Message

From: Bahrman, Sarah [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1D493CF492ED4FC0BE275A699826A64C-BAHRMAN, SARAH]
Sent: 8/3/2015 2:13:39 PM
To: Mitre, Alfreda [Mitre.Alfreda@epa.gov]
CC: Minter, Douglas [Minter.Douglas@epa.gov]; Shea, Valois [Shea.Valois@epa.gov]
Subject: FW: Update on call w/Powertech today

Hi Alfreda --
FYI - Here's a summary of the call Darcy and Deb T had with Powertech on Friday.

I also left you a voice message just now regarding our plans for consultation, and specifically the WY/MT Tribal Leaders Meeting next week, 8/12. Have you been able to connect with your contact for that group and confirm whether we'll be able to get a spot on the agenda next week? We really need to figure that out today so we can prepare and get agreement on messages since so many things are still up in the air.

Thanks!
Sarah

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From: O'Connor, Darcy
Sent: Friday, July 31, 2015 4:17 PM
To: Minter, Douglas; Shea, Valois; Boydston, Michael; Varilek, Kimberly; Bahrman, Sarah; Videtich, Callie
Subject: Update on call w/Powertech today

Deliberative Process – Attorney/Client Communication – FOIA Exempt – Do Not Release

Deb and I gave John Mayes a call this morning. Deb led the call, and did a great job. John asked about whether we could share anything about potential timing for the permits. Deb walked through the talking points, discussing that our technical work on the draft permits was drawing to a close and our main focus now was on the need for additional outreach to the tribes and the formal consultation piece. She gave him the estimate that, depending on the number of tribes which request formal consultation, we would hope to have the draft permits public noticed in January. John asked about the fact that we had sent consultation letters 2 years ago and whether this was separate from the process Deb described. I said that, while we had sent consultation letters previously, the formal government to government consultations had not yet occurred and that we needed to expand our discussions with the tribes related to our process and the NHPA piece prior to having that formal consultation. We also stressed that this formal consultation is with individual tribes, so the length of this process is dependent on how many tribes request consultation. Deb also explained that there is another process that ensues after the permits are public noticed, and that we expected that we would receive significant comments and that there would probably be a hearing and that these would all need to be addressed in any final action. She was very clear that we would have no idea on how long the response to comments would take until we had that public input.

John was very pleased that we were able to talk through the time line. We spent some time talking about the fact that there was uncertainty around the NRC ASLB appeal and next steps around the NHPA consultation piece, and that this played into our need for additional discussions with the tribes and additional work on determining how we will address NHPA for our permitting process. John asked if we had made a final decision not to sign on to the programmatic agreement; Deb said we had not made a decision. I mentioned that we were going through the NRC documents available to get a better understanding on what they had done to help inform our decision. John mentioned the fact that

the website with the documents was tough to navigate and he was willing to assist us in any way finding/accessing documents. He gave us a website, which I'm assuming is the same one you all are using – http://adams.nrc.gov/ehd.

John talked a bit about the appeals process – he is confident that Powertech will prevail in its appeal to the NHPA consultation piece, but estimated it was another 4-6 months before there would be a ruling from the board. I asked whether there were any oral arguments as part of the appeals process – he was not sure at this point. He also offered to come in to talk with us about the appeals process. Deb said she would talk with Shaun about this, but at this point did not think that was necessary.

John asked whether there was a final approval that we needed to obtain from HQ. Deb explained that we've been working with HQ throughout our review of materials and development of draft permit language so that we are working collaboratively on the project. She said that they would also be involved in the review of response to comments.

I think that was it. The conversation was very cordial. He thanked us several times for being able to at least explain the process generally, and give an updated estimate.

Please let me know if you have any questions.

Thanks!
D