Subject: NEP Implementation Focus Meeting

Location: DepSec Conference Room

Start: Wed 7/25/2001 12:30 PM
End: Wed 7/25/2001 1:30 PM
Show Time As: Tentative

Recurrence: (none)
Meeting Status: Not yet responded

Required Attendees: Anderson, Margot; Barrett, Lake; Brouillette, Dan; Carnes, Bruce; Cary, Steven; Garman, David; Kripowicz, Robert; Lopatto, Jeanne; Magwood, William; McBroome, John; McMonigle, Joe; Otis, Lee; PETTIS, LARRY; Pumphrey, David; Angulo, Veronica; Braitsch, Jay; Brown, Larry; Detwiler, Paul; Edwards, Christina; Gloffelt, Jimmy; Hudome, Randa; Hutto, Chase; Kelliher, Joseph; Kolevar, Kevin; Lahood, Samuel; Marble, Alethia; Porter, Robert; Reed, Craig; Schroeder, Jill; Silva, Robert; Tripodi, Cathy; Whatley, Michael; York, Michael; Zimmerman, MaryBeth; zz07/23zzFaulkner, Doug
Object: NEP Implementation Focus Meeting - DepSec Conference Room
Location: 
Start: Tue 7/24/2001 2:00 PM
End: Tue 7/24/2001 3:00 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Required Attendees: Anderson, Margot; Barrett, Lake; Brouillette, Dan; Carnes, Bruce; Cary, Steven; Garman, David; Kripowicz, Robert; Lapatto, Jeanne; Magwood, William; McBroome, John; McMonigle, Joe; Otis, Lee; PETTIS, LARRY; Pumphrey, David; Angulo, Veronica; Braitsch, Jay; Brown, Larry; Detwiler, Paul; Edwards, Christina; Glottelfy, Jimmy; Hudzame, Randa; Hutto, Chase; Kellner, Joseph; Kolevar, Kevin; Lahood, Samuel; Marble, Alethia; Porter, Robert; Reed, Craig; Schroeder, Jill; Silva, Robert; Tripodi, Cathy; Whatley, Michael; York, Michael; Zimmerman, MaryBeth; zz07/23zzFaulkner, Doug
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</tr>
</tbody>
</table>
The subject for the meeting tomorrow is "Western Considerations for a Multi-Pollutant Air Quality Regulatory Program." The group is WEST Associates.

E. Donald Elliott  
Paul, Hastings, Janofsky & Walker  
1299 Pennsylvania Ave. NW-Suite 1000  
Washington, DC 20004-2400  
Direct: (202) 508-9558  
Fax: (202) 508-9700 or Direct Fax: (202) 508-8558

Switchbo: (202) 508-9500  
e-mail: edonaldelliott@paulhastings.com  
ass: Martha Pyle  
(202) 508-9869

"paulhastings.com" made the following annotations on 08/27/01 18:02:07

NEW E-MAIL ADDRESSES AT PAUL, HASTINGS, JANOFSKY & WALKER LLP

We have changed our e-mail address. Our new domain name is paulhastings.com. In most cases, our address is composed of conventional first name and last name plus @paulhastings.com. Here are two examples: janesmith@paulhastings.com and danjones@paulhastings.com. If you have any questions, please contact us at noc@paulhastings.com.

"The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers."
Alethia — Here's the list for tomorrow. Sorry for the confusion. Please confirm receipt by return email.

Robbie Aiken, Pinnacle West Capital Corp.
Renee Eastman, The Salt River Project
Don Elliott, Paul, Hastings
Dave Lock, Platte River Power Authority
C.V. Mathai, Pinnacle West Capital Corp.
Gloria Quinn, Southern California Edison
David Steele, Strategic issue management Group
Linda Stuntz, representing PacifiCorp

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Fax: (202) 508-9700 or Direct Fax: (202) 508-8558

Switchbd: (202) 508-9500
e-mail: edonaldelliott@paulhastings.com
asst: Martha Pyle
(202) 508-9869

"paulhastings.com" made the following annotations on 08/27/01 17:31:44

NEW E-MAIL ADDRESSES AT PAUL, HASTINGS, JANOFSKY & WALKER LLP

We have changed our e-mail address. Our new domain name is paulhastings.com. In most cases, our address is composed of conventional first name and last name plus @paulhastings.com. Here are two examples: janemsmith@paulhastings.com and danjones@paulhastings.com. If you have any questions, please contact us at noc@paulhastings.com.

