



Please consider the environment before printing this e-mail.

*Beth Miller*  
**202-343-9223**

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**From:** Rosnick, Reid  
**Sent:** Wednesday, August 06, 2014 7:17 AM  
**To:** Miller, Beth  
**Subject:** FW: EPA Subpart W

Hi Beth,

Sarah Fields responded to me yesterday, saying that the docket item she wanted, even though it was not there because of copyright restrictions, is available on the Subpart W website (see below).

Is this something we need to worry about? Should we pull it from the website?

Reid

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**From:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org) [mailto:[sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)]  
**Sent:** Tuesday, August 05, 2014 1:25 PM  
**To:** Rosnick, Reid  
**Subject:** RE: EPA Subpart W

Dear Reid,

Thank you for your response.

I had totally forgotten about Ms. Stahle's e-mail about a year ago re NEPA. That information should have been included in the FRN, since others might have wondered why there was no NEPA review. An understanding of how NEPA does not apply to CAA rulemakings might instigate changes in the statute.

I do not have a spam blocker on my e-mail so don't know why I am not receiving notifications.

Appears the Surface Water Hydrology document is available on the Subpart W website, just not on the federal rulemaking docket:

<http://www.epa.gov/radiation/docs/neshaps/subpart-w/surfacewaterhydrology.pdf>

Sarah Fields  
Uranium Watch

----- Original Message -----

Subject: RE: EPA Subpart W  
From: "Rosnick, Reid" <[Rosnick.Reid@epa.gov](mailto:Rosnick.Reid@epa.gov)>

Date: Tue, August 05, 2014 10:37 am  
To: "[sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)" <[sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)>

Dear Sarah,

Responses to your questions (below) are in **RED**

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**From:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org) [<mailto:sarah@uraniumwatch.org>]  
**Sent:** Monday, August 04, 2014 12:00 AM  
**To:** Rosnick, Reid  
**Subject:** EPA Subpart W

Dear Reid,

I have a few questions and comment re the Subpart W rulemaking.

Question:

1. The EPA Rulemaking Docket does not include a NEPA Analysis, nor is there any mention of compliance with NEPA in the Proposed Rule in the section on Statutory and Executive Orders Review. Can you explain this lack of an NEPA review associated with the proposed rule or any mention of NEPA compliance in the FRN?

**We have address this issue twice. During the October 17, 2013 stakeholders conference call (attached) and in an email from Susan Stahle, below;**

**From:** Stahle, Susan  
**Sent:** Thursday, October 17, 2013 5:37 PM  
**To:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)  
**Cc:** Rosnick, Reid  
**Subject:** RE: Follow Up of Today's Subpart W Conference Call

Hi Sarah –

I cited Clean Air Act (CAA) section 307 not as support for why EPA is not required to comply with NEPA when taking action under the CAA; instead, I cited CAA section 307 as applicable to the public notice and comment process we were discussing on the call today.

Section 7(c) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 793(c)(1)) exempts actions under the Clean Air Act from the requirements of NEPA. Section 793(c)(1) states: “No action taken under the Clean Air Act shall be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856) [[42 USCS §§ 4321](#) et seq.]” This is why EPA is not required to conduct a NEPA analysis for this Subpart W rulemaking.

I see that EPA issued a DEIS for the 1989 radionuclide rules, but I do not see a final EIS for those rules. I don't know whether that document was prepared for NEPA purposes, or whether it was prepared for other analytical purposes. The document itself does not indicate that it was for NEPA compliance purposes. It may be that EPA prepared that document for other analytical purposes, I just don't know. Regardless of the reasons for that document back in 1989, EPA does not have a legal obligation to prepare those documents for NEPA compliance purposes for this Subpart W rulemaking. However, please note that EPA is preparing the requisite background documents for this rulemaking and those

will be available for public review and comment when we publish the proposal for public notice and comment.

The analyses required under CAA section 312 is a "comprehensive analysis" of all EPA rules issued under the CAA prior to November 15, 1990. According to section 312(d), that report was due to Congress back in 1991. Thus, I do not believe section 312 is applicable to this rulemaking. However, please understand that EPA is preparing the appropriate cost and benefit analyses for this rulemaking as required by other statutes and Executive Orders, and those analyses will be available for your review once we publish the proposal.

The opportunity you note for oral presentations in CAA section 307(d)(5) will be addressed in the proposed rule. In the proposal, we will specifically offer the public the opportunity to request a public hearing on the proposed rule. If we receive such a request, we will hold a public hearing, and the public will have the opportunity to make oral presentations at that public hearing. More details on this process will be contained in the proposal.

I hope this answers your questions.

Susan Stahle  
EPA/OGC/ARLO  
202-564-1272

Documents:

2. Regarding availability of documents, the federal regulation docket lists the following document, but there is no link to the document:

"Surface Water Hydrology Considerations in predicting radon releases from water-covered areas of uranium tailings ponds  
Supporting & Related Material Posted: 05/02/2014 ID: EPA-HQ-OAR-2008-0218-0002"

I checked with the docket, and the document you list is under copyright, and cannot be shown without permission of the authors. I am told the docket lists ways by which you can obtain the document.

3. Also, the EPA is posting documents and informait on on the Subpart W rulemaking docket webpage, but I am not receiving any notification of the posting of new material on the Subpart W webage as was done in the past.

You are still listed on our ListServ to receive an email when the website is changed. It is possible that your browser thinks this is spam, so I would check your spam filter. I hope these responses help.

I greatly appreciate the extension of time for submitting comments.

Thank you for looking into these matters,

Sarah Fields  
Program Director  
Uranium Watch  
435-260-8384

## Thornton, Marisa

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**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:25 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Web Update: Additional Reference to that page

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**From:** Nesky, Anthony  
**Sent:** Thursday, October 16, 2014 4:49 PM  
**To:** Collections.SubW  
**Subject:** FW: Web Update: Additional Reference to that page

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Nesky, Anthony  
**Sent:** Wednesday, August 06, 2014 9:31 AM  
**To:** Thornton, Marisa  
**Cc:** Romero, Carmen  
**Subject:** RE: Web Update: Additional Reference to that page

I figured I missed it—thanks!

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

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**From:** Thornton, Marisa  
**Sent:** Wednesday, August 06, 2014 7:32 AM  
**To:** Nesky, Anthony  
**Cc:** Romero, Carmen  
**Subject:** RE: Web Update: Additional Reference to that page

This was completed on Friday, August 1<sup>st</sup>. Check the staging server for your updates.

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, August 05, 2014 3:31 PM  
**To:** Thornton, Marisa  
**Cc:** Romero, Carmen  
**Subject:** RE: Web Update: Additional Reference to that page

Sorry if I missed it, but what is the status of this update below? Thanks!

Tony Nesky  
Center for Radiation Information and Outreach

Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Nesky, Anthony  
**Sent:** Friday, August 01, 2014 4:53 PM  
**To:** Thornton, Marisa  
**Cc:** Romero, Carmen  
**Subject:** Web Update: Additional Reference to that page

Dear Marisa:

We have some updates to:

<http://epastage.epa.gov/staging1/rpd/neshaps/subpartw/eiareferences.html>

FR (Federal Register) 1985a. [EPA promulgated final standards for Elemental Phosphorus Plants, DOE-Facilities, and NRC-Licensed Facilities](#), Volume 50, p. 7280, February 8, 1985. (8 pp, 4.02 MB) [About PDF](#).

**Please replace the above reference with:**

FR (Federal Register) 1985a. National Emissions Standards for Hazardous Air Pollutants: Standards for Radionuclides, Volume 50, p. 7280, February 8, 1985. {ERRATUM: The correct reference is: FR (Federal Register) 1983. National Emission Standards for Hazardous Air Pollutants: Standards for Radionuclides; Final Rule. Volume 50, p. 5190, February 6, 1985.

**Please link the title in the ERRATUM to the attached file, FR5190.pdf**

**Metadata:**

- **Title:** Standards for Radionuclides
- **Author:** EPA/OAR/Office of Radiation and Indoor Air
- **Subject:** Standards for Elemental Phosphorous Plants, NRC, and DOE facilities
- **Keywords:** "FR505190" "EPA" "radionuclide standards" "Phosphorous Plants" "NRC facilities" "DOE Facilities"

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:25 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Web Update: Additional Reference to that page

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**From:** Nesky, Anthony  
**Sent:** Thursday, October 16, 2014 4:50 PM  
**To:** Collections.SubW  
**Subject:** FW: Web Update: Additional Reference to that page

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, August 05, 2014 3:31 PM  
**To:** Thornton, Marisa  
**Cc:** Romero, Carmen  
**Subject:** RE: Web Update: Additional Reference to that page

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Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

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**Sent:** Friday, August 01, 2014 4:53 PM  
**To:** Thornton, Marisa  
**Cc:** Romero, Carmen  
**Subject:** Web Update: Additional Reference to that page

Dear Marisa:

We have some updates to:

<http://epastage.epa.gov/staging1/rpd/neshaps/subpartw/eiareferences.html>

FR (Federal Register) 1985a. [EPA promulgated final standards for Elemental Phosphorus Plants, DOE-Facilities, and NRC-Licensed Facilities](#), Volume 50, p. 7280, February 8, 1985. (8 pp, 4.02 MB) [About PDF](#).

**Please replace the above reference with:**

FR (Federal Register) 1985a. National Emissions Standards for Hazardous Air Pollutants: Standards for Radionuclides, Volume 50, p. 7280, February 8, 1985. {ERRATUM: The correct reference is: FR (Federal Register) 1983. National

Emission Standards for Hazardous Air Pollutants: Standards for Radionuclides; Final Rule. Volume 50, p. 5190, February 6, 1985.

Please link the title in the ERRATUM to the attached file, FR5190.pdf

**Metadata:**

- **Title:** Standards for Radionuclides
- **Author:** EPA/OAR/Office of Radiation and Indoor Air
- **Subject:** Standards for Elemental Phosphorous Plants, NRC, and DOE facilities
- **Keywords:** "FR505190" "EPA" "radionuclide standards" "Phosphorous Plants" "NRC facilities" "DOE Facilities"

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:28 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Hearing Registration as of September 2, 2014 9:50 am  
**Attachments:** TO-36 Registration as of 9.2.14 950am.xlsx

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**From:** Nesky, Anthony  
**Sent:** Thursday, October 16, 2014 4:36 PM  
**To:** Collections.SubW  
**Subject:** FW: Hearing Registration as of September 2, 2014 9:50 am

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, September 02, 2014 10:52 AM  
**To:** Doris, Grace; Sutin, Elyana  
**Cc:** Trulove-Cranor, Whitney; Diaz, Angelique  
**Subject:** FW: Hearing Registration as of September 2, 2014 9:50 am

I am forwarding you a better--and more accurate registration spreadsheet from the contractor. Please use this version. I double-counted two individuals on my spreadsheet. Sorry for any confusion!

Tony Nesky

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**From:** Tracy, Lee-Ann <[Lee-Ann\\_Tracy@sra.com](mailto:Lee-Ann_Tracy@sra.com)>  
**Sent:** Tuesday, September 02, 2014 10:40 AM  
**To:** Nesky, Anthony  
**Cc:** Apostolico, Mary; Trulove-Cranor, Whitney; Rosnick, Reid; Diaz, Angelique  
**Subject:** Hearing Registration as of September 2, 2014 9:50 am

Tony,

Here are the latest stats for the hearing registration.

Hearing Registrations as of September 2, 2014			
Session	No. of Registrations	No. of Speakers	Arrival Times
Sep. 3, 9-12	18	6	2@8:30; 3@9:00; 1@10:00
Sep 3, 1-5	14	1	1:00
Sep. 4, 9-12	16	5	3@9:00; 1@9-12:00; 1 TBD
Sept 4, 1-4	19	6	1@9:00; 2@1:00; 1@2:00; 2@3:30



There are 28 unique individuals who have registered for the hearings. Most are attending multiple sessions. All new registrants/speakers since the 8/26/14 report are highlighted in yellow in the attached report. There are 5 additional attendees and 3 additional speakers since the previous report.

