

# Conversation Contents

## **Fwd: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22**

/19. Fwd: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22/1.1 DOI comments 8.29.13.docx

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Attachments Withheld - b5 Deliberative Process

**From:** "Crane, Drew" <drew\_crane@fws.gov>  
**Sent:** Thu Aug 29 2013 15:31:41 GMT-0600 (MDT)  
**To:** Rick Sayers <rick\_sayers@fws.gov>  
**Subject:** Fwd: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22  
**Attachments:** DOI comments 8.29.13.docx 8-29-13 FWS suggested edits on EPA\_316b rule.docx

Not sure if you saw this.

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

**From:** Apgar, Megan <megan\_apgar@ios.doi.gov>  
**Date:** Thu, Aug 29, 2013 at 4:42 PM  
**Subject:** EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22  
**To:** "Higgins, Cortney" (b)(6) Personal Privacy  
**Cc:** Drew Crane <drew\_crane@fws.gov>, Patrice Ashfield <patrice\_ashfield@fws.gov>

Hi Cortney,  
Thank you for allowing us the additional time to develop our comments on EPA's 316(b) final rule. DOI comments are attached. Please be in touch if you have any questions.

Thanks,  
Megan Apgar  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior  
Voice: (202) 208-4582

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

**From:** "Apgar, Megan" <megan\_apgar@ios.doi.gov>  
**Sent:** Wed Sep 04 2013 09:57:35 GMT-0600 (MDT)  
**To:** Rick Sayers <rick\_sayers@fws.gov>  
**Subject:** Fwd: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22

**Attachments:**

DOI comments 8.29.13.docx 8-29-13 FWS suggested edits  
on EPA\_316b rule.docx

As requested...

Thanks,  
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Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior  
Voice: (202) 208-4582

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From: **Apgar, Megan** <[megan\\_apgar@ios.doi.gov](mailto:megan_apgar@ios.doi.gov)>

Date: Thu, Aug 29, 2013 at 4:42 PM

Subject: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake  
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To: "Higgins, Cortney" <(b)(6) Personal Privacy >

Cc: Drew Crane <[drew\\_crane@fws.gov](mailto:drew_crane@fws.gov)>, Patrice Ashfield <[patrice\\_ashfield@fws.gov](mailto:patrice_ashfield@fws.gov)>

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**"Sayers, Rick" <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>**

**From:** "Sayers, Rick" <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>

**Sent:** Thu Sep 05 2013 08:03:49 GMT-0600 (MDT)

**To:** "Wood, Robert" <[wood.robert@epa.gov](mailto:wood.robert@epa.gov)>

**Subject:** Fwd: EO 12866/13563 review: Criteria and Standards for  
Cooling Water Intake Structures (RIN 2040-AE95) --

Comments due 8/22

**Attachments:**

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on EPA\_316b rule.docx

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: **Apgar, Megan** <[megan\\_apgar@ios.doi.gov](mailto:megan_apgar@ios.doi.gov)>

Date: Wed, Sep 4, 2013 at 11:57 AM

Subject: Fwd: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22

To: Rick Sayers <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>

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Rob--

Here is what DOI submitted. Please realize that the discussions of the last week or so are not reflected in these comments.

**"Crane, Drew" <drew\_crane@fws.gov>**

---

**From:** "Crane, Drew" <drew\_crane@fws.gov>  
**Sent:** Thu Sep 05 2013 10:34:52 GMT-0600 (MDT)  
**To:** Rick Sayers <rick\_sayers@fws.gov>  
**Subject:** Fwd: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22  
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Hi Rick,

I didn't realize you were not copied on this email. I think this is what you were looking for to send to Rob.

Drew

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From: **Apgar, Megan** <[megan\\_apgar@ios.doi.gov](mailto:megan_apgar@ios.doi.gov)>  
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**"Apgar, Megan" <megan\_apgar@ios.doi.gov>**

---

**From:** "Apgar, Megan" <megan\_apgar@ios.doi.gov>  
**Sent:** Thu Sep 26 2013 09:10:57 GMT-0600 (MDT)  
**To:** Michael Bean <michael\_bean@ios.doi.gov>  
**Subject:** Fwd: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22  
**Attachments:** DOI comments 8.29.13.docx 8-29-13 FWS suggested edits on EPA\_316b rule.docx

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(b)(5) Deliberative Process

The comments were developed by Rick Sayers' shop. I am sharing them with you again just in case you get pulled into any discussions. Fay is taking a copy to Liz later today. I expect to hear back from the OMB desk officer re timing as she works to schedule the call.