"The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from all computers."
From: Fraser, Kristen
Sent: Friday, June 22, 2001 3:14 PM
To: Otis, Lee; DepSec; Blake, Francis; Card, Robert; Brouillette, Dan; Whatley, Michael; Garman, David; Kelliher, Joseph; Kolevar, Kevin; Giotfietty, Jimmy
Subject: Draft Legislative/Press Agenda
fyi, per earlier message from kyle

---Original Message---

From: David Garman
Sent: Tuesday, June 12, 2001 3:31 PM
To: McSarrow, Kyle
Cc: Faulkner, Doug
Subject: Re: FW

OK.

David, Abe, Doug and company.

cc
Sorry, I accidentally sent this to your old GE email.

-----Original Message-----
From: McSlarrow, Kyle
Sent: Tuesday, June 12, 2001 2:44 PM
To: Frank Blake (E-mail); Garman, David; Reed, Craig; Kolevar, Kevin; Faulkner, Doug
Subject: FW: POTUS event on Vampires

Frank, et al:

K

-----Original Message-----
From: Robert C. McNally@opd.eop.gov%internet
[mailto:Robert_C._McNally@opd.eop.gov]
Sent: Tuesday, June 12, 2001 1:54 PM
To: McSlarrow, Kyle
Cc: D. Marcus Sumerlin@opd.eop.gov%internet;
Kevin J. Martin@opd.eop.gov%internet;
John R. Ackerly@opd.eop.gov%internet
Subject: POTUS event on Vampires

Kyle.

Thanks,
Bob
From: Patricia Reed [reedp@idcomm.com]
Sent: Sunday, July 01, 2001 9:43 AM
To: Blake, Francis
Cc: Reed, Craig
Subject: NEP Implementation Latest Action Inputs

Frank,

Craig
From: Cavanaugh, Ellen (CORP) [Ellen.Cavanaugh@corporate.ge.com]
Sent: Thursday, July 05, 2001 12:07 PM
To: Blake, Francis
Subject: FW: CSFB: Energy Technology Bulletin - Issue 71

<<CSFB_EnergyTech_June2901.pdf>>

Summary:

* The US Department of Energy awarded $85.7 million in grants primarily targeting fuel cells. International Fuel Cells (IFC) was awarded $14.5 million and Honeywell was given $9 million to develop various components of fuel cell technology. Caterpillar was awarded $2.5 million to develop a methanol-powered fuel cell. Other companies that were given grants were Air Products & Chemicals (hydrogen fueling station), General Motors, 3M and the universities of Michigan and Wisconsin.

* FuelCell Energy has shipped a 250kW Direct FuelCell (DFC) to a Mercedes-Benz manufacturing facility in Alabama. The power generated will supplement the existing power distribution system and provide those involved with operating data and experience with the fuel cell unit.

Regards,

Marko Pencak
416-352-4580
Cameron Jeffreys (Associate)
416-352-4581

Energy Technology Research
CREDIT  |  FIRST
SUISSE  |  BOSTON

This message is for the named person's use only. It may contain confidential, proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any retransmission. If you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender. You must not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient. CREDIT SUISSE GROUP and each of its subsidiaries reserve the right to monitor all e-mail communications through its networks. Any views expressed in this message are those of the individual sender, except where the message states otherwise and the sender is authorised to state them to be the views of any such entity. Unless otherwise stated, any pricing information given in this message is indicative only, is subject to change and does not constitute an offer to...
deal at any price quoted.  
Any reference to the terms of executed transactions should be treated as preliminary only and subject to our formal written confirmation.
Energy Technology Bulletin

The Coming Revolution in Power Technology.