Thanks,  
Lee-Ann Tracy  
SRA International, Inc.  
3434 Washington Boulevard  
Arlington, VA 22201  
703.284.5056

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Last Name	First Name	Email	Ticket Type	Contact Ad	Who are y	Which of t	Do you wis	At which o
Brozowski	George	brozowski@	Subpart W	1445 Ross	EPA R6		No	
Paulson	Oscar	oscar.pauls	Subpart W	P.O. Box 15	Kennecott Uranium	Cc	Yes	September
Paulson	Oscar	oscar.pauls	Subpart W	P.O. Box 15	Kennecott Uranium	Cc	Yes	September
Paulson	Oscar	oscar.pauls	Subpart W	P.O. Box 15	Kennecott Uranium	Cc	Yes	September
Paulson	Oscar	oscar.pauls	Subpart W	P.O. Box 15	Kennecott Uranium	Cc	Yes	September
Filas	Frank	ffilas@ene	Subpart W	225 Union	Energy Fuels	Resource	Yes	September
Bakken	Scott	SBakken@	Subpart W	225 Union	Energy Fuels	Resource	Yes	September
Morrison	Kimberly	kmorrison@	Subpart W	225 S Unio	Energy Fuels	Resource	Yes	September
Morrison	Kimberly	kmorrison@	Subpart W	225 S Unio	Energy Fuels	Resource	Yes	September
Schmuck	John	imaschmuc	Subpart W	2095 Hoyt	Private Party		No	
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Johnson	Thomas	tj@colosta	Subpart W	CSU/ERHS	Self		Yes	September
Liles	Darrell	dliles@sen	Subpart W	8310 Soutt	SENES Consultants		Yes	September
Johnson	Janet	janetj@soç	Subpart W	1001 Paint	Sopris Environmental		No	
Johnson	Janet	janetj@soç	Subpart W	1001 Paint	Sopris Environmental		No	
Little	Craig	craig@2lin	Subpart W	896 Overvi	Two Lines, Inc.		No	
Little	Craig	craig@2lin	Subpart W	896 Overvi	Two Lines, Inc.		No	
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brown	steven	sbrown@s	Subpart W	8310 S vall	SENES Consultants		Yes	September
brown	steven	sbrown@s	Subpart W	8310 S vall	SENES Consultants		Yes	September
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Chambers	Douglas	dchambers	Subpart W	8310 S, Val	SENES Consultants		Yes	September
Tischler	Jo Ann	jtischler@s	Subpart W	8310 Sout	Arcadis SENES Consult		No	
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Cash	John	john.cash@	Subpart W	5880 Enter	Ur-Energy USA, Inc.		Yes	September
Pugsley	Christopher	cpugsley@	Subpart W	1225 19th	National Mining Assoc		No	
Pugsley	Christopher	cpugsley@	Subpart W	1225 19th	National Mining Assoc		No	
Pugsley	Christopher	cpugsley@	Subpart W	1225 19th	National Mining Assoc		No	
Pugsley	Christopher	cpugsley@	Subpart W	1225 19th	National Mining Assoc		No	
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Frydenlunc	David	dfrydenlun	Subpart W	225 Union	Energy Fuels Inc.		No	
Kolkman	Dawn	dkolkman@	Subpart W	PO Box 508	Uranerz Energy Corpor		No	

Kolkman	Dawn	dkolkman@Subpart W PO Box 508 Uranerz Energy Corpora	No	
Kolkman	Dawn	dkolkman@Subpart W PO Box 508 Uranerz Energy Corpora	No	
Kolkman	Dawn	dkolkman@Subpart W PO Box 508 Uranerz Energy Corpora	No	
Fields	Sarah	sarah@ura Subpart W PO Box 344 Uranium Watch	Yes	September
English	Becky	beckyrep@Subpart W 819 S. Willi Sierra Club	Yes	September
Seeman	Joan	joanseem@Subpart W 6654 S. Bu Sierra Club	Yes	September
Blubaugh	Richard	rblubaugh@Subpart W 5575 DTC F Powertech (USA) Inc.	Yes	September
Hawkle	Kay	khawkle@Subpart W 1739 Frem myself	Yes	September
Hawkle	Kay	khawkle@Subpart W 1739 Frem myself	Yes	September
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Stills	Travis	stills@fron Subpart W stills@fron Clients, including Colo	Yes	September
Garren	Karoline	karoline.ga Subpart W 3161 Madi: University of Colorado No		
Cain	Jim	jim.cain@c Subpart W PO Box 175 Cotter Corporation	No	
Cunningha	Sharyn	sharyn@br Subpart W PO Bx 964, Colorado Citizens Agai	Yes	September
Cunningha	Sharyn	sharyn@br Subpart W PO Bx 964, Colorado Citizens Agai	Yes	September
Cunningha	Sharyn	sharyn@br Subpart W PO Bx 964, Colorado Citizens Agai	Yes	September
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**Speakers v All remark: What time What time Do you hav Please describe your special needs.**

	No
3 9:00 AM - 12:00 PM 9:00 a.m.	No
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4 1:00 PM - 4:00 PM N 1:00 pm	No
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4 1:00 PM - 4:00 PM N 9am	No
4 1:00 PM - 4:00 PM N 9am	No
4 1:00 PM - 4:00 PM N 9am	No
4 1:00 PM - 4:00 PM N 9am	No

## Thornton, Marisa

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**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:29 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: References from Subpart W page need to be put in rulemaking Docket as well.

---

**From:** Rosnick, Reid  
**Sent:** Thursday, September 4, 2014 7:51 AM  
**To:** Collections.SubW  
**Subject:** FW: References from Subpart W page need to be put in rulemaking Docket as well.

---

**From:** Miller, Beth  
**Sent:** Thursday, August 21, 2014 2:24 PM  
**To:** Rosnick, Reid  
**Subject:** FW: References from Subpart W page need to be put in rulemaking Docket as well.



Please consider the environment before printing this e-mail.

*Beth Miller*  
**202-343-9223**

---

**From:** Lee, Raymond  
**Sent:** Thursday, August 21, 2014 2:14 PM  
**To:** Thornton, Marisa; Nesky, Anthony; Miller, Beth  
**Subject:** RE: References from Subpart W page need to be put in rulemaking Docket as well.

Hi guys,

I was just about to suggest this, as I remembered Beth is a registered FDMS user and can probably help with this since she's uploaded plenty in the past.

Tony - I won't be able to respond much until after 4 now because of my training but I'll be in touch once I get back and if you need help with anything.

Ray

-----  
Sent by EPA Wireless E-mail Services

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**From:** Thornton, Marisa  
**Sent:** Thursday, August 21, 2014 2:10 PM  
**To:** Nesky, Anthony; Miller, Beth  
**Cc:** Lee, Raymond  
**Subject:** RE: References from Subpart W page need to be put in rulemaking Docket as well.

Beth is still in charge of the docket.

---

**From:** Nesky, Anthony  
**Sent:** Thursday, August 21, 2014 1:39 PM  
**To:** Thornton, Marisa  
**Cc:** Lee, Raymond  
**Subject:** References from Subpart W page need to be put in rulemaking Docket as well.

Dear Marisa:

All the references on the Subpart W EIA page need to be put into the rulemaking Docket. Is this something that you and Carmen can do? There are a lot of them, so I can get an account and help you if needed. The PDF references are at:

<http://www.epa.gov/radiation/neshaps/subpartw/eiareferences.html>

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

## Thornton, Marisa

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**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:29 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: References from Subpart W page need to be put in rulemaking Docket as well.

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**From:** Rosnick, Reid  
**Sent:** Thursday, September 4, 2014 8:19 AM  
**To:** Collections.SubW  
**Subject:** FW: References from Subpart W page need to be put in rulemaking Docket as well.

---

**From:** Miller, Beth  
**Sent:** Thursday, August 21, 2014 2:24 PM  
**To:** Rosnick, Reid  
**Subject:** FW: References from Subpart W page need to be put in rulemaking Docket as well.



Please consider the environment before printing this e-mail.

*Beth Miller*  
**202-343-9223**

---

**From:** Lee, Raymond  
**Sent:** Thursday, August 21, 2014 2:14 PM  
**To:** Thornton, Marisa; Nesky, Anthony; Miller, Beth  
**Subject:** RE: References from Subpart W page need to be put in rulemaking Docket as well.

Hi guys,

I was just about to suggest this, as I remembered Beth is a registered FDMS user and can probably help with this since she's uploaded plenty in the past.

Tony - I won't be able to respond much until after 4 now because of my training but I'll be in touch once I get back and if you need help with anything.

Ray

-----  
Sent by EPA Wireless E-mail Services



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**From:** Thornton, Marisa  
**Sent:** Thursday, August 21, 2014 2:10 PM  
**To:** Nesky, Anthony; Miller, Beth  
**Cc:** Lee, Raymond  
**Subject:** RE: References from Subpart W page need to be put in rulemaking Docket as well.

Beth is still in charge of the docket.

---

**From:** Nesky, Anthony  
**Sent:** Thursday, August 21, 2014 1:39 PM  
**To:** Thornton, Marisa  
**Cc:** Lee, Raymond  
**Subject:** References from Subpart W page need to be put in rulemaking Docket as well.

Dear Marisa:

All the references on the Subpart W EIA page need to be put into the rulemaking Docket. Is this something that you and Carmen can do? There are a lot of them, so I can get an account and help you if needed. The PDF references are at:

<http://www.epa.gov/radiation/neshaps/subpartw/eiareferences.html>

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:28 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Update to Subpart W Page on Tuesday

---

**From:** Nesky, Anthony  
**Sent:** Thursday, October 16, 2014 4:36 PM  
**To:** Collections.SubW  
**Subject:** FW: Update to Subpart W Page on Tuesday

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, September 02, 2014 3:00 PM  
**To:** Thornton, Marisa  
**Subject:** RE: Update to Subpart W Page on Tuesday

Please make the change today. Sorry for any confusion. I sent this Friday on a delay so that you would get it today. Did it work?

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Thornton, Marisa  
**Sent:** Tuesday, September 02, 2014 2:58 PM  
**To:** Nesky, Anthony; Romero, Carmen  
**Cc:** Rosnick, Reid; Herrenbruck, Glenna  
**Subject:** RE: Update to Subpart W Page on Tuesday

Tony, today is Tuesday. You want us to make the change today or tomorrow?

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, September 02, 2014 2:56 PM  
**To:** Romero, Carmen; Thornton, Marisa  
**Cc:** Rosnick, Reid; Herrenbruck, Glenna  
**Subject:** Update to Subpart W Page on Tuesday

Dear Marisa and Carmen:

Registration is closing today for the hearings, so we need to update the Subpart W webpage on Tuesday, Sep 2. Please don't change the page before then.

On Tuesday, please delete the strikeout text below on

<http://www.epa.gov/radiation/neshaps/subpartw/rulemaking-activity.html>

## **PUBLIC HEARING, SEPTEMBER 3 and 4, 2014, DENVER, COLORADO**

EPA will hold a public hearing to allow the public to make oral presentations of data, views or arguments about the proposed revisions to Subpart W. The public hearing will be held September 3 and 4, 2014, at the EPA Region 8 Office, 1595 Wynkoop Street, Denver, CO 80202-1129. Sessions will be held both days from 9:00 am to 12:00 pm and from 1:00 pm to 5:00 pm. ~~Capacity is limited; advance registration is required to help accommodate those who wish to attend or speak. Registration has been extended to August 29, 2014.~~ [CLICK TO REGISTER FOR THE PUBLIC HEARING.](#)

Note: Participation or attendance at the public hearing is not necessary to comment on this proposed rulemaking. EPA also welcomes [written comments](#).

Thanks!

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)



**Attachments:**

Subpart W Conference Call; RE: EPA Subpart W; RE: EPA Subpart W; RE: EPA Subpart W;  
RE: EPA Subpart W; FW: EPA Subpart W; EPA Subpart W

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**From:** Rosnick, Reid

**Sent:** Thursday, September 4, 2014 7:50 AM

**To:** Collections.SubW

**Subject:** August 2014

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:31 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: August 2014  
**Attachments:** Follow Up with NTAA - Andy Bessler, Cristina Gonzalez-Maddux; FW: Follow-Up Tribal Letter; RE: Follow-Up Tribal Letter; latest letter you sent to tribes/mountain ute; Follow-Up Tribal Letter; RE: RE: Item for RPD Weekly; RE: Item for RPD Weekly; Accepted: Path Forward on Subpart W Rulemaking; RE: Handout on how to submit comments ; RE: Handout on how to submit comments ; Declined: Path Forward on Subpart W Rulemaking; RE: Handout on how to submit comments ; The Court Reporter has some questions about the room setup. May I put her in touch with you? (EOM); List of EPA personnel and contractors supporting the hearing next week; Accepted: Path Forward on Subpart W Rulemaking; Accepted: Path Forward on Subpart W Rulemaking; RE: Handout on how to submit comments ; Accepted: Path Forward on Subpart W Rulemaking; Tentative: Path Forward on Subpart W Rulemaking; Path Forward on Subpart W Rulemaking; FW: Handout on how to submit comments ; Handout on how to submit comments ; Hearing Registrations as of 8/26 Hearing Registrations as of August 26, 2014; RE: REMINDER: Items for the RPD Weekly Are Due by COB Tomorrow, Wednesday, August 26, 2014 (eom); RE: REMINDER: Items for the RPD Weekly Are Due by COB Tomorrow, Wednesday, August 26, 2014 (eom); RE: Subpart W Public Hearing; RE: Subpart W Public Hearing; RE: Small update to Subpart W page; RE: Opening Statement; RE: Opening Statement; RE: Opening Statement; RE: Opening Statement; RE: Opening Statement; Hearings in Region 8 on Sep 3-4: number of registrations as of today; new call in # for discussion with Region 8 on hearings; RE: Ute Mountain Ute; RE: Ute Mountain Ute; FW: Ute Mountain Ute; Ute Mountain Ute; FW: how are registration #s looking for Denver hearing?; RE: how are registration #s looking for Denver hearing?; Back in touch; FW: Subpart W Public Hearing Preparation; RE: Subpart W Public Hearing; FW: Subpart W Public Hearing; RE: Subpart W Public Hearing; RE: Subpart W Public Hearing; RE: Subpart W Public Hearing; RE: EIA Reference Page Ready for a last review; RE: EIA Reference Page Ready for a last review; RE: Subpart W Public Hearing; FW: Subpart W Public Hearing; Subpart W Public Hearing; RE: Teleworking; RE: how are registration #s looking for Denver hearing?; RE: how are registration #s looking for Denver hearing?; RE: Subpart W Supporting Documentation; RE: question; RE: question; RE: question; question; RE: Subpart W Supporting Documentation; RE: Item for Subpart W Website; Item for Subpart W Website; RE: Subpart W Supporting Documentation; RE: Quick (hopefully) question on Registration Website; RE: Quick (hopefully) question on Registration Website; RE: Quick (hopefully) question on Registration Website; FW: Quick (hopefully) question on Registration Website; FW: EPA Subpart W Letter to Tribes re Consultation and Comment; RE: EIA Reference Page Ready for a last review; RE: EIA Reference Page Ready for a last review; FW: EIA Reference Page Ready for a last review; FW: EIA Reference Page Ready for a last review; RE: EIA Reference Page Ready for a last review; FW: Subpart W Supporting Documentation; FW: Subpart W Supporting Documentation; Subpart W Supporting Documentation; RE: EPA Subpart W; RE: Proposed Subpart W; RE: Proposed Subpart W; RE: EPA Subpart W; RE: EPA Subpart W; RE: EPA Subpart W; RE: Proposed Subpart W; RE: EPA Subpart W; RE: EPA Subpart W; RE: EPA Subpart W; RE: EPA Subpart W; RE: EPA Subpart W; RE: EPA Subpart W; RE: EPA Subpart W; RE: EPA Subpart W; RE: Docket Question; RE: Docket Question; Docket Question; FW: EPA Subpart W; RE: EPA Subpart W; FW: EPA Subpart W; RE: Proposed Subpart W; Proposed Subpart W; RE: EPA Subpart W; RE: EPA Subpart W; RE: Follow Up of Today's Subpart W Conference Call; FW: Follow Up of Today's

**Attachments:**

Subpart W Conference Call; RE: EPA Subpart W; RE: EPA Subpart W; RE: EPA Subpart W;  
RE: EPA Subpart W; FW: EPA Subpart W; EPA Subpart W

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**From:** Rosnick, Reid

**Sent:** Thursday, September 4, 2014 7:50 AM

**To:** Collections.SubW

**Subject:** August 2014

## Thornton, Marisa

---

**From:** Harrison, Jed  
**Sent:** Friday, August 29, 2014 2:28 PM  
**To:** Flynn, Mike; Rosnick, Reid; Perrin, Alan; Peake, Tom; Childers, Pat  
**Subject:** Follow Up with NTAA - Andy Bessler, Cristina Gonzalez-Maddux

All-

I also was able to reach Andy and Cristina at NTAA. They are doing 2 things relative to the Subpart W Rule Revision:

- Preparing comments *from NTAA on behalf of all tribes* (These are being developed and will be vetted with tribes before comment are finalized)
- *Helping to assist individual tribes* submit comments (A template letter based on the NTAA comments, and a “distillation” of the rule to focus comments.)

