**From:** Lyons, Ann
**To:** Spiegelman, Nina; Moyer, Robert
**Subject:** Navajo Generating Station Talking Points for Avi Garbow Meeting with EarthJustice
**Date:** Thursday, September 25, 2014 6:14:53 PM

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EarthJustice submitted a lengthy comment letter on behalf of the Sierra Club, National Parks Conservation Association, Grand Canyon Trust and Natural Resources Defense Council criticizing on our Supplement Proposal's approval of the Technical Work Group Alternative as the BART FIP for NGS.

The comment letter criticized our legal basis for allowing a longer time period for retiring one 750 MW unit (in 2020) and installing SCR on the remaining 2 750 MW units (in 2030), as well as our approach to defining the "better than BART" alternative based on cumulative emissions until 2044. The comment letter supported finalizing our initial BART FIP Proposal requiring installation of SCR on 3 units in 2018.

On August 8, 2014, we published a Final BART FIP Rule, finalizing the regulatory text from the Supplemental Proposal (i.e we only finalized the Technical Work Group Alternative to BART).

Any Petition for Review must be filed by October 7, 2014.

[redacted]

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Redaction: Ex 5 Attorney Work Product

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