Marko Pencak
1 416 352 4580
marko.pencak@csfb.com

Cameron Jeffreys
1 416 352 4581
cameron.jeffreys@csfb.com

Source: CSEB Graphics
- DOE issues grants to IFC, Honeywell, and Caterpillar
- FuelCell Energy ships another unit
“Off the Wire”

DOE issues grants to IFC, Honeywell, and Caterpillar
The US Department of Energy awarded $85.7 million in grants primarily targeting fuel cells. International Fuel Cells (IFC) was awarded $14.5 million and Honeywell was given $9 million to develop various components of fuel cell technology. Caterpillar was awarded $2.5 million to develop a methanol-powered fuel cell. Other companies that were given grants were Air Products & Chemicals (hydrogen fueling station), General Motors, 3M and the universities of Michigan and Wisconsin.

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N.B.: CREDIT SUISSE FIRST BOSTON CORPORATION may have, within the last three years, served as a manager or co-manager of a public offering of securities for or makes a primary market in issues of any or all of the companies mentioned.

Air Products & Chemicals (APD, US$45.47, Hold)
Caterpillar (CAT, US$50.66, Buy)
DaimlerChrysler (DCX, US$44.70, Buy)
FuelCell Energy (FCEL, US$22.44, Buy)
General Motors (GM, US$33.77, Buy)
Honeywell (HD, US$32.36, NR)
Minnesota Mining & Manufacturing (MMM, US$115.95, NR)
United Technologies (UTX, US$74.30, Buy)
Energy Technology Bulletin

The Coming Revolution in Power Technology.

Marko Pencak
1 416 352 4580
marko.pencak@csfb.com

Cameron Jeffreys
1 416 352 4581
cameron.jeffreys@csfb.com

Source: CSFB Graphics

- DOE issues grants to IFC, Honeywell, and Caterpillar
- FuelCell Energy ships another unit

Obtained and made public by the Natural Resources Defense Council, March/April 2002
"Off the Wire"

DOE issues grants to IFC, Honeywell, and Caterpillar
The US Department of Energy awarded $65.7 million in grants primarily targeting fuel cells. International Fuel Cells (IFC) was awarded $14.5 million and Honeywell was given $9 million to develop various components of fuel cell technology. Caterpillar was awarded $2.5 million to develop a methanol-powered fuel cell. Other companies that were given grants were Air Products & Chemicals (hydrogen fueling station), General Motors, 3M and the universities of Michigan and Wisconsin.

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Air Products & Chemicals (APD, US$45.47, Hold)
Caterpillar (CAT, US$50.66, Buy)
DaimlerChrysler (DCH, US$44.70, Buy)
FuelCell Energy (FCEL, US$22.44, Buy)
General Motors (GM, US$63.77, Buy)
Honeywell (HON, US$38.29, NR)
Mitsubishi, Mining & Manufacturing (MNN, US$115.86, NR)
United Technologies (UTX, US$143.30, Buy)
significant energy action, the agency is obligated to prepare the Statement of Energy
Effects and submit it to the Office of Management and Budget as soon as practicable, but
no later than the agency submits the notice of final rulemaking under Executive Order
12866.

Deputy General Counsel
Initials: Eric Fygi
GC-2, 6-4284

Concurrences:
Vera Dunmore, CR-2
Mark Friedrich, PO-1
Nick Chumbris, CI-40

Preparation Lead: Neal Strauss
GC-74, 6-9523

25490

DOE027-0230
Q5.1 Might there be a downside to this, such as creating yet another bureaucratic hurdle that might actually add to delays of rulemakings that could enhance energy supply, distribution, and use?