Andy is aware of UMU consultation but they have not been actively assisting the tribe.

Cristina made a very practical suggestion which OAQPS has done (e.g. carbon rule) that has proven very helpful in from both EPA and Tribal perspective; a Comments Guideline Document in table form that succinctly states the areas we are seeking comment. From Cristina’s perspective this has been a popular tool for tribes, and really focuses comments. The comment table language is taken directly from the proposed rule.

Cristina also senses that tribes and other groups see the Subpart W as a precursor to the ISR/ISL revisions.

We should continue to use the monthly NTAA calls to provide status updates and remind tribes of the revised comment period deadline (and upcoming rule proposals).

Jed

**Jed Harrison** SENIOR ADVISOR FOR TRIBAL AFFAIRS

U.S. ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF RADIATION & INDOOR AIR  
(702) 784 8218 MOBILE: (702) 494 7050



4220 S. MARYLAND PARKWAY  
BLDG. D, SUITE 800  
LAS VEGAS, NEVADA 89119



## Thornton, Marisa

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**From:** Childers, Pat  
**Sent:** Friday, August 29, 2014 1:22 PM  
**To:** Rosnick, Reid; Harrison, Jed; Flynn, Mike  
**Subject:** FW: Follow-Up Tribal Letter  
**Attachments:** Gina McCarthy Letter Second Meeting Request.pdf

[Here ya go. Its pretty basic language.](#)

---

**From:** Scott Clow [<mailto:sclow@utemountain.org>]  
**Sent:** Friday, August 29, 2014 1:17 PM  
**To:** Childers, Pat  
**Subject:** RE: Follow-Up Tribal Letter

[Here is the letter that was FedEx'd to the Administrator this week. We are going to send the hard copies and electronic copies to the copy list on Tuesday.](#)

---

**From:** Childers, Pat [<mailto:Childers.Pat@epa.gov>]  
**Sent:** Friday, August 29, 2014 10:28 AM  
**To:** Scott Clow  
**Subject:** FW: Follow-Up Tribal Letter



# UTE MOUNTAIN UTE TRIBE

P.O. Box 248  
Towaoc, Colorado 81334-0248  
(970) 565-3751

August 22, 2014

Ms. Gina McCarthy  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**RE: Government-to-Government Consultation between EPA and the Ute Mountain Ute Tribe, Second Meeting Request**

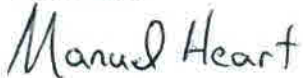
Dear Administrator McCarthy:

On July 10, 2014, the EPA held the first government-to-government consultation meeting with the Ute Mountain Ute Tribe (Tribe) regarding the NESHAPS Subpart W rulemaking. The Tribe was pleased to have this initial opportunity to consult with your agency regarding the NESHAPS Subpart W rulemaking. During the meeting, the Tribe emphasized to the EPA that, due to the complexity of the issues and questions presented during the consultation meeting and the fact that the EPA was not prepared to answer all the Tribe's questions at that time, additional consultation meetings would be necessary during the public comment period for this rulemaking. I am now formally requesting that the EPA hold a second consultation meeting with the Tribe on the NESHAPS Subpart W rulemaking at least three weeks in advance of the close of the public comment period.

During the July 10, 2014 meeting, the Tribe also requested that future consultation meetings on this rulemaking allow in-person discussion between the Tribe and staff from the EPA Headquarters office. We appreciated that three EPA employees from Region 8 (Deb Thomas, Alfreda Mitre, and Angelique Diaz) attended the July 10, 2014 consultation meeting in person, but we believe that it is important that we be able to communicate directly, and in person, with representatives from the EPA Headquarters office (including the EPA lead for the rulemaking, Reid Rosnick) who have the authority and the responsibility to make decisions regarding the NESHAPS Subpart W rulemaking. We understand that Mr. Rosnick may have certain health-related limitations on travel during the public comment period, and the Tribe can offer to have certain Tribal staff and leadership travel to accommodate this in-person meeting.

Please contact Scott Clow, Environmental Programs Department Director, at (970) 564-5432 or [sclow@utemountain.org](mailto:sclow@utemountain.org) or Celene Hawkins, Associate General Counsel, at (970) 564-5642 or [chawkins@utemountain.org](mailto:chawkins@utemountain.org) to set the second consultation meeting regarding the NESHAPS Subpart W rulemaking.

Sincerely,



Manuel Heart  
Chairman  
Ute Mountain Ute Tribe

Cc: Tribal Council  
Peter Ortego, General Counsel, Ute Mountain Ute Tribe  
Celene Hawkins, Associate General Counsel, Ute Mountain Ute Tribe  
H. Michael Keller, Special Counsel, Ute Mountain Ute Tribe  
Scott Clow, Environmental Programs Director, Ute Mountain Ute Tribe  
JoAnne Chase, Director, American Indian Environmental Office, U.S. EPA  
Shaun McGrath, Regional Administrator, U.S. EPA, Region 8  
Dr. Yvette Roubideaux, Director, Indian Health Services  
Kevin Washburn, Assistant Secretary, Indian Affairs

## Thornton, Marisa

---

**From:** Childers, Pat  
**Sent:** Friday, August 29, 2014 12:11 PM  
**To:** Rosnick, Reid  
**Subject:** RE: Follow-Up Tribal Letter

Thanks emails crossed ignore my request

---

**From:** Rosnick, Reid  
**Sent:** Friday, August 29, 2014 12:05 PM  
**To:** Childers, Pat  
**Cc:** Perrin, Alan; Peake, Tom; Harrison, Jed  
**Subject:** Follow-Up Tribal Letter

Pat,

During the call this morning I mentioned that we had sent a follow-up letter to approximately 55 tribes to alert them to the extension of the comment period for the Subpart W rulemaking. Attached is the form letter we sent. Please let me know if you need further information. Thanks for all your help!

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)  
rt them to the

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202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)  
rt them to the

## Thornton, Marisa

---

**From:** Childers, Pat  
**Sent:** Friday, August 29, 2014 12:07 PM  
**To:** Rosnick, Reid  
**Subject:** latest letter you sent to tribes/mountain ute

Would be helpful on the call.

Thanks

Pat

---

**From:** Rosnick, Reid  
**Sent:** Thursday, June 12, 2014 6:20 AM  
**To:** [sclow@utemountain.org](mailto:sclow@utemountain.org)  
**Cc:** [clarrick@utemountain.org](mailto:clarrick@utemountain.org); [tnatori@utemountain.org](mailto:tnatori@utemountain.org); Michael King; 'mKeller@vancott.com'; Celene Hawkins; Mitre, Alfreda; Stahle, Susan; Peake, Tom; Childers, Pat; Harrison, Jed  
**Subject:** RE: call next week Tuesday or Wednesday?

Hi Scott,

We would like to have the conference call with you as soon as practicable. However, we would like to have your questions in hand so we can discuss them with you during the call. Can you give me a better idea of when you will be able to transmit your questions? I would like at least a day or two to get them to EPA participants so we can discuss your concerns more effectively. Thanks.

I'll be away from my desk all day, in training, but I will check my email and voice mail at the end of the day. Thanks again.

Reid

---

**From:** Scott Clow [<mailto:sclow@utemountain.org>]  
**Sent:** Wednesday, June 11, 2014 6:31 PM  
**To:** Rosnick, Reid  
**Cc:** [clarrick@utemountain.org](mailto:clarrick@utemountain.org); [tnatori@utemountain.org](mailto:tnatori@utemountain.org); Michael King; 'mKeller@vancott.com'; Celene Hawkins; Mitre, Alfreda  
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Hi Reid,

We are working on preparing the questions that we will want answers for at the upcoming consultation meeting. We are planning to have those to your team at EPA in the next few days.

We would like to schedule our second pre-consultation call to clarify the questions. We have availability next Tuesday (I can skip out of a little of my ROC meeting if necessary) or Wednesday afternoon. I think we could bump it into the following week, 24-26<sup>th</sup> but I will need to confirm that with our team. Please consider some dates.

Thanks,  
Scott

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Thanks,  
Scott



## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:44 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Registration Notification for Subpart W Public Hearings  
**Attachments:** 1408042493-322186185-registration.pdf

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**From:** Nesky, Anthony  
**Sent:** Thursday, October 16, 2014 6:08 PM  
**To:** Collections.SubW  
**Subject:** FW: Registration Notification for Subpart W Public Hearings

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Eventbrite [<mailto:orders@eventbrite.com>]  
**Sent:** Tuesday, July 29, 2014 7:33 PM  
**To:** Nesky, Anthony  
**Subject:** Registration Notification for Subpart W Public Hearings



Find events My Tickets

Good news! A registration for [Subpart W Public Hearings](#) just came through. Below, you'll find a copy of the registration confirmation email for:

**Frank Filas**  
[ffilas@energyfuels.com](mailto:ffilas@energyfuels.com)  
**Order #322186185**

Cheers!  
Eventbrite


P.S. You can turn off this notification anytime on your [email preferences page](#).


# Hi Frank, this is your registration confirmation for Subpart W Public Hearings


Organized by [U.S. Environmental Protection Agency](#)

---



## Registration summary



  
**Mobile Summary**



  
**Paper Summary**

Open the email attachment  
or [download here](#)

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## Message from [U.S. Environmental Protection Agency](#)

You are registered to attend the Subpart W Public Hearing.  
Please read the following before attending:

### BUILDING LOCATION

The EPA Region 8 office is at 1595 Wynkoop Street, Denver, CO80202-1129. The building is located along the 16th Street Mall in downtown Denver, adjacent to Union Station and across from the Tattered Cover bookstore. The building opens at 8 AM Monday-Friday.

### PARKING

The City of Denver provides information on parking here:  
<http://www.denvergov.org/tabid/437781/Default.aspx>><http://www.denvergov.org/tabid/437781/Default.aspx>

### DRIVING DIRECTIONS

If coming from Denver International Airport--  
Follow the "Airport Exit" signs to proceed south and west on Pena Boulevard for about 9 miles. Keep following the natural turn to the right as Pena Blvd. turns into Interstate 70 West, heading toward downtown. Follow I-70 West for 10 miles before exiting onto I-25 South. Two miles after turning south on I-25, take the Speer Avenue South exit and make a left towards downtown and the Pepsi Center. Upon crossing the Interstate, you will see the Pepsi Center on your right. Stay left and make a left at the stop light on Wewatta Street (there is a lefthand turn lane provided). Head across a small bridge and go straight until you reach 15th Street. Make a right on 15th Street, and your first left on Wynkoop Street. The EPA building is on the left, with the building entrance off of 16th Street.

If coming from the north, south or west--

Take Interstate 25 to the Speer Boulevard South exit and follow the directions two paragraphs above.

#### SECURITY REQUIREMENTS

Visitors to EPA's regional office must show identification and pass through security screening at the building entrance. The EPA Region 8 office building is a Level-4-security building, similar to what you experience at the airport. All visitors need to bring a government-issued photo ID (i.e., a driver's license). You will be asked to show this ID as you enter the lobby.

Please arrive at the building 30 minutes before any talks or events you have scheduled. Our security screening process is similar to screening at the airport: you will be asked to walk through a magnetometer (removing metal objects from your pockets), and your coats, bags etc. will be x-rayed. We regret that we do not have facilities to check coats or bags. You will be provided with a visitor badge after you pass through security. Please wear this at all times while you are in the building.

Video, as well as photos of any kind, are not allowed. Also, NO weapons of any kind are allowed in the building. This includes mace, knives, guns, etc. You will not be permitted in the building if you have any of these items. For a complete list of restricted items and additional information, please visit the EPA Region 8 website at:

<http://www2.epa.gov/region8/directions-and-visitor-information-us-epa-region-8>

#### TO GET TO THE HEARING ROOM

After going through security, please proceed to the 2nd Floor Conference Center via the elevator. Conference Center attendees are not allowed above the 2nd floor without having an EPA escort. Outside of the meeting room, there will be a registration table where you will check-in and receive a temporary badge that must be worn at all times while in the building. Any visitor exiting the building during breaks or lunch will be required to pass through security screening upon return each time. At the conclusion of the conference, please return to the registration table to be checked out and turn in your temporary visitor badge.

#### SPEAKERS

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Please print and bring your ticket with you.

