan.Kislear@hq.doe.gov)" <[Jordan.Kislear@hq.doe.gov](mailto:Jordan.Kislear@hq.doe.gov)>, "Kathleen Franks ([Franks.Kathleen@dol.gov](mailto:Franks.Kathleen@dol.gov))" <[Franks.Kathleen@dol.gov](mailto:Franks.Kathleen@dol.gov)>, "Katrina Johnson ([kmc@obpa.usda.gov](mailto:kmc@obpa.usda.gov))" <[kmc@obpa.usda.gov](mailto:kmc@obpa.usda.gov)>, "Kevin Bromberg ([kevin.bromberg@sba.gov](mailto:kevin.bromberg@sba.gov))" <[kevin.bromberg@sba.gov](mailto:kevin.bromberg@sba.gov)>, "Kevin Jones ([kevin.r.jones@usdoj.gov](mailto:kevin.r.jones@usdoj.gov))" <[kevin.r.jones@usdoj.gov](mailto:kevin.r.jones@usdoj.gov)>, Kristi Kubista-Hovis <[Kristi.Kubista-Hovis@wdc.usda.gov](mailto:Kristi.Kubista-Hovis@wdc.usda.gov)>, "Lindsay Nehm ([lindsay.nehm@navy.mil](mailto:lindsay.nehm@navy.mil))" <[lindsay.nehm@navy.mil](mailto:lindsay.nehm@navy.mil)>, "Mark Lawyer ([Mark\\_Lawyer@ios.doi.gov](mailto:Mark_Lawyer@ios.doi.gov))" <[Mark\\_Lawyer@ios.doi.gov](mailto:Mark_Lawyer@ios.doi.gov)>, "Megan Feeney ([Megan\\_Feeney@ios.doi.gov](mailto:Megan_Feeney@ios.doi.gov))" <[Megan\\_Feeney@ios.doi.gov](mailto:Megan_Feeney@ios.doi.gov)>, "Nivin Elgohary ([nivin.elgohary@wdc.usda.gov](mailto:nivin.elgohary@wdc.usda.gov))" <[nivin.elgohary@wdc.usda.gov](mailto:nivin.elgohary@wdc.usda.gov)>, "Richard Palmer ([Richard.Palmer@ferc.gov](mailto:Richard.Palmer@ferc.gov))" <[Richard.Palmer@ferc.gov](mailto:Richard.Palmer@ferc.gov)>, "Scott, Ari ([ari.scott@HQ.DHS.GOV](mailto:ari.scott@HQ.DHS.GOV))" <[ari.scott@hq.dhs.gov](mailto:ari.scott@hq.dhs.gov)>, T Choe <[tchoe@doc.gov](mailto:tchoe@doc.gov)>, "USDA Reg Mailbox ([usdareg@obpa.usda.gov](mailto:usdareg@obpa.usda.gov))" <[usdareg@obpa.usda.gov](mailto:usdareg@obpa.usda.gov)>



**Subject: For EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4**

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Cortney Higgins  
Policy Analyst  
OMB/OIRA/NRE

(b)(6) Personal Privacy  
[REDACTED]

**"Sayers, Rick" <rick\_sayers@fws.gov>**

**From:** "Sayers, Rick" <rick\_sayers@fws.gov>  
**Sent:** Mon Sep 30 2013 12:41:49 GMT-0600 (MDT)  
**To:** "Ashfield, Patrice" <patrice\_ashfield@fws.gov>  
**Subject:** Re: For EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4

Yes-- but please ask Megan to clearly convey that we are (b)(5) Deliberative Process  
[REDACTED]

Rick Sayers  
Chief, Division of Environmental Review  
U.S. Fish & Wildlife Service-- Ecological Services  
4401 N. Fairfax Dr., Rm 420  
Arlington, VA 22203  
(703) 358-2442

On Mon, Sep 30, 2013 at 1:56 PM, Ashfield, Patrice <patrice\_ashfield@fws.gov> wrote:

drew just stopped by and mentioned that he did take a look at the latest preamble of the Rule and (b)(5) Deliberative Process  
[REDACTED]

. Ok with you?