A5.1 If the President's direction in Executive Order 13211 to prepare a State of Energy Effects applies to a rulemaking action, the likely effects of the action on energy supply, distribution, or use is already or should be a major issue which, consistent with the Administrative Procedure Act, an agency would have to discuss in the Supplementary Information section of a rulemaking notice. The President's Executive Order simply ensures that the energy-related issues are adequately treated and appropriately reviewed by the issuing agency and the Office of Management and Budget (OMB). Since the President's direction typically will apply to rulemaking notices constituting significant energy actions which will be reviewed during clearance by OMB under Executive Order 12866 which has 90 day time limitation, there will be no significant additional delay in issuance that could be attributed to the review of an energy impact statement.

Q5.2 To what extent have other agencies, such as EPA, participated in this process?

A5.2 Executive Order 13211 is relatively new. As far as the Department of Energy is aware, no other agencies have prepared a Statement of Energy Effects for a rulemaking notice.

Q5.3 How would this new directive affect pending environmental regulations?

A5.3 Executive Order 13211 became effective on May 18, 2001. It applies to an environmental regulatory notice constituting a significant energy action to be initiated after May 18, 2001. According to guidance from the Office of Management and Budget, if an agency has already published a Notice of Proposed Rulemaking constituting a

25491

DOE027-0231

Obtained and made public by the Natural Resources Defense Council, March/April 2002
Post-Hearing Questions Submitted by Minority Members

Representative Lynn Woolsey, Ranking Minority Member, Energy Subcommittee

Q1. Please provide the names of all Department of Energy employees or contractor employees who provided support or staff work for the Cheney Group’s work.

A1. The following individuals were detailed from positions at the Department of Energy to full-time staff support positions for the National Energy Policy Development Group:
Andrew Lundquist, Karen Knutson, Kjersten Drager, Charles Smith, Elena Subia Melchert, and James T. Sims. Further, Joseph Kelliher and Margot Anderson served as the designated points of contact for the Department’s participation in the development of the National Energy Policy.

Q3. Mr. Secretary, during the hearing you briefly touched on your participation and the participation of the Department in the work of the Cheney Group. Please provide for the record:

Q3.1. The names of all witnesses or organizations who provided advice or material to the Cheney Task Force.

A3.1. The Department of Energy had no responsibility for, did not keep, and does not have, records of all witnesses or organizations who provided advice or material to the National Energy Policy Development Group.

Q3.2. An explanation of why the Task Force conducted its business in secret and why that veil of secrecy has not been lifted with the completion of the Task Force report.

A3.2. Questions concerning work conducted by the National Energy Policy
Development Group should be referred to the Executive Director, National

Energy Policy Development Group Staff.

Q3.3. The details regarding the schedule of meetings that you or your representatives attended with other Task Force Members. Please indicate the name of DOE attendee/s, list of other invitees, list of other attendees, date and time of meeting, subject matter and/or agenda, names and affiliations of non-governmental attendees or witnesses meeting with the Group, copies of all discussion materials and DOE memoranda prepared for or distributed prior to the meeting, and copies of all materials distributed at each meeting.

A3.3 According to the Office of Scheduling and Advance, the meetings listed below are described on the Secretary’s calendar as “NEPD” or “Energy Principal’s Task Force Meeting” (sic) or a variation thereof. Information regarding DOE attendees, other invitees and attendees, date and time of the meeting, subject matter or agenda, is provided to the extent that it is reflected in records of the Secretary’s calendar.

February 9, 2001    OEOB, VP Ceremonial Office, 10:00 - 11:00AM
                   Attendees: Kyle McSlarrow, Chief of Staff, Office of the Secretary, DOE
March 12, 2001     OEOB, VP Ceremonial Office, 10:00 - 11:30 AM
                   Attendee: Joseph Kelliher, DOE
April 3, 2001      OEOB, VP Ceremonial Office, 3:00 - 5:18 PM
                   Attendees: Joseph Kelliher, DOE, Craig Felner, Special Assistant, DOE
April 18, 2001     OEOB, VP Ceremonial Office, 10:00 - 11:30 AM
Requests for materials distributed prior to or at these meetings should be addressed to the
Executive Director, National Energy Policy Development Group Staff. Materials prepared for
these meetings are predecisional and deliberative process documents and are therefore withheld.