**Have a question? Contact the organizer at [nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)**



## Order Summary

July 29, 2014

Order #: 322186185

Name	Type	Quantity
Frank Filas	Subpart W Public Hearings - September 3, 2014, 9:00 AM - 12:00 PM MDT Capacity: 100 persons	1

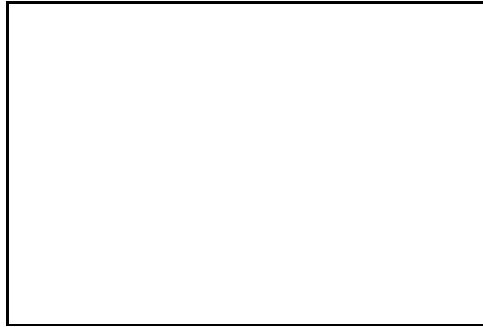
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## About this event



EPA Region 8 Office  
1595 Wynkoop Street  
Denver, CO 80202-1129



---

## Registration Information

Contact Address

**225 Union Blvd., Suite 600, Lakewood, CO 80228**

Who are you representing?

**Energy Fuels Resources**

Do you wish to speak at one of the sessions?

**Yes**

At which of the following sessions would you like to speak? You may select only one.

**September 3 9:00 AM - 12:00 PM MDT**

What time do you intend to arrive to speak?

**9AM September 3**



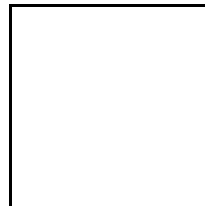
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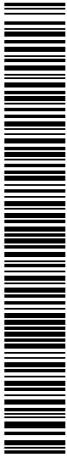


This email was sent to [ffilas@energyfuels.com](mailto:ffilas@energyfuels.com).

Eventbrite | 155 5th St, 7th Floor | San Francisco, CA 94103

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Please print and bring with you to the event

 322186185407240475001	Event <h1>Subpart W Public Hearings</h1>		
	Date+Time	Location EPA Region 8 Office 1595 Wynkoop Street Denver, CO 80202-1129	Payment Status Free Order
	Order Info Order #322186185. Ordered by Frank Filas on July 29, 2014 4:29 PM		
	Type Subpart W Public Hearings - September 3, 2014, 9:00 AM - 12:00 PM MDT Capacity: 100 persons		

You are registered to attend the Subpart W Public Hearing.  
Please read the following before attending:

#### BUILDING LOCATION

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322186185407240475001

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## Thornton, Marisa

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**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:44 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Registration Notification for Subpart W Public Hearings  
**Attachments:** 1408042493-321653719-registration.pdf

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**From:** Nesky, Anthony  
**Sent:** Thursday, October 16, 2014 6:07 PM  
**To:** Collections.SubW  
**Subject:** FW: Registration Notification for Subpart W Public Hearings

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Eventbrite [<mailto:orders@eventbrite.com>]  
**Sent:** Monday, July 28, 2014 1:42 PM  
**To:** Nesky, Anthony  
**Subject:** Registration Notification for Subpart W Public Hearings



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Good news! A registration for [Subpart W Public Hearings](#) just came through. Below, you'll find a copy of the registration confirmation email for:

**George Brozowski**  
[brozowski.george@epa.gov](mailto:brozowski.george@epa.gov)  
**Order #321653719**

Cheers!  
Eventbrite


P.S. You can turn off this notification anytime on your [email preferences page](#).


# Hi George, this is your registration confirmation for Subpart W Public Hearings

Organized by [U.S. Environmental Protection Agency](#)



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
## Registration summary

  
**Mobile Summary**

  
**Paper Summary**

Open the email attachment  
or [download here](#)

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## Message from [U.S. Environmental Protection Agency](#)

You are registered to attend the Subpart W Public Hearing.  
Please read the following before attending:

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**Have a question? Contact the organizer at [nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)**



## Order Summary

**July 28, 2014**

Order #: 321653719

Name	Type	Quantity
George Brozowski	Subpart W Public Hearings - September 3, 2014, 1:00 PM - 5:00 PM MDT Capacity: 100 persons	1

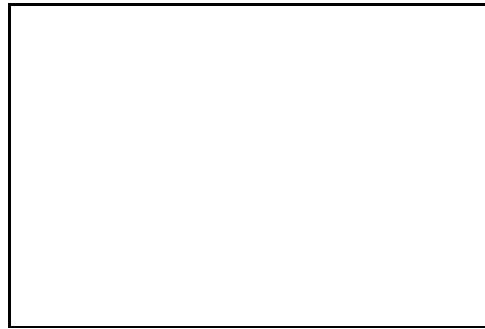
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## About this event



EPA Region 8 Office  
1595 Wynkoop Street  
Denver, CO 80202-1129



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## Registration Information

Contact Address

**1445 Ross Avenue Dallas, TX 75202**

Who are you representing?

**EPA R6**

Do you wish to speak at one of the sessions?

**No**



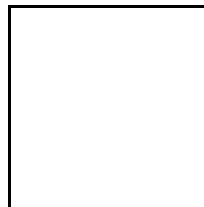
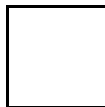
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This email was sent to [brozowski.george@epa.gov](mailto:brozowski.george@epa.gov).

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Please print and bring with you to the event

 321653719406560977001	Event <h1 style="text-align: center;">Subpart W Public Hearings</h1> 		
	Date+Time	Location EPA Region 8 Office 1595 Wynkoop Street Denver, CO 80202-1129	Payment Status Free Order
	Order Info Order #321653719. Ordered by George Brozowski on July 28, 2014 10:40 AM		
	Type Subpart W Public Hearings - September 3, 2014, 1:00 PM - 5:00 PM MDT Capacity: 100 persons		

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## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:46 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

---

**From:** Nesky, Anthony  
**Sent:** Thursday, October 16, 2014 4:53 PM  
**To:** Collections.SubW  
**Subject:** FW: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Rosnick, Reid  
**Sent:** Thursday, September 25, 2014 1:38 PM  
**To:** Nesky, Anthony; Thornton, Marisa  
**Cc:** Peake, Tom  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Thanks, Tony. I think I'll send Sarah Fields a note saying that the references are already on the web site, and we'll look into a process to get them into the records section. Honestly, I can't believe this is a priority right now, but we'll address it in the future. Thanks again.

Reid

---

**From:** Nesky, Anthony  
**Sent:** Thursday, September 25, 2014 1:01 PM  
**To:** Rosnick, Reid; Thornton, Marisa  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

All of these references are currently on the Subpart W site at:  
<http://www.epa.gov/radiation/neshaps/subpartw/eiareferences.html>

The scans in Andrew's email were illegible as Sarah noted, so we redid them, and in addition to being on the website, they will be in other records.

I don't know if you want to fix this record, because technically the illegible files are the accurate records!

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Rosnick, Reid  
**Sent:** Thursday, September 25, 2014 7:24 AM  
**To:** Thornton, Marisa  
**Cc:** Nesky, Anthony  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Hi Marisa,

It looks like they were already scanned in July. Andrew printed them out and scanned them. He sent a note to Tony, so Tony, do you have the original copies of these FR notices?

---

**From:** Thornton, Marisa  
**Sent:** Wednesday, September 24, 2014 10:57 AM  
**To:** Rosnick, Reid  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

If I use the Hein online it's going to take some time to find those documents. Can someone rescan them instead of me digging through pages and pages of documents to find 1?

---

**From:** Rosnick, Reid  
**Sent:** Wednesday, September 24, 2014 10:43 AM  
**To:** Thornton, Marisa  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Hi Marisa,

Try the EPA desktop library: <http://intranet.epa.gov/desktop/>

They have Hein online, which has FRs from the 1930s <http://www.heinonline.org/HOL/Index?collection=fedreg>

Reid

---

**From:** Thornton, Marisa  
**Sent:** Wednesday, September 24, 2014 10:37 AM  
**To:** Rosnick, Reid  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Reid,

The federal register website only goes back to 1994  
<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR&browsePath=1994&isCollapsed=true&leafLevelBrowse=false&ycord=0>

---

**From:** Rosnick, Reid  
**Sent:** Sunday, September 21, 2014 4:20 PM  
**To:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)  
**Cc:** Stahle, Susan; Thornton, Marisa  
**Subject:** Re: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Dear Sarah:

We will look into this tomorrow and resolve the issue. Thank you.

Reid

---

**From:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org) <[sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)>

**Sent:** Sunday, September 21, 2014 2:07 PM

**To:** Rosnick, Reid

**Subject:** Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Dear Mr. Rosnick,

Recently the EPA posted 2 compilations of Non-Privileged Records for July-Sept. 2014.

Pages 256 to 319 of Part 2 are *Federal Register* notices, but they are unreadable.

Sarah Fields  
Uranium Watch

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:46 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: EPA Subpart W Hearing Comments: Sept. 3  
**Attachments:** UWatch\_EPASubpartWHearing\_Comments.140904.doc

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**From:** Peake, Tom  
**Sent:** Thursday, October 16, 2014 4:50 PM  
**To:** Collections.SubW  
**Subject:** FW: EPA Subpart W Hearing Comments: Sept. 3

---

**From:** sarah@uraniumwatch.org [mailto:sarah@uraniumwatch.org]  
**Sent:** Monday, September 08, 2014 1:39 PM  
**To:** Peake, Tom  
**Subject:** EPA Subpart W Hearing Comments: Sept. 3

Dear Mr. Peake,

Attached are written comments that I more or less made at the first session of the EPA Subpart W hearings in Denver on September 3. I did not have much in the way of written notes for the other statements I made after the first opportunity to speak.

Let me know if you have any questions. I have citations for statements re Cell 3 at White Mesa and Shootaring Canyon and Sweetwater Mills.

Sarah Fields  
Program Director  
Uranium Watch  
PO Box 344  
Moab, Utah 84532  
435-260-8384  
[sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)



**EPA HEARING ON SUBPART W  
DENVER — SEPTEMBER 3 AND 4**

**URANIUM WATCH COMMENTS**

Below are written comments that were, generally, presented in the first session of the Environmental Protection Agency hearings on proposed changes to 40 C.F.R. Part 61 Subpart W on September 3, 2014, in Denver, Colorado. Uranium Watch will be submitting written comments with more detailed information on the issues below and other aspects of the proposed rule.

1. The Subpart W proposed rule is contained misleading, incomplete, and false information.
2. The EPA failed to place relevant documents on the Subpart W website.
3. The EPA sent letters to uranium mill licensees asking with questions about their mills and 11e.(2) byproduct material impoundments, but failed to send letters to the Sweetwater and Shootaring Canyon Mill licensees. The White Mesa Mill licensee failed to respond to the EPA May 2009 request for information.
4. The EPA's justifies the elimination of the radon emission standard for "existing" impoundments, including the monitoring and reporting requirement by various claims. The EPA claims that White Mesa Mill Cell 3 will close at the end of 2014. This is not true. Energy Fuels is keeping Cell 3 open to receive ISL waste because it cannot dispose of ISL waste in the new Cell 4A until more solid tailings have been disposed of in Cell 4A (so there is a base for the burial of the ISL waste) and until there is a license amendment authorizing disposal of ISL waste in Cell 4A. Also, there must be an approved radon closure plan and reclamation milestones for Cell 3 incorporated in the White Mesa Mill license for the cell to enter the closure period.

The EPA claims that both the Shootaring Canyon and Sweetwater impoundments comply with the requirements for "new" impoundments in 40 C.F.R. § 61.252(b). This is not true. The Shootaring Canyon impoundment does not have a synthetic liner, as the EPA claimed in the proposed rule. It has a clay liner. The Sweetwater impoundment is 60 acres, much larger than the required 40 acre impoundment.

5. The EPA should remember that Subpart W is an "emission" standard under the Clean Air Act. Yet, the EPA intends to completely eliminate any semblance of an emission limit for radon from operating uranium mills. Now there will only be design and work practice standards for conventional, ISL, and heap leach facilities. The proposed rule does not comply with the requirements of the Clean Air Act at Section 112(h). Section 112(h) states:

(h) WORK PRACTICE STANDARDS AND OTHER REQUIREMENTS.

(1) IN GENERAL.—For purposes of this section, if it is not feasible in the judgment of the Administrator to prescribe or enforce an emission standard for control of a hazardous air pollutant or pollutants, the Administrator may, in lieu thereof, promulgate a design, equipment, work practice, or operational standard, or combination thereof, which in the Administrator’s judgment is consistent with the provisions of subsection

For the purpose of this subsection, the phrase “not feasible to prescribe or enforce an emission standard” means any situation in which the Administrator determines that—

(B) the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.

What this means is that for the EPA to promulgate a design, equipment, work practice, or operational standard, or combination thereof, IN PLACE OF an emission standard for control of a hazardous air pollutant, the Administrator must find that it is not feasible to prescribe or enforce an emission standard. Not feasible would mean that “the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.”

The EPA Administrator has not made such a finding, nor could she make such a finding. The EPA didn’t even include a discussion of this requirement in the Subpart W rulemaking.

In sum: the EPA must have radon emissions limits for “existing” and “new” conventional, non-conventional, and heap leach impoundments.

6. The Evaporation Pond Risk Assessment at Table 2: Radon Flux for Various Radium Concentrations shows the radon flux from three conventional mills and the eight ISL facilities for radium concentrations of 1, 100, and 1,000 pCi/L. The Risk Assessment concludes, “The fluxes at the largest concentration, while below the criteria, are not negligible.” However, the largest concentration is not the actual concentration, it is the concentration per 1000 pCi/L. So, a pond with a concentration of 36,700 pCi/L would have a radon flux far in excess of the current 20 pCi/m<sup>2</sup>-sec criteria. The Risk Assessment should have, but did not, compare the actual radon flux for the various evaporation ponds

Table 2 fails to include, for comparison, the actual radium concentrations for the evaporation ponds at ISL and conventional mills. There is no data in the Subpart W Rulemaking Docket regarding the radium concentration in liquid impoundments at the Sweetwater and White Mesa Mills. So, information regarding the actual radon flux from those mills is completely disregarded by the EPA. Therefore, the EPA has no basis for the assumption that those emissions will be “very low” (what ever that means).