---

Patrice Ashfield  
Branch Chief of Consultation and Habitat Conservation Planning

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(703) 358-2478

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Chief, Division of Environmental Review  
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----- Forwarded message -----

From: **Megan Apgar** <[megan\\_apgar@ios.doi.gov](mailto:megan_apgar@ios.doi.gov)>  
Date: Fri, Sep 27, 2013 at 5:05 PM  
Subject: Fwd: For EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Revised Preamble/RegText/BA -- Comments due 10/4  
To: Rick Sayers <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>, Drew Crane <[drew\\_crane@fws.gov](mailto:drew_crane@fws.gov)>

FYI. I will touch base with you on Monday about the new version.  
Have a great weekend!

Sent from my iPhone

Begin forwarded message:

**From:** "Higgins, Cortney" **(b)(6) Personal Privacy**  
**To:** "([Meg.E.Gaffney-Smith@usace.army.mil](mailto:Meg.E.Gaffney-Smith@usace.army.mil))" <[Meg.E.Gaffney-Smith@usace.army.mil](mailto:Meg.E.Gaffney-Smith@usace.army.mil)>, "Asha Mathew ([amathew@doc.gov](mailto:amathew@doc.gov))" <[amathew@doc.gov](mailto:amathew@doc.gov)>, Ben Portis <[bportis@tva.gov](mailto:bportis@tva.gov)>, "Chip Smith ([Chip.Smith@HQDA.Army.Mil](mailto:Chip.Smith@HQDA.Army.Mil))" <[Chip.Smith@hqda.army.mil](mailto:Chip.Smith@hqda.army.mil)>, Christine Kymn <[Christine.Kymn@sba.gov](mailto:Christine.Kymn@sba.gov)>, Clarence Severens <[Clarence.Severens@treasury.gov](mailto:Clarence.Severens@treasury.gov)>, "Daniel Hall ([Daniel.Hall@do.treas.gov](mailto:Daniel.Hall@do.treas.gov))" <[Daniel.Hall@do.treas.gov](mailto:Daniel.Hall@do.treas.gov)>, "[DHSOGCRegulations@hq.dhs.gov](mailto:DHSOGCRegulations@hq.dhs.gov)" <[DHSOGCRegulations@hq.dhs.gov](mailto:DHSOGCRegulations@hq.dhs.gov)>, "DOE Reg Mailbox ([gc-71energyregs@hq.doe.gov](mailto:gc-71energyregs@hq.doe.gov))" <[gc-71energyregs@hq.doe.gov](mailto:gc-71energyregs@hq.doe.gov)>, "DOT. REGULATIONS ([DOT.REGULATIONS@dot.gov](mailto:DOT.REGULATIONS@dot.gov))" <[DOT.REGULATIONS@dot.gov](mailto:DOT.REGULATIONS@dot.gov)>, "Drek Newton ([d.newton@navy.mil](mailto:d.newton@navy.mil))" <[d.newton@navy.mil](mailto:d.newton@navy.mil)>, "Edmund Miller ([Edmund.Miller@osd.mil](mailto:Edmund.Miller@osd.mil))"

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**Subject: For EO 12866/13563 review: Criteria and Standards for  
Cooling Water Intake Structures (RIN 2040-AE95) -- Revised  
Preamble/RegText/BA -- Comments due 10/4**

Hi all,

Attached are the preamble, rule and economic analysis, all updated with  
edits (b)(5) Deliberative Process

The rule and preamble  
are in redline/strikeout, but the support documents are not. The revised  
documents don't yet incorporate all of the changes made as a result of  
the interagency comments.

Please provide me with questions/comments on the revised documents  
by COB Friday, October 4th. Please let me know if you have any  
questions. (b)(5) Deliberative Process

Here is a quick synopsis of the things that changed:

(b)(5) Deliberative Process

(b)(5) Deliberative Process

I [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

[REDACTED]

Regards,  
Cortney

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Cortney Higgins  
Policy Analyst  
OMB/OIRA/NRE

(b)(6) Personal Privacy

[REDACTED]