Q4. In recent years, the House of Representatives has conducted very aggressive oversight of
policy and conduct by the Executive Branch. For the record, please provide the
following information:

Q4.1. How many subpoenas has the Department received from Committees of the
House regarding DOE participation in the Cheney Task Force? Please provide
copies of all such House Committee subpoenas.

A4.1. As of November 20, 2001, the Department of Energy has received no subpoenas
from the Committees of the House regarding DOE participation in the National

Q4.2. How many document requests has the Department received from Committees of
the House regarding DOE participation in the Cheney Task Force? Please provide
copies of all House document requests related to the Cheney Task Force.

A4.2. As of November 20, 2001, the Department of Energy has received no document
requests from Committees of the House regarding DOE participation in the
National Energy Policy Development Group. DOE provided some documents to
the General Accounting Office during its review of the process by which the
National Energy Policy was developed. GAO conducted this review at the
request of Congressman John A. Dingell, Ranking Minority Member of the House

25495

DOE027-0235
Committee on Energy and Commerce and Congressman Henry A. Waxman,
Ranking Minority Member of the House Committee on Government Reform.

Q9.1. Can you confirm whether or not Enron, GE, Royal Dutch Shell or BP Amoco provided testimony or other materials to the Cheney Working Group, its staff or other high Bush Administration officials?

A9.1. Questions regarding work conducted by the National Energy Policy Development Group should be addressed to the Executive Director, National Energy Policy Development Group Staff.

Q9.2. Can you provide the names of all the Bush Administration officials, save the DOE officials noted in response to Questions 1 and 2 above, who played a role in crafting the Energy plan?

A9.2. The National Energy Policy Development Group consisted of the following officers of the Federal Government: the Vice President, Secretary of the Treasury, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Transportation, Secretary of Energy, Director of the Federal Emergency Management Agency, Administrator of the Environmental Protection Agency, Assistant to the President and Deputy Chief of Staff for Policy, Assistant to the President for Intergovernmental Affairs, The Chairman of the Federal Energy Regulatory Commission, the Secretary of State, the Director of the Office of Management and Budget and other officers of the Federal government could participate upon the invitation of the Vice President. The Department of Energy does not have information regarding all Administration officials who participated in the development of the National Energy Policy. Such questions should be addressed
to the Executive Director, National Energy Policy Development Group Staff.

Q9.3. Why didn’t the administration bar conflicts-of-interest such as that involving Mr. Rove, and compel officials with the Cheney Group to divest themselves of all energy-related holdings before they could work on energy policy?

A9.3. Questions regarding work conducted by the National Energy Policy Development Group should be addressed to the Executive Director, National Energy Policy Development Group Staff.

Deputy General Counsel
Initials: Eric Fygi
GC-2, 6-4284

Preparation Lead: Maryann Shebek
GC-80, 6-1519

Concurrences:
Vera Dunmore, CR-2
Shirley Campbell, MA-1
Mark Friedrichs, PO-1
Nick Chumbris, CI-40
Post-Hearing Questions Submitted by Minority Members

Representative Lynn Woolsey, Ranking Minority Member, Energy Subcommittee

Q1. Please provide the names of all Department of Energy employees or contractor employees who provided support or staff work for the Cheney Group's work.

A1. The following individuals were detailed from positions at the Department of Energy to full-time staff support positions for the National Energy Policy Development Group: Andrew Lundquist, Karen Knutson, Kjersten Drager, Charles Smith, Elena Subia, Melchert, and James T. Sims. Further, Joseph Kelliher and Margot Anderson served as the designated points of contact for the Department's participation in the development of the National Energy Policy.
**Post-Hearing Questions Submitted by Minority Members**

Representative Lynn Woolsey, Ranking Minority Member, Energy Subcommittee

Q3. Mr. Secretary, during the hearing you briefly touched on your participation and the participation of the Department in the work of the Cheney Group. Please provide for the record:

Q3.1. The names of all witnesses or organizations who provided advice or material to the Cheney Task Force.