There is recent data regarding the radium concentration at the impoundments at the White Mesa Mill.<sup>1</sup> The White Mesa Mill 2013 Annual Tailings Wastewater Monitoring Report<sup>2</sup> provides data on the Gross Radium Alpha (pCi/L) for the liquids in 4 impoundments. Cell 1 is a liquid evaporation pond, Cell 4B is being used as a liquid impoundment, and Cell 3 and Cell 4A have a liquid pond on top of the more solid tailings. The information for Table 1 is based on the assumption provided by the EPA that a White Mesa liquid impoundment has a radon flux of 7.0 pCi/m<sup>2</sup>-sec for every 1,000 pCi/L of radium. Unfortunately, the EPA never required the White Mesa licensee to report on the radium content of the liquids in the tailings cells and calculate the radon flux based on those measurements.

Table. 1. White Mesa Mill Radium Concentration and Radon Flux for 2013.

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<sup>1</sup> [http://www.radiationcontrol.utah.gov/Uranium\\_Mills/denison/tailingswastewater\\_rpt.htm](http://www.radiationcontrol.utah.gov/Uranium_Mills/denison/tailingswastewater_rpt.htm)

<sup>2</sup> White Mesa Mill 2013 Annual Tailings Wastewater Monitoring Report; Groundwater Quality Discharge Permit, UGW370004, Energy Fuels Resources (USA) Inc., November 1, 2013. [http://www.radiationcontrol.utah.gov/Uranium\\_Mills/denison/docs/2013/dec/2013AnnualTailingsReportFinal.pdf](http://www.radiationcontrol.utah.gov/Uranium_Mills/denison/docs/2013/dec/2013AnnualTailingsReportFinal.pdf)

<b>Cell</b>	<b>Gross Radium Alpha</b>	<b>Radon Emissions</b>
Cell 1	32,700 pCi/L	228.9 pCi/m <sup>2</sup> -sec
Cell 3	81,900 pCi/L	573.3 pCi/m <sup>2</sup> -sec
Cell 4A	15,800 pCi/L	110.6 pCi/m <sup>2</sup> -sec
Cell 4B	14,600 pCi/L	102.2 pCi/m <sup>2</sup> -sec

The data for White Mesa Mill liquid impoundments does not support the EPA's claim that radon emissions from evaporation ponds "will be expected to be very low" and "the chance of radon emissions is small." In fact, at the White Mesa Mill, the radon emissions are very high. Yet the EPA does not consider these emissions when determining compliance with the current radon emission standard for "existing" impoundments. In 2013, that was Cells 3 and 2.

Sarah Fields  
Program Director  
Uranium Watch  
PO Box 344  
Moab, Utah 84532  
435-260-8384  
sarah@uraniumwatch.org

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:46 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: EPA Subpart W Hearing Comments: Sept. 3

---

**From:** Peake, Tom  
**Sent:** Thursday, October 16, 2014 4:50 PM  
**To:** Collections.SubW  
**Subject:** FW: EPA Subpart W Hearing Comments: Sept. 3

---

**From:** Peake, Tom  
**Sent:** Monday, September 08, 2014 1:51 PM  
**To:** 'sarah@uraniumwatch.org'  
**Cc:** Tony Nesky; Daniel Schultheisz; Reid Rosnick  
**Subject:** RE: EPA Subpart W Hearing Comments: Sept. 3

Ms. Fields,

Thank you for these comments and what you provided in your oral statements at the hearing. I am glad that you were able to attend. Don't worry about the comments for which you may not have the written notes; the oral comments will be available to us (and you) as part of the transcript once we put the transcript in the docket. If you have any supporting documentation you would like to provide us, you have until October 29, 2014.

Thank you again.

Tom Peake  
US EPA Radiation Protection Division  
Director, Center for Waste Management and Regulations  
phone: 202-343-9765

---

**From:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org) [<mailto:sarah@uraniumwatch.org>]  
**Sent:** Monday, September 08, 2014 1:39 PM  
**To:** Peake, Tom  
**Subject:** EPA Subpart W Hearing Comments: Sept. 3

Dear Mr. Peake,

Attached are written comments that I more or less made at the first session of the EPA Subpart W hearings in Denver on September 3. I did not have much in the way of written notes for the other statements I made after the first opportunity to speak.

Let me know if you have any questions. I have citations for statements re Cell 3 at White Mesa and Shootaring Canyon and Sweetwater Mills.

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**EPA HEARING ON SUBPART W  
DENVER — SEPTEMBER 3 AND 4**

**URANIUM WATCH COMMENTS**

Below are written comments that were, generally, presented in the first session of the Environmental Protection Agency hearings on proposed changes to 40 C.F.R. Part 61 Subpart W on September 3, 2014, in Denver, Colorado. Uranium Watch will be submitting written comments with more detailed information on the issues below and other aspects of the proposed rule.

1. The Subpart W proposed rule is contained misleading, incomplete, and false information.
2. The EPA failed to place relevant documents on the Subpart W website.
3. The EPA sent letters to uranium mill licensees asking with questions about their mills and 11e.(2) byproduct material impoundments, but failed to send letters to the Sweetwater and Shootaring Canyon Mill licensees. The White Mesa Mill licensee failed to respond to the EPA May 2009 request for information.
4. The EPA's justifies the elimination of the radon emission standard for "existing" impoundments, including the monitoring and reporting requirement by various claims. The EPA claims that White Mesa Mill Cell 3 will close at the end of 2014. This is not true. Energy Fuels is keeping Cell 3 open to receive ISL waste because it cannot dispose of ISL waste in the new Cell 4A until more solid tailings have been disposed of in Cell 4A (so there is a base for the burial of the ISL waste) and until there is a license amendment authorizing disposal of ISL waste in Cell 4A. Also, there must be an approved radon closure plan and reclamation milestones for Cell 3 incorporated in the White Mesa Mill license for the cell to enter the closure period.

The EPA claims that both the Shootaring Canyon and Sweetwater impoundments comply with the requirements for "new" impoundments in 40 C.F.R. § 61.252(b). This is not true. The Shootaring Canyon impoundment does not have a synthetic liner, as the EPA claimed in the proposed rule. It has a clay liner. The Sweetwater impoundment is 60 acres, much larger than the required 40 acre impoundment.

5. The EPA should remember that Subpart W is an "emission" standard under the Clean Air Act. Yet, the EPA intends to completely eliminate any semblance of an emission limit for radon from operating uranium mills. Now there will only be design and work practice standards for conventional, ISL, and heap leach facilities. The proposed rule does not comply with the requirements of the Clean Air Act at Section 112(h). Section 112(h) states:

(h) WORK PRACTICE STANDARDS AND OTHER REQUIREMENTS.

(1) IN GENERAL.—For purposes of this section, if it is not feasible in the judgment of the Administrator to prescribe or enforce an emission standard for control of a hazardous air pollutant or pollutants, the Administrator may, in lieu thereof, promulgate a design, equipment, work practice, or operational standard, or combination thereof, which in the Administrator’s judgment is consistent with the provisions of subsection

For the purpose of this subsection, the phrase “not feasible to prescribe or enforce an emission standard” means any situation in which the Administrator determines that—

(B) the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.

What this means is that for the EPA to promulgate a design, equipment, work practice, or operational standard, or combination thereof, IN PLACE OF an emission standard for control of a hazardous air pollutant, the Administrator must find that it is not feasible to prescribe or enforce an emission standard. Not feasible would mean that “the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.”

The EPA Administrator has not made such a finding, nor could she make such a finding. The EPA didn’t even include a discussion of this requirement in the Subpart W rulemaking.

In sum: the EPA must have radon emissions limits for “existing” and “new” conventional, non-conventional, and heap leach impoundments.

6. The Evaporation Pond Risk Assessment at Table 2: Radon Flux for Various Radium Concentrations shows the radon flux from three conventional mills and the eight ISL facilities for radium concentrations of 1, 100, and 1,000 pCi/L. The Risk Assessment concludes, “The fluxes at the largest concentration, while below the criteria, are not negligible.” However, the largest concentration is not the actual concentration, it is the concentration per 1000 pCi/L. So, a pond with a concentration of 36,700 pCi/L would have a radon flux far in excess of the current 20 pCi/m<sup>2</sup>-sec criteria. The Risk Assessment should have, but did not, compare the actual radon flux for the various evaporation ponds

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Sarah Fields  
Program Director  
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PO Box 344  
Moab, Utah 84532  
435-260-8384  
sarah@uraniumwatch.org

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:46 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: EPA Subpart W Hearing Comments: Sept. 3  
**Attachments:** UWatch\_EPASubpartWHearing\_Comments.140904.doc

---

**From:** Peake, Tom  
**Sent:** Thursday, October 16, 2014 4:50 PM  
**To:** Collections.SubW  
**Subject:** FW: EPA Subpart W Hearing Comments: Sept. 3

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**From:** Peake, Tom  
**Sent:** Monday, September 08, 2014 1:53 PM  
**To:** Tony Nesky; Daniel Schultheisz; Reid Rosnick  
**Subject:** FW: EPA Subpart W Hearing Comments: Sept. 3

With the attachment.

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**From:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org) [<mailto:sarah@uraniumwatch.org>]  
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**Subject:** EPA Subpart W Hearing Comments: Sept. 3

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Let me know if you have any questions. I have citations for statements re Cell 3 at White Mesa and Shootaring Canyon and Sweetwater Mills.

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## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:49 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

---

**From:** Nesky, Anthony  
**Sent:** Thursday, October 16, 2014 4:32 PM  
**To:** Collections.SubW  
**Subject:** FW: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Nesky, Anthony  
**Sent:** Thursday, September 25, 2014 1:01 PM  
**To:** Rosnick, Reid; Thornton, Marisa  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

All of these references are currently on the Subpart W site at:  
<http://www.epa.gov/radiation/neshaps/subpartw/eiareferences.html>

The scans in Andrew's email were illegible as Sarah noted, so we redid them, and in addition to being on the website, they will be in other records.

I don't know if you want to fix this record, because technically the illegible files are the accurate records!

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Rosnick, Reid  
**Sent:** Thursday, September 25, 2014 7:24 AM  
**To:** Thornton, Marisa  
**Cc:** Nesky, Anthony  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Hi Marisa,

It looks like they were already scanned in July. Andrew printed them out and scanned them. He sent a note to Tony, so Tony, do you have the original copies of these FR notices?

---

**From:** Thornton, Marisa  
**Sent:** Wednesday, September 24, 2014 10:57 AM  
**To:** Rosnick, Reid  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

If I use the Hein online it's going to take some time to find those documents. Can someone rescan them instead of me digging through pages and pages of documents to find 1?

---

**From:** Rosnick, Reid  
**Sent:** Wednesday, September 24, 2014 10:43 AM  
**To:** Thornton, Marisa  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Hi Marisa,

Try the EPA desktop library: <http://intranet.epa.gov/desktop/>

They have Hein online, which has FRs from the 1930s <http://www.heinonline.org/HOL/Index?collection=fedreg>

Reid

---

**From:** Thornton, Marisa  
**Sent:** Wednesday, September 24, 2014 10:37 AM  
**To:** Rosnick, Reid  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Reid,

The federal register website only goes back to 1994  
<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR&browsePath=1994&isCollapsed=true&leafLevelBrowse=false&ycord=0>

---

**From:** Rosnick, Reid  
**Sent:** Sunday, September 21, 2014 4:20 PM  
**To:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)  
**Cc:** Stahle, Susan; Thornton, Marisa  
**Subject:** Re: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Dear Sarah:

We will look into this tomorrow and resolve the issue. Thank you.

Reid

---

**From:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org) <[sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)>  
**Sent:** Sunday, September 21, 2014 2:07 PM  
**To:** Rosnick, Reid  
**Subject:** Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Dear Mr. Rosnick,

Recently the EPA posted 2 compilations of Non-Privileged Records for July-Sept. 2014.

Pages 256 to 319 of Part 2 are *Federal Register* notices, but they are unreadable.

Sarah Fields  
Uranium Watch

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:48 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Update to Subpart W Page after the hearings

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**From:** Nesky, Anthony  
**Sent:** Thursday, October 16, 2014 4:34 PM  
**To:** Collections.SubW  
**Subject:** FW: Update to Subpart W Page after the hearings

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, September 09, 2014 11:13 AM  
**To:** Thornton, Marisa  
**Subject:** RE: Update to Subpart W Page after the hearings

Thanks! I noticed one more thing (sorry again—I guess I am not good at multitasking). The header “PUBLIC HEARING” should be initial caps like all the others: “Public Hearing.”

Could you please make this change and then publish to the live server? Thanks!

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Thornton, Marisa  
**Sent:** Tuesday, September 09, 2014 11:05 AM  
**To:** Nesky, Anthony  
**Subject:** RE: Update to Subpart W Page after the hearings

Done <http://epastage.epa.gov/staging1/rpd/neshaps/subpartw/rulemaking-activity.html#hearing>

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, September 09, 2014 10:59 AM  
**To:** Thornton, Marisa  
**Subject:** RE: Update to Subpart W Page after the hearings

I’m sorry Marisa, but I have a tiny change. In the second sentence,

"During the public hearing, members of the public made oral presentations of data, views or arguments about the proposed revisions to Subpart W."