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Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior  
Voice: (202) 208-4582

**"Bean, Michael" <michael\_bean@ios.doi.gov>**

---

**From:** "Bean, Michael" <michael\_bean@ios.doi.gov>  
**Sent:** Thu Oct 17 2013 08:15:43 GMT-0600 (MDT)  
**To:** "Apgar, Megan" <megan\_apgar@ios.doi.gov>  
**Subject:** Re: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22  
**Attachments:** FWS suggested edits on EPA\_316b rule (2).docx

Rick: It may be too late to matter, but I reviewed the FWS-suggested revisions to the rule and identified a few areas where I thought (b)(5) Deliberative Process [REDACTED]  
[REDACTED] In the attached, I have put all of my questions and suggestions into marginal comment bubbles, rather than make any further edits to the rule itself.

On Thu, Sep 26, 2013 at 11:10 AM, Apgar, Megan <megan\_apgar@ios.doi.gov> wrote:  
Hi Micheal,  
I received a call from OMB yesterday regarding our comment submission on EPA's 316(b) final rule (attached). (b)(5) Deliberative Process [REDACTED]  
[REDACTED] The comments were developed by Rick Sayers' shop. I am sharing them with you again just in case you get pulled into any discussions. Fay is taking a copy to Liz later today. I expect to hear back from the OMB desk officer re timing as she works to schedule the call.  
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Executive Secretariat and Regulatory Affairs

Office of the Secretary

Department of the Interior

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Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

Room 3152, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

[michael\\_bean@ios.doi.gov](mailto:michael_bean@ios.doi.gov)

**"Bean, Michael"** <[michael\\_bean@ios.doi.gov](mailto:michael_bean@ios.doi.gov)>

**From:** "Bean, Michael" <[michael\\_bean@ios.doi.gov](mailto:michael_bean@ios.doi.gov)>

**Sent:** Thu Oct 17 2013 08:16:12 GMT-0600 (MDT)



**To:** "Apgar, Megan" <megan\_apgar@ios.doi.gov>  
**Subject:** Re: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22

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Subject: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22

To: "Higgins, Cortney" <(b)(6) Personal Privacy [REDACTED]>

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Michael J. Bean

Counselor to the Assistant Secretary for Fish and Wildlife and Parks

Room 3152, Department of the Interior

Washington, DC 20240

202-208-4416

202-208-4684 (fax)

[michael\\_bean@ios.doi.gov](mailto:michael_bean@ios.doi.gov)

**"Souza, Paul" <paul\_souza@fws.gov>**

---

**From:** "Souza, Paul" <paul\_souza@fws.gov>  
**Sent:** Fri Oct 18 2013 09:20:40 GMT-0600 (MDT)  
**To:** "Romanik, Peg" <peg.romanik@sol.doi.gov>  
**Subject:** Re: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22

Thanks Peg . . . EPA does intend to request an extension. We are in discussions with EPA and NMFS about the time we need . . . It will likely be 45 days after the day we receive the final rule. I am optimistic that they will be responsive to our request for time. On a related front, I spoke to Rob Wood at EPA yesterday, and he thinks we could get the final rule early to mid next week.

Finally, I would really like to thank you and Ted for your support on the call with EPA a few weeks ago. (b)(5) Attorney-Client Communication  
[REDACTED]. Your voices made a huge difference.

Will keep you posted . . . At this point, I recommend holding the comments on the previous rule. It is my hope that we'll have the final rule before COB Wednesday, which could make them moot. We'll continue to track the issue closely and let you know if the schedule Rob shared with me falls apart and we need to reconsider submitting the comments.

Take care,

Paul Souza  
Deputy Assistant Director  
Ecological Services  
U.S. Fish and Wildlife Service  
4401 North Fairfax Drive, Room 460A  
Arlington, VA 22203  
703-358-2171 (Office)  
703-229-3773 (Cell)  
[www.fws.gov/](http://www.fws.gov/)

On Fri, Oct 18, 2013 at 11:07 AM, Romanik, Peg <[peg.romanik@sol.doi.gov](mailto:peg.romanik@sol.doi.gov)> wrote:  
Good morning Gentlemen, Does anyone know the status of the EPA cooling water rule? Peg

**Peg Romanik**  
**Counselor to the Solicitor**  
**Office of the Solicitor**  
**U.S. Department of the Interior**  
**Office: (202)208-5578**  
**Cell: (202)957-7483**

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

From: **Boling, Edward** <[ted.boling@sol.doi.gov](mailto:ted.boling@sol.doi.gov)>  
Date: Thu, Oct 17, 2013 at 2:28 PM  
Subject: Fwd: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22  
To: Peg Romanik <[peg.romanik@sol.doi.gov](mailto:peg.romanik@sol.doi.gov)>

Remeber this? I assume that EPA is negotiating a new deadline with plaintiffs, but do you know?

Ted Boling  
Deputy Solicitor -- Parks & Wildlife  
U.S Department of the Interior  
1849 C Street NW  
Washington, DC 20240  
202-208-4423 (main)  
202-208-3125 (direct)  
202-208-5584 (fax)  
[Ted.Boling@sol.doi.gov](mailto:Ted.Boling@sol.doi.gov)

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

From: **Apgar, Megan** <[megan\\_apgar@ios.doi.gov](mailto:megan_apgar@ios.doi.gov)>

Date: Thu, Oct 17, 2013 at 2:19 PM

Subject: Fwd: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22

To: Edward Boling <[ted.boling@sol.doi.gov](mailto:ted.boling@sol.doi.gov)>

Hi Ted,

Sharing Michael Bean's email as an FYI. In light of the shutdown, OMB has extended the comment deadline to COB Wednesday, 10/23. Please note that Michael was working on an older version of the rule than the one I sent you on 10/1.

Thanks,

Megan Apgar

Executive Secretariat and Regulatory Affairs

Office of the Secretary

Department of the Interior

Voice: (202) 208-4582

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

From: **Bean, Michael** <[michael\\_bean@ios.doi.gov](mailto:michael_bean@ios.doi.gov)>

Date: Thu, Oct 17, 2013 at 10:15 AM

Subject: Re: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22

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

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**From:** "Sayers, Rick" <rick\_sayers@fws.gov>  
**Sent:** Mon Oct 21 2013 05:47:36 GMT-0600 (MDT)  
**To:** Drew Crane <Drew\_Crane@fws.gov>, Patrice Ashfield <patrice\_ashfield@fws.gov>  
**Subject:** Fwd: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22  
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Did you guys see this? Anything we need to address?

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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**From:** **Bean, Michael** <[michael\\_bean@ios.doi.gov](mailto:michael_bean@ios.doi.gov)>  
**Date:** Thu, Oct 17, 2013 at 10:15 AM  
**Subject:** Re: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22  
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**"Crane, Drew" <drew\_crane@fws.gov>**

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**From:** "Crane, Drew" <drew\_crane@fws.gov>  
**Sent:** Mon Oct 21 2013 06:57:14 GMT-0600 (MDT)  
**To:** "Sayers, Rick" <rick\_sayers@fws.gov>  
**Subject:** Re: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22

Hi Rick,

This is the first time that I'm seeing Michael's comments. I'm not sure if we need to address or not given that EPA is supposed to be sending over their final version of the rule any day now so that we can write our BO. I'll go through these and see if anything stands out.

Thanks

Drew

p.s. Welcome Back!

On Mon, Oct 21, 2013 at 7:47 AM, Sayers, Rick <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)> wrote:  
Did you guys see this? Anything we need to address?

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: **Bean, Michael** <[michael\\_bean@ios.doi.gov](mailto:michael_bean@ios.doi.gov)>  
Date: Thu, Oct 17, 2013 at 10:15 AM  
Subject: Re: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake



Structures (RIN 2040-AE95) -- Comments due 8/22

To: "Apgar, Megan" <[megan\\_apgar@ios.doi.gov](mailto:megan_apgar@ios.doi.gov)>

Cc: Rick Sayers <[rick\\_sayers@fws.gov](mailto:rick_sayers@fws.gov)>

Rick: It may be too late to matter, but I reviewed the FWS-suggested revisions to the rule and identified a few areas where I thought (b)(5) Deliberative Process [REDACTED]. In the attached, I have put all of my questions and suggestions into marginal comment bubbles, rather than make any further edits to the rule itself.

On Thu, Sep 26, 2013 at 11:10 AM, Apgar, Megan <[megan\\_apgar@ios.doi.gov](mailto:megan_apgar@ios.doi.gov)> wrote:

Hi Micheal,

I received a call from OMB yesterday regarding our comment submission on EPA's 316(b) final rule (attached). (b)(5) Deliberative Process [REDACTED]

[REDACTED]. The comments were developed by Rick Sayers' shop. I am sharing them with you again just in case you get pulled into any discussions. Fay is taking a copy to Liz later today. I expect to hear back from the OMB desk officer re timing as she works to schedule the call.

Thanks,

Megan Apgar

Executive Secretariat and Regulatory Affairs

Office of the Secretary

Department of the Interior

Voice: (202) 208-4582

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

From: **Apgar, Megan** <[megan\\_apgar@ios.doi.gov](mailto:megan_apgar@ios.doi.gov)>

Date: Thu, Aug 29, 2013 at 4:42 PM

Subject: EO 12866/13563 review: Criteria and Standards for Cooling Water Intake Structures (RIN 2040-AE95) -- Comments due 8/22

To: "Higgins, Cortney" (b)(6) Personal Privacy [REDACTED]

Cc: Drew Crane <[drew\\_crane@fws.gov](mailto:drew_crane@fws.gov)>, Patrice Ashfield <[patrice\\_ashfield@fws.gov](mailto:patrice_ashfield@fws.gov)>

Hi Cortney,

Thank you for allowing us the additional time to develop our comments on EPA's 316(b) final rule. DOI comments are attached. Please be in touch if you have any questions.

Thanks,

Megan Apgar

Executive Secretariat and Regulatory Affairs

Office of the Secretary  
Department of the Interior  
Voice: (202) 208-4582

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Michael J. Bean

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