A3.1. The Department of Energy had no responsibility for, did not keep, and does not have, records of all witnesses or organizations who provided advice or material to the National Energy Policy Development Group.

Q3.2. An explanation of why the Task Force conducted its business in secret and why that veil of secrecy has not been lifted with the completion of the Task Force report.

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April 18, 2001  OEOB, VP Ceremonial Office, 10:00 - 11:30 AM
Attendees: Joseph Kelliher, DOE, Kyle McSlarrow, DOE
May 2, 2001  OEOB, VP Ceremonial Office, 2:45 - 4:15 PM
Attendees: Joseph Kelliher, DOE, Kyle McSlarrow, DOE

Requests for materials distributed prior to or at these meetings should be addressed to the Executive Director, National Energy Policy Development Group Staff. Materials prepared for these meetings are predecisional and deliberative process documents and are therefore withheld.

Q4. In recent years, the House of Representatives has conducted very aggressive oversight of policy and conduct by the Executive Branch. For the record, please provide the following information:

25500

DOE027-0240

Obtained and made public by the Natural Resources Defense Council, March/April 2002
Q4.1. How many subpoenas has the Department received from Committees of the House regarding DOE participation in the Cheney Task Force? Please provide copies of all such House Committee subpoenas.

A4.1. As of November 20, 2001, the Department of Energy has received no subpoenas from the Committees of the House regarding DOE participation in the National Energy Policy Development Group.

Q4.2. How many document requests has the Department received from Committees of the House regarding DOE participation in the Cheney Task Force? Please provide copies of all House document requests related to the Cheney Task Force.

A4.2. As of November 20, 2001, the Department of Energy has received no document requests from Committees of the House regarding DOE participation in the National Energy Policy Development Group. DOE provided some documents to the General Accounting Office during its review of the process by which the National Energy Policy was developed. GAO conducted this review at the request of Congressman John A. Dingell, Ranking Minority Member of the House Committee on Energy and Commerce and Congressman Henry A. Waxman, Ranking Minority Member of the House Committee on Government Reform.
Post-Hearing Questions Submitted by Minority Members

Representative Lynn Woolsey, Ranking Minority Member, Energy Subcommittee

Q9.1. Can you confirm whether or not Enron, GE, Royal Dutch Shell or BP Amoco provided testimony or other materials to the Cheney Working Group, its staff or other high Bush Administration officials?

A9.1. Questions regarding work conducted by the National Energy Policy Development Group should be addressed to the Executive Director, National Energy Policy Development Group Staff.

Q9.2. Can you provide the names of all the Bush Administration officials, save the DOE officials noted in response to Questions 1 and 2 above, who played a role in crafting the Energy plan?

A9.2. The National Energy Policy Development Group consisted of the following officers of the Federal Government: the Vice President, Secretary of the Treasury, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Transportation, Secretary of Energy, Director of the Federal Emergency Management Agency, Administrator of the Environmental Protection Agency, Assistant to the President and Deputy Chief of Staff for Policy, Assistant to the President for Economic Policy, and Assistant to the President for Intergovernmental Affairs. The Chairman of the Federal Energy Regulatory Commission, the Secretary of State, the Director of the Office of Management and Budget and other officers of the Federal government could participate upon the invitation of the Vice President. The Department of Energy does not have information regarding all Administration officials who participated in the development of the National Energy Policy. Such questions should be addressed to the Executive Director, National Energy Policy Development Group Staff.

25502

DOE027-0242

Obtained and made public by the Natural Resources Defense Council, March/April 2002
Q9.3. Why didn't the administration bar conflicts-of-interest such as that involving Mr. Rove, and compel officials with the Cheney Group to divest themselves of all energy-related holdings before they could work on energy policy?

A9.3. Questions regarding work conducted by the National Energy Policy Development Group should be addressed to the Executive Director, National Energy Policy Development Group Staff.
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Obtained and made public by the Natural Resources Defense Council, March/April 2002