Please change "or arguments" to "and arguments"

Sorry. ☹

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Thornton, Marisa  
**Sent:** Tuesday, September 09, 2014 8:44 AM  
**To:** Nesky, Anthony; Romero, Carmen  
**Cc:** Rosnick, Reid; Herrenbruck, Glenna  
**Subject:** RE: Update to Subpart W Page after the hearings

Done - <http://epastage.epa.gov/staging1/rpd/neshaps/subpartw/rulemaking-activity.html#hearing>

---

**From:** Nesky, Anthony  
**Sent:** Monday, September 08, 2014 2:52 PM  
**To:** Thornton, Marisa; Romero, Carmen  
**Cc:** Rosnick, Reid; Herrenbruck, Glenna  
**Subject:** Update to Subpart W Page after the hearings

Dear Carmen and Marisa:

Given that we have completed the hearings, we now have to update the Subpart W page:

<http://www.epa.gov/radiation/neshaps/subpartw/rulemaking-activity.html>

Please update the Public Hearing Section as follows, and post to the test server.

## PUBLIC HEARINGS

In response to a number of requests, EPA held a public hearing September 3 and 4, 2014, at the EPA Region 8 Office in Denver, Colorado. During the public hearing, members of the public made oral presentations of data, views or arguments about the proposed revisions to Subpart W. The comments made during the hearing will be included in the rulemaking Docket. Note: Participation or attendance at a public hearing is not necessary to comment on this proposed rulemaking. EPA also welcomes [written comments](#).

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---

**From:** Nesky, Anthony  
**Sent:** Monday, September 08, 2014 1:54 PM  
**To:** Peake, Tom  
**Subject:** RE: EPA Subpart W Hearing Comments: Sept. 3

[Should we put this on the website and/or in the Docket?](#)

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
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**From:** Peake, Tom  
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**To:** Nesky, Anthony; Schultheisz, Daniel; Rosnick, Reid  
**Subject:** FW: EPA Subpart W Hearing Comments: Sept. 3

[With the attachment.](#)

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**Subject:** EPA Subpart W Hearing Comments: Sept. 3

Dear Mr. Peake,

Attached are written comments that I more or less made at the first session of the EPA Subpart W hearings in Denver on September 3. I did not have much in the way of written notes for the other statements I made after the first opportunity to speak.

Let me know if you have any questions. I have citations for statements re Cell 3 at White Mesa and Shooting Canyon and Sweetwater Mills.

Sarah Fields  
Program Director  
Uranium Watch  
PO Box 344  
Moab, Utah 84532  
435-260-8384  
[sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:47 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Update to Subpart W Page on Tuesday

---

**From:** Nesky, Anthony  
**Sent:** Thursday, October 16, 2014 4:35 PM  
**To:** Collections.SubW  
**Subject:** FW: Update to Subpart W Page on Tuesday

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, September 02, 2014 3:24 PM  
**To:** Thornton, Marisa; Romero, Carmen  
**Cc:** Rosnick, Reid; Herrenbruck, Glenna  
**Subject:** RE: Update to Subpart W Page on Tuesday

Yes, please publish.

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Thornton, Marisa  
**Sent:** Tuesday, September 02, 2014 3:16 PM  
**To:** Nesky, Anthony; Romero, Carmen  
**Cc:** Rosnick, Reid; Herrenbruck, Glenna  
**Subject:** RE: Update to Subpart W Page on Tuesday

Tony, Carmen already had the page ready, she's just waiting for you to give her the ok.

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, September 02, 2014 2:56 PM  
**To:** Romero, Carmen; Thornton, Marisa  
**Cc:** Rosnick, Reid; Herrenbruck, Glenna  
**Subject:** Update to Subpart W Page on Tuesday

Dear Marisa and Carmen:

Registration is closing today for the hearings, so we need to update the Subpart W webpage on Tuesday, Sep 2. Please don't change the page before then.

On Tuesday, please delete the strikeout text below on

<http://www.epa.gov/radiation/neshaps/subpartw/rulemaking-activity.html>

## **PUBLIC HEARING, SEPTEMBER 3 and 4, 2014, DENVER, COLORADO**

EPA will hold a public hearing to allow the public to make oral presentations of data, views or arguments about the proposed revisions to Subpart W. The public hearing will be held September 3 and 4, 2014, at the EPA Region 8 Office, 1595 Wynkoop Street, Denver, CO 80202-1129. Sessions will be held both days from 9:00 am to 12:00 pm and from 1:00 pm to 5:00 pm. ~~Capacity is limited; advance registration is required to help accommodate those who wish to attend or speak. Registration has been extended to August 29, 2014.~~ [CLICK TO REGISTER FOR THE PUBLIC HEARING.](#)

Note: Participation or attendance at the public hearing is not necessary to comment on this proposed rulemaking. EPA also welcomes [written comments](#).

Thanks!

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

## Thornton, Marisa

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**Sent:** Monday, November 17, 2014 12:47 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Update to Subpart W Page on Tuesday

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**Sent:** Thursday, October 16, 2014 4:36 PM  
**To:** Collections.SubW  
**Subject:** FW: Update to Subpart W Page on Tuesday

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, September 02, 2014 3:23 PM  
**To:** Thornton, Marisa  
**Subject:** RE: Update to Subpart W Page on Tuesday

It worked—it wasn't supposed to be delivered until today.!

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Thornton, Marisa  
**Sent:** Tuesday, September 02, 2014 3:02 PM  
**To:** Nesky, Anthony  
**Subject:** RE: Update to Subpart W Page on Tuesday

No we got your email 5 minutes ago.

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, September 02, 2014 3:00 PM  
**To:** Thornton, Marisa  
**Subject:** RE: Update to Subpart W Page on Tuesday

Please make the change today. Sorry for any confusion. I sent this Friday on a delay so that you would get it today. Did it work?

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)



---

**From:** Thornton, Marisa  
**Sent:** Tuesday, September 02, 2014 2:58 PM  
**To:** Nesky, Anthony; Romero, Carmen  
**Cc:** Rosnick, Reid; Herrenbruck, Glenna  
**Subject:** RE: Update to Subpart W Page on Tuesday

Tony, today is Tuesday. You want us to make the change today or tomorrow?

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, September 02, 2014 2:56 PM  
**To:** Romero, Carmen; Thornton, Marisa  
**Cc:** Rosnick, Reid; Herrenbruck, Glenna  
**Subject:** Update to Subpart W Page on Tuesday

Dear Marisa and Carmen:

Registration is closing today for the hearings, so we need to update the Subpart W webpage on Tuesday, Sep 2. Please don't change the page before then.

On Tuesday, please delete the strikeout text below on

<http://www.epa.gov/radiation/neshaps/subpartw/rulemaking-activity.html>

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Note: Participation or attendance at the public hearing is not necessary to comment on this proposed rulemaking. EPA also welcomes [written comments](#).

Thanks!

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:47 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Cotter Canon City Mill impoundment status - 100203impound.pdf

---

**From:** Peake, Tom  
**Sent:** Thursday, October 16, 2014 4:50 PM  
**To:** Collections.SubW  
**Subject:** FW: Cotter Canon City Mill impoundment status - 100203impound.pdf

---

**From:** Jim Cain [mailto:jim.cain@cotterusa.com]  
**Sent:** Tuesday, September 09, 2014 9:52 AM  
**To:** Peake, Tom  
**Subject:** Cotter Canon City Mill impoundment status - 100203impound.pdf

Tom  
I was nice speaking with you last week. This is a link to first of a series of letters regarding Subpart W. The other letter dates on the Colorado Department of Public Health and Environment (CDPHE) website are June 30, July 23, August 25 and September 10.

**Jim Cain**

Environmental Coordinator/Radiation Safety Officer  
Canon City Milling Facility  
PO Box 1750  
Canon City CO 81215-1750  
719 275 7413 ext 212  
719 275 1669 (fax)  
303 669 9812 (mobile)

<http://recycle4colorado.ipower.com/Cotter/2007to2010/100203impound.pdf>

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:46 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: EPA Subpart W Hearing Comments: Sept. 3

---

**From:** Peake, Tom  
**Sent:** Thursday, October 16, 2014 4:50 PM  
**To:** Collections.SubW  
**Subject:** FW: EPA Subpart W Hearing Comments: Sept. 3

---

**From:** Nesky, Anthony  
**Sent:** Monday, September 08, 2014 1:54 PM  
**To:** Peake, Tom  
**Subject:** RE: EPA Subpart W Hearing Comments: Sept. 3

Should we put this on the website and/or in the Docket?

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Peake, Tom  
**Sent:** Monday, September 08, 2014 1:53 PM  
**To:** Nesky, Anthony; Schultheisz, Daniel; Rosnick, Reid  
**Subject:** FW: EPA Subpart W Hearing Comments: Sept. 3

With the attachment.

---

**From:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org) [<mailto:sarah@uraniumwatch.org>]  
**Sent:** Monday, September 08, 2014 1:39 PM  
**To:** Peake, Tom  
**Subject:** EPA Subpart W Hearing Comments: Sept. 3

Dear Mr. Peake,

Attached are written comments that I more or less made at the first session of the EPA Subpart W hearings in Denver on September 3. I did not have much in the way of written notes for the other statements I made after the first opportunity to speak.

Let me know if you have any questions. I have citations for statements re Cell 3 at White Mesa and Shootaring Canyon and Sweetwater Mills.

Sarah Fields  
Program Director

Uranium Watch  
PO Box 344  
Moab, Utah 84532  
435-260-8384  
[sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:49 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: September 2014 Subpart W Collection  
**Attachments:** Subpart W Stakeholder Conference Call; Tribal Consultation; Accepted: Next Steps for Second Consultation Meeting with UMUT ; Subpart W Public Hearing Debrief; Accepted: Subpart W Public Hearing Debrief

---

**From:** Schultheisz, Daniel  
**Sent:** Friday, October 3, 2014 7:56 AM  
**To:** Collections.SubW  
**Subject:** September 2014 Subpart W Collection

## Thornton, Marisa

---

**Subject:** Subpart W Stakeholder Conference Call  
**Location:** 866-299-3188, Code 2023439563#

**Start:** Thu 10/2/2014 11:00 AM  
**End:** Thu 10/2/2014 12:00 PM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Rosnick, Reid  
**Required Attendees:** Stahle, Susan; Peake, Tom; Schultheisz, Daniel; Angelique Diaz

**Thornton, Marisa**

---

**From:** Schultheisz, Daniel  
**Sent:** Wednesday, September 17, 2014 2:49 PM  
**To:** Rosnick, Reid  
**Subject:** Accepted: Next Steps for Second Consultation Meeting with UMUT

**Thornton, Marisa**

---

**From:** Schultheisz, Daniel  
**Sent:** Wednesday, September 10, 2014 10:33 AM  
**To:** Rosnick, Reid  
**Subject:** Accepted: Subpart W Public Hearing Debrief



**Thornton, Marisa**

---

**From:** Schultheisz, Daniel  
**Sent:** Wednesday, September 10, 2014 10:33 AM  
**To:** Rosnick, Reid  
**Subject:** Accepted: Subpart W Public Hearing Debrief

## Thornton, Marisa

---

**Subject:** Subpart W Public Hearing Debrief  
**Location:** WJC West Room 1424 or 866-299-3188, code 2023439563#

**Start:** Tue 9/16/2014 10:00 AM  
**End:** Tue 9/16/2014 11:00 AM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Rosnick, Reid  
**Required Attendees:** Rodman, Sonja; Stahle, Susan; Blake, Wendy; Peake, Tom; Schultheisz, Daniel; Nesky, Anthony; Perrin, Alan  
**Optional Attendees:** Edwards, Jonathan

Invitation modified to list conference room

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:52 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: EPA Subpart W Hearing Comments: Sept. 3

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:37 AM  
**To:** Collections.SubW  
**Subject:** FW: EPA Subpart W Hearing Comments: Sept. 3

---

**From:** Peake, Tom  
**Sent:** Monday, September 08, 2014 1:51 PM  
**To:** sarah@uraniumwatch.org  
**Cc:** Nesky, Anthony; Schultheisz, Daniel; Rosnick, Reid  
**Subject:** RE: EPA Subpart W Hearing Comments: Sept. 3

Ms. Fields,

Thank you for these comments and what you provided in your oral statements at the hearing. I am glad that you were able to attend. Don't worry about the comments for which you may not have the written notes; the oral comments will be available to us (and you) as part of the transcript once we put the transcript in the docket. If you have any supporting documentation you would like to provide us, you have until October 29, 2014.

Thank you again.

Tom Peake  
US EPA Radiation Protection Division  
Director, Center for Waste Management and Regulations  
phone: 202-343-9765

---

**From:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org) [<mailto:sarah@uraniumwatch.org>]  
**Sent:** Monday, September 08, 2014 1:39 PM  
**To:** Peake, Tom  
**Subject:** EPA Subpart W Hearing Comments: Sept. 3

Dear Mr. Peake,

Attached are written comments that I more or less made at the first session of the EPA Subpart W hearings in Denver on September 3. I did not have much in the way of written notes for the other statements I made after the first opportunity to speak.

Let me know if you have any questions. I have citations for statements re Cell 3 at White Mesa and Shootaring Canyon and Sweetwater Mills.

Sarah Fields  
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Uranium Watch  
PO Box 344  
Moab, Utah 84532  
435-260-8384  
[sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)

## Thornton, Marisa

---

**Subject:** Fw: Subpart W Stakeholder Conference Call  
**Location:** 866-299-3188, Code 2023439563#

**Start:** Thu 10/2/2014 11:00 AM  
**End:** Thu 10/2/2014 12:00 PM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Rosnick, Reid

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:40 AM  
**To:** Collections.SubW  
**Subject:** FW: Subpart W Stakeholder Conference Call  
**When:** Thursday, October 2, 2014 11:00 AM-12:00 PM.  
**Where:** 866-299-3188, Code 2023439563#

-----Original Appointment-----

**From:** Rosnick, Reid  
**Sent:** Tuesday, September 30, 2014 8:41 AM  
**To:** Stahle, Susan; Peake, Tom; Schultheisz, Daniel; Angelique Diaz  
**Subject:** Subpart W Stakeholder Conference Call  
**When:** Thursday, October 02, 2014 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** 866-299-3188, Code 2023439563#

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:51 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Contact, Office of General Counsel

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:40 AM  
**To:** Collections.SubW  
**Subject:** FW: Contact, Office of General Counsel

---

**From:** Rosnick, Reid  
**Sent:** Friday, September 26, 2014 10:48 AM  
**To:** 'Celene Hawkins'; Saldenha, Jasmine  
**Cc:** sclow@utemountain.org; H. Michael Keller; Stahle, Susan; Peake, Tom; Schultheisz, Daniel; Childers, Pat; Harrison, Jed; Cherepy, Andrea  
**Subject:** RE: Contact, Office of General Counsel

Hello Helene,

I believe the proper contact in OGC is Susan Stahle, (202) 564-1272 or [stahle.susan@epa.gov](mailto:stahle.susan@epa.gov) I've copied her on this note.

Reid

---

**From:** Celene Hawkins [<mailto:chawkins@utemountain.org>]  
**Sent:** Friday, September 26, 2014 10:44 AM  
**To:** Rosnick, Reid; Saldenha, Jasmine  
**Cc:** [sclow@utemountain.org](mailto:sclow@utemountain.org); H. Michael Keller  
**Subject:** Contact, Office of General Counsel

Dear Reid and Jasmine,

The attorneys for the Ute Mountain Ute Tribe would like to set up a time to talk to the Office of General Counsel (as Reid suggested to Scott Clow recently) about the Subpart W rulemaking and ongoing consultation efforts regarding the rulemaking. Could you please send me the contact information for the right person at the Office of General Counsel so we can set up a teleconference?

Best,  
Celene Hawkins  
Associate General Counsel  
Ute Mountain Ute Tribe  
(970) 564-5642  
(970) 739-5725 (cell)  
[chawkins@utemountain.org](mailto:chawkins@utemountain.org)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:51 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Possible Meeting Times

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:40 AM  
**To:** Collections.SubW  
**Subject:** FW: Possible Meeting Times

---

**From:** Rosnick, Reid  
**Sent:** Friday, September 26, 2014 10:36 AM  
**To:** Childers, Pat  
**Subject:** RE: Possible Meeting Times

Great, Thanks. I'll keep you posted.

---

**From:** Childers, Pat  
**Sent:** Friday, September 26, 2014 10:33 AM  
**To:** Rosnick, Reid  
**Subject:** RE: Possible Meeting Times

There was some back and forth with Janet earlier this week. If it becomes a go we should tie in Andrea Drinkard and I can tie in the region to help make it work.

Pat

---

**From:** Rosnick, Reid  
**Sent:** Friday, September 26, 2014 10:32 AM  
**To:** Childers, Pat  
**Subject:** RE: Possible Meeting Times

Yep. I checked with Jon Edwards and Alan Perrin, who checked with Mike yesterday.

---

**From:** Childers, Pat  
**Sent:** Friday, September 26, 2014 10:31 AM  
**To:** Rosnick, Reid  
**Subject:** RE: Possible Meeting Times

I don't know about Mike, but Janet expressed a willingness to make it work.

---

**From:** Rosnick, Reid  
**Sent:** Friday, September 26, 2014 10:29 AM  
**To:** Childers, Pat; Harrison, Jed

**Cc:** Cherepy, Andrea

**Subject:** FW: Possible Meeting Times

FYI

---

**From:** Rosnick, Reid

**Sent:** Friday, September 26, 2014 10:20 AM

**To:** 'Scott Clow'

**Cc:** Peake, Tom; Schultheisz, Daniel; Angelique Diaz; Celene Hawkins

**Subject:** Possible Meeting Times

Hi Scott,

I'm writing to confirm that Janet McCabe, the Acting Assistant Administrator for the Office of Air and Radiation, and Mike Flynn, the Director of the Office of Radiation and Indoor Air will be in Denver the week of October 19. Would you please let me know as soon as you can whether the Chairman will be in Denver that week, and if he is available to meet with Janet and Mike? If the Chairman wishes me to be available, I could possibly do so via video conferencing in the Region 8 office, or by teleconference.

Thanks, Scott. I look forward to hearing from you.

Reid

---

Reid J. Rosnick

US Environmental Protection Agency

Radiation Protection Division

202.343.9563

[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)



## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:51 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Possible Meeting Times

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:40 AM  
**To:** Collections.SubW  
**Subject:** FW: Possible Meeting Times

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**From:** Rosnick, Reid  
**Sent:** Friday, September 26, 2014 10:20 AM  
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**Cc:** Peake, Tom; Schultheisz, Daniel; Angelique Diaz; Celene Hawkins  
**Subject:** Possible Meeting Times

Hi Scott,

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Thanks, Scott. I look forward to hearing from you.

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:50 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Response to your e-mail of 10/14/09

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:44 AM  
**To:** Collections.SubW  
**Subject:** FW: Response to your e-mail of 10/14/09

---

**From:** Rosnick, Reid  
**Sent:** Friday, September 26, 2014 8:29 AM  
**To:** Peake, Tom; Schultheisz, Daniel  
**Subject:** FW: Response to your e-mail of 10/14/09

This is my response to Sharyn Cunningham and Paul Carestia waaaaay back in 2009, you know, the one to which they said I never responded. And I responded in a little over two weeks. I also sent this response to Region 8 for approval before I sent it to Paul, et al. I made it clear that this sampling method was NOT supported in Subpart W. I don't know if they ever used any of this.

Reid

---

**From:** Reid Rosnick [<mailto:Rosnick.Reid@epamail.epa.gov>]  
**Sent:** Friday, September 26, 2014 8:20 AM  
**To:** Rosnick, Reid  
**Subject:** Fw: Response to your e-mail of 10/14/09

---

Reid J. Rosnick  
Radiation Protection Division (6608J)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

----- Forwarded by Reid Rosnick/DC/USEPA/US on 09/26/2014 08:19 AM -----

From: Reid Rosnick/DC/USEPA/US  
To: [pdcarestia@aol.com](mailto:pdcarestia@aol.com),  
Cc: Sharyn Cunningham <[Sharyn@bresnan.net](mailto:Sharyn@bresnan.net)>, Angelique Diaz/R8/USEPA/US@EPA, Tom Peake/DC/USEPA/US@EPA  
Date: 10/30/2009 10:31 AM  
Subject: Response to your e-mail of 10/14/09

---

Paul,

I have reviewed the document you provided to me in your e-mail of 14 October 2009. The document was produced for Cotter by MFG, Inc, dated 20 May 2004 with the subject heading of Proposed Sampler Specific Radon Concentrations. You asked me to review the proposed approach and comment on three issues that you raised in your e-mail.

1. Sample sizes being used to calculate means and standard deviations.
2. Creation of a background radon measurement by taking the mean and adding 2 standard deviations to create average background
3. Not applying the same statistical approach to the downgradient radon samples.

Before I answer your questions, I am including a couple of caveats. In reviewing this information it is clear to me that it is not part of any sampling program for NESHAP Subpart W. I can only assume therefore that this is a program that has been proposed in conjunction with the facility's operating license. This program is administered by the Nuclear Regulatory Commission (NRC) unless that program is run by an Agreement State. The State of Colorado is an Agreement State, and I am unclear on exactly why this sampling program was proposed. Also, since the memo was produced in May 2004, it is unclear to me whether this proposed method was actually reviewed and/or approved for use. I would need to examine considerably more documentation before I could determine the usefulness of this proposed sampling program, and frankly, since it is not related to Subpart W, I do not have the time to explore it for further follow-up. I suggest that you continue to raise this issue with the Colorado Department of Public Health and Environment. I will, however, answer your questions in a general sense, as it relates to Subpart W.

Regarding sample size as it relates to calculation of means/standard deviations, NESHAP Subpart W requires in Method 115 a specific number of flux measurements for a tailings facility:

- Water saturated beaches – 100 flux measurements
- Loose and dry top surfaces – 100 flux measurements
- Sides – 100 flux measurements, unless soil is used in dam construction
- Water covered areas – no flux measurements

Although no background measurements are specified in this test, it is generally assumed that flux measurements will be on the order of 100 in order to be consistent with the downgradient measurements. One hundred samples produce a more normal distribution, and allows for greater confidence in the data. As you know, in general sample sizes of less than 30 do not usually produce results accurate to a specified confidence and margin of error unless the population is normally distributed. Further, the locations for determining background are assumed to be free of tailings, and are truly representative of existing natural background for radon.

In Subpart W, after the samples are collected, the mean radon flux from the pile shall be the arithmetic mean of the mean radon flux for each sector of the tailings pile. Addition of any number of standard deviations is not permitted. The number of samples required more than compensates for using problematical statistical methods. Further, the weather conditions, moisture content of the tailings, and the area of the pile covered by water must be delineated in the analysis, and must be chosen at the time of measurement to provide representative long-term radon flux.

Lastly for Subpart W, the mean of the radon flux samples is compared to the mean of the background samples. There are no methods used to compensate for lack of data, such as employing the standard deviation to background, and comparing it to just the mean of the downgradient data. If the resultant flux rate is greater than 20 pCi/m<sup>2</sup>/sec, the pile is in violation. I should mention that while we will possibly consider various alternatives to the sampling method utilized in Method 115, we will not be considering the use of alternate, unsupported or untenable statistical methods that gives the appearance of data treatment.

I hope this helps, as I stated earlier, I have responsibilities with Subpart W that are mandated by law, and I must concentrate my efforts to meet those deadlines. Thanks for the opportunity to have a look at the proposal.

Reid

---

Reid J. Rosnick  
Radiation Protection Division (6608J)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:50 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: ADD meeting

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:44 AM  
**To:** Collections.SubW  
**Subject:** FW: ADD meeting

---

**From:** Rosnick, Reid  
**Sent:** Thursday, September 25, 2014 7:24 AM  
**To:** Rosencrantz, Ingrid  
**Subject:** RE: ADD meeting

No, nothing yet. I'll keep you posted.

Reid

---

**From:** Rosencrantz, Ingrid  
**Sent:** Thursday, September 25, 2014 7:17 AM  
**To:** Rosnick, Reid  
**Subject:** Fwd: ADD meeting

Hey there,

I'm wondering if you have heard anything back from the Ute Mountain Ute Tribe on the meeting in Denver the Tribal Chairman is expected to attend? Thanks!

Ingrid

Sent from my iPhone

Begin forwarded message:

**From:** "Cherepy, Andrea" <[Cherepy.Andrea@epa.gov](mailto:Cherepy.Andrea@epa.gov)>  
**Date:** September 22, 2014 at 10:05:47 AM EDT  
**To:** "Rosnick, Reid" <[Rosnick.Reid@epa.gov](mailto:Rosnick.Reid@epa.gov)>  
**Cc:** "Rosencrantz, Ingrid" <[Rosencrantz.Ingrid@epa.gov](mailto:Rosencrantz.Ingrid@epa.gov)>  
**Subject:** ADD meeting

Reid,

It looks like the Fall Air Division Directors' meeting will take place in Denver from October 22 – 25.

Andrea

## Thornton, Marisa

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**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:50 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Follow up from Friday

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**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:46 AM  
**To:** Collections.SubW  
**Subject:** FW: Follow up from Friday

---

**From:** Rosnick, Reid  
**Sent:** Monday, September 22, 2014 10:14 AM  
**To:** sclow@utemountain.org  
**Subject:** Follow up from Friday

Hi Scott,

I just wanted to follow up from our talk on Friday. I know that my Assistant Administrator, Janet McCabe, will be in Denver October 22-25. Does that date coincide with your Tribal meeting in Denver? If not, please give me the dates the Chairman will be in Denver and we can try to get Janet's schedule to match it. Thanks

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

## Thornton, Marisa

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**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:52 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: EPA Subpart W Hearing Comments: Sept. 3  
**Attachments:** UWatch\_EPASubpartWHearing\_Comments.140904.doc

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**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:37 AM  
**To:** Collections.SubW  
**Subject:** FW: EPA Subpart W Hearing Comments: Sept. 3

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**From:** Peake, Tom  
**Sent:** Monday, September 08, 2014 1:53 PM  
**To:** Nesky, Anthony; Schultheisz, Daniel; Rosnick, Reid  
**Subject:** FW: EPA Subpart W Hearing Comments: Sept. 3

With the attachment.

---

**From:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org) [<mailto:sarah@uraniumwatch.org>]  
**Sent:** Monday, September 08, 2014 1:39 PM  
**To:** Peake, Tom  
**Subject:** EPA Subpart W Hearing Comments: Sept. 3

Dear Mr. Peake,

Attached are written comments that I more or less made at the first session of the EPA Subpart W hearings in Denver on September 3. I did not have much in the way of written notes for the other statements I made after the first opportunity to speak.

Let me know if you have any questions. I have citations for statements re Cell 3 at White Mesa and Shootaring Canyon and Sweetwater Mills.

Sarah Fields  
Program Director  
Uranium Watch  
PO Box 344  
Moab, Utah 84532  
435-260-8384  
[sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)



**EPA HEARING ON SUBPART W  
DENVER — SEPTEMBER 3 AND 4**

**URANIUM WATCH COMMENTS**

Below are written comments that were, generally, presented in the first session of the Environmental Protection Agency hearings on proposed changes to 40 C.F.R. Part 61 Subpart W on September 3, 2014, in Denver, Colorado. Uranium Watch will be submitting written comments with more detailed information on the issues below and other aspects of the proposed rule.

1. The Subpart W proposed rule is contained misleading, incomplete, and false information.
2. The EPA failed to place relevant documents on the Subpart W website.
3. The EPA sent letters to uranium mill licensees asking with questions about their mills and 11e.(2) byproduct material impoundments, but failed to send letters to the Sweetwater and Shootaring Canyon Mill licensees. The White Mesa Mill licensee failed to respond to the EPA May 2009 request for information.
4. The EPA's justifies the elimination of the radon emission standard for "existing" impoundments, including the monitoring and reporting requirement by various claims. The EPA claims that White Mesa Mill Cell 3 will close at the end of 2014. This is not true. Energy Fuels is keeping Cell 3 open to receive ISL waste because it cannot dispose of ISL waste in the new Cell 4A until more solid tailings have been disposed of in Cell 4A (so there is a base for the burial of the ISL waste) and until there is a license amendment authorizing disposal of ISL waste in Cell 4A. Also, there must be an approved radon closure plan and reclamation milestones for Cell 3 incorporated in the White Mesa Mill license for the cell to enter the closure period.

The EPA claims that both the Shootaring Canyon and Sweetwater impoundments comply with the requirements for "new" impoundments in 40 C.F.R. § 61.252(b). This is not true. The Shootaring Canyon impoundment does not have a synthetic liner, as the EPA claimed in the proposed rule. It has a clay liner. The Sweetwater impoundment is 60 acres, much larger than the required 40 acre impoundment.

5. The EPA should remember that Subpart W is an "emission" standard under the Clean Air Act. Yet, the EPA intends to completely eliminate any semblance of an emission limit for radon from operating uranium mills. Now there will only be design and work practice standards for conventional, ISL, and heap leach facilities. The proposed rule does not comply with the requirements of the Clean Air Act at Section 112(h). Section 112(h) states:

(h) WORK PRACTICE STANDARDS AND OTHER REQUIREMENTS.

(1) IN GENERAL.—For purposes of this section, if it is not feasible in the judgment of the Administrator to prescribe or enforce an emission standard for control of a hazardous air pollutant or pollutants, the Administrator may, in lieu thereof, promulgate a design, equipment, work practice, or operational standard, or combination thereof, which in the Administrator’s judgment is consistent with the provisions of subsection

For the purpose of this subsection, the phrase “not feasible to prescribe or enforce an emission standard” means any situation in which the Administrator determines that—

(B) the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.

What this means is that for the EPA to promulgate a design, equipment, work practice, or operational standard, or combination thereof, IN PLACE OF an emission standard for control of a hazardous air pollutant, the Administrator must find that it is not feasible to prescribe or enforce an emission standard. Not feasible would mean that “the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.”

The EPA Administrator has not made such a finding, nor could she make such a finding. The EPA didn’t even include a discussion of this requirement in the Subpart W rulemaking.

In sum: the EPA must have radon emissions limits for “existing” and “new” conventional, non-conventional, and heap leach impoundments.

6. The Evaporation Pond Risk Assessment at Table 2: Radon Flux for Various Radium Concentrations shows the radon flux from three conventional mills and the eight ISL facilities for radium concentrations of 1, 100, and 1,000 pCi/L. The Risk Assessment concludes, “The fluxes at the largest concentration, while below the criteria, are not negligible.” However, the largest concentration is not the actual concentration, it is the concentration per 1000 pCi/L. So, a pond with a concentration of 36,700 pCi/L would have a radon flux far in excess of the current 20 pCi/m<sup>2</sup>-sec criteria. The Risk Assessment should have, but did not, compare the actual radon flux for the various evaporation ponds

Table 2 fails to include, for comparison, the actual radium concentrations for the evaporation ponds at ISL and conventional mills. There is no data in the Subpart W Rulemaking Docket regarding the radium concentration in liquid impoundments at the Sweetwater and White Mesa Mills. So, information regarding the actual radon flux from those mills is completely disregarded by the EPA. Therefore, the EPA has no basis for the assumption that those emissions will be “very low” (what ever that means).

There is recent data regarding the radium concentration at the impoundments at the White Mesa Mill.<sup>1</sup> The White Mesa Mill 2013 Annual Tailings Wastewater Monitoring Report<sup>2</sup> provides data on the Gross Radium Alpha (pCi/L) for the liquids in 4 impoundments. Cell 1 is a liquid evaporation pond, Cell 4B is being used as a liquid impoundment, and Cell 3 and Cell 4A have a liquid pond on top of the more solid tailings. The information for Table 1 is based on the assumption provided by the EPA that a White Mesa liquid impoundment has a radon flux of 7.0 pCi/m<sup>2</sup>-sec for every 1,000 pCi/L of radium. Unfortunately, the EPA never required the White Mesa licensee to report on the radium content of the liquids in the tailings cells and calculate the radon flux based on those measurements.

Table. 1. White Mesa Mill Radium Concentration and Radon Flux for 2013.

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<sup>1</sup> [http://www.radiationcontrol.utah.gov/Uranium\\_Mills/denison/tailingswastewater\\_rpt.htm](http://www.radiationcontrol.utah.gov/Uranium_Mills/denison/tailingswastewater_rpt.htm)

<sup>2</sup> White Mesa Mill 2013 Annual Tailings Wastewater Monitoring Report; Groundwater Quality Discharge Permit, UGW370004, Energy Fuels Resources (USA) Inc., November 1, 2013. [http://www.radiationcontrol.utah.gov/Uranium\\_Mills/denison/docs/2013/dec/2013AnnualTailingsReportFinal.pdf](http://www.radiationcontrol.utah.gov/Uranium_Mills/denison/docs/2013/dec/2013AnnualTailingsReportFinal.pdf)

<b>Cell</b>	<b>Gross Radium Alpha</b>	<b>Radon Emissions</b>
Cell 1	32,700 pCi/L	228.9 pCi/m <sup>2</sup> -sec
Cell 3	81,900 pCi/L	573.3 pCi/m <sup>2</sup> -sec
Cell 4A	15,800 pCi/L	110.6 pCi/m <sup>2</sup> -sec
Cell 4B	14,600 pCi/L	102.2 pCi/m <sup>2</sup> -sec

The data for White Mesa Mill liquid impoundments does not support the EPA's claim that radon emissions from evaporation ponds "will be expected to be very low" and "the chance of radon emissions is small." In fact, at the White Mesa Mill, the radon emissions are very high. Yet the EPA does not consider these emissions when determining compliance with the current radon emission standard for "existing" impoundments. In 2013, that was Cells 3 and 2.

Sarah Fields  
Program Director  
Uranium Watch  
PO Box 344  
Moab, Utah 84532  
435-260-8384  
sarah@uraniumwatch.org

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:52 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Update to Subpart W Page after the hearings

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**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:37 AM  
**To:** Collections.SubW  
**Subject:** FW: Update to Subpart W Page after the hearings

---

**From:** Thornton, Marisa  
**Sent:** Tuesday, September 09, 2014 8:44 AM  
**To:** Nesky, Anthony; Romero, Carmen  
**Cc:** Rosnick, Reid; Herrenbruck, Glenna  
**Subject:** RE: Update to Subpart W Page after the hearings

Done - <http://epastage.epa.gov/staging1/rpd/neshaps/subpartw/rulemaking-activity.html#hearing>

---

**From:** Nesky, Anthony  
**Sent:** Monday, September 08, 2014 2:52 PM  
**To:** Thornton, Marisa; Romero, Carmen  
**Cc:** Rosnick, Reid; Herrenbruck, Glenna  
**Subject:** Update to Subpart W Page after the hearings

Dear Carmen and Marisa:

Given that we have completed the hearings, we now have to update the Subpart W page:

<http://www.epa.gov/radiation/neshaps/subpartw/rulemaking-activity.html>

Please update the Public Hearing Section as follows, and post to the test server.

## PUBLIC HEARINGS

In response to a number of requests, EPA held a public hearing September 3 and 4, 2014, at the EPA Region 8 Office in Denver, Colorado. During the public hearing, members of the public made oral presentations of data, views or arguments about the proposed revisions to Subpart W. The comments made during the hearing will be included in the rulemaking Docket. Note: Participation or attendance at a public hearing is not necessary to comment on this proposed rulemaking. EPA also welcomes [written comments](#).

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:52 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Subpart W Docket Submission  
**Attachments:** UMUConsultationNotes.docx

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:34 AM  
**To:** Collections.SubW  
**Subject:** FW: Subpart W Docket Submission

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**From:** Rosnick, Reid  
**Sent:** Tuesday, September 02, 2014 8:38 AM  
**To:** Miller, Beth  
**Subject:** Subpart W Docket Submission

Hi Beth,

Can you please place the attachment in the Subpart W docket? Call it Ute Mountain Ute/EPA Consultation Notes. Thanks

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

**Ute Mountain Ute/EPA Consultation Re: Subpart W Rulemaking  
July 10, 2014- Towaoc, CO and Washington, DC**

Attendees

NAME	AFFILIATION
Manual Heart	Ute Mountain Ute – Chairman
Priscilla BlackHawk Rentz	Ute Mountain Ute – Secretary
Deanne Wall	Ute Mountain Ute – Council Woman
Celene Hawkins	Ute Mountain Ute – General Counsel’s Office
Scott Clow	Ute Mountain Ute – Environmental Programs
Michael King	Ute Mountain Ute – Environmental Programs
Colin Larrick	Ute Mountain Ute – Environmental Programs
Tomoe Natori	Ute Mountain Ute – Environmental Programs
H. Michael Keller	Ute Mountain Ute – Utah Legal Counsel (VanCott firm)
Reid Rosnick	U.S. EPA Office of Radiation and Indoor Air (by phone)
Mike Flynn	U.S. EPA Office of Radiation and Indoor Air (by phone)
Jonathan Edwards	U.S. EPA Office of Radiation and Indoor Air (by phone)
Tom Peake	U.S. EPA Office of Radiation and Indoor Air (by phone)
Ingrid Rosencrantz	U.S. EPA Office of Radiation and Indoor Air (by phone)
Jed Harrison	U.S. EPA Office of Radiation and Indoor Air (by phone)
Pat Childers	U.S. EPA Office of Air and Radiation (by phone)
Alfreda Mitre	U.S. EPA Region 8 Tribal Assistance Program/Senior Policy Advisor
Deb Thomas	U.S. EPA Region 8 Office of Partnerships and Regulatory Affairs
Angelique Diaz	U.S. EPA Region 8 Air Program
Art Palomares	U.S. EPA Region 8 Water Enforcement Program (by phone)
Paul Logan	U.S. EPA Region 8 Office of Regional Counsel (by phone)

Over the course of the meeting the Tribe and the Agency held discussions on issues related to the Subpart W rulemaking. The issues centered on radon emissions from evaporation ponds, liner requirements for conventional mills and potential for radon emissions in the impoundments during the active life of the impoundments. The Tribe and the Agency agreed to meet again, at a later date, to have further discussions on these issues.

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:53 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Follow-Up Tribal Letter  
**Attachments:** Gina McCarthy Letter Second Meeting Request.pdf

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:34 AM  
**To:** Collections.SubW  
**Subject:** FW: Follow-Up Tribal Letter

---

**From:** Rosnick, Reid  
**Sent:** Tuesday, September 02, 2014 6:33 AM  
**To:** Edwards, Jonathan; Perrin, Alan  
**Cc:** Peake, Tom; Schultheisz, Daniel; Diaz, Angelique  
**Subject:** FW: Follow-Up Tribal Letter

All,

In case you were not aware, the Tribe has sent another letter, attached, asking for a second consultation.

Reid

---

**From:** Childers, Pat  
**Sent:** Friday, August 29, 2014 1:22 PM  
**To:** Rosnick, Reid; Harrison, Jed; Flynn, Mike  
**Subject:** FW: Follow-Up Tribal Letter

Here ya go. Its pretty basic language.

---

**From:** Scott Clow [<mailto:sclow@utemountain.org>]  
**Sent:** Friday, August 29, 2014 1:17 PM  
**To:** Childers, Pat  
**Subject:** RE: Follow-Up Tribal Letter

Here is the letter that was FedEx'd to the Administrator this week. We are going to send the hard copies and electronic copies to the copy list on Tuesday.

---

**From:** Childers, Pat [<mailto:Childers.Pat@epa.gov>]  
**Sent:** Friday, August 29, 2014 10:28 AM  
**To:** Scott Clow  
**Subject:** FW: Follow-Up Tribal Letter





# UTE MOUNTAIN UTE TRIBE

P.O. Box 248  
Towaoc, Colorado 81334-0248  
(970) 565-3751

August 22, 2014

Ms. Gina McCarthy  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**RE: Government-to-Government Consultation between EPA and the Ute Mountain Ute Tribe, Second Meeting Request**

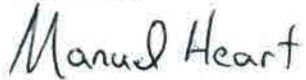
Dear Administrator McCarthy:

On July 10, 2014, the EPA held the first government-to-government consultation meeting with the Ute Mountain Ute Tribe (Tribe) regarding the NESHAPS Subpart W rulemaking. The Tribe was pleased to have this initial opportunity to consult with your agency regarding the NESHAPS Subpart W rulemaking. During the meeting, the Tribe emphasized to the EPA that, due to the complexity of the issues and questions presented during the consultation meeting and the fact that the EPA was not prepared to answer all the Tribe's questions at that time, additional consultation meetings would be necessary during the public comment period for this rulemaking. I am now formally requesting that the EPA hold a second consultation meeting with the Tribe on the NESHAPS Subpart W rulemaking at least three weeks in advance of the close of the public comment period.

During the July 10, 2014 meeting, the Tribe also requested that future consultation meetings on this rulemaking allow in-person discussion between the Tribe and staff from the EPA Headquarters office. We appreciated that three EPA employees from Region 8 (Deb Thomas, Alfreda Mitre, and Angelique Diaz) attended the July 10, 2014 consultation meeting in person, but we believe that it is important that we be able to communicate directly, and in person, with representatives from the EPA Headquarters office (including the EPA lead for the rulemaking, Reid Rosnick) who have the authority and the responsibility to make decisions regarding the NESHAPS Subpart W rulemaking. We understand that Mr. Rosnick may have certain health-related limitations on travel during the public comment period, and the Tribe can offer to have certain Tribal staff and leadership travel to accommodate this in-person meeting.

Please contact Scott Clow, Environmental Programs Department Director, at (970) 564-5432 or [sclow@utemountain.org](mailto:sclow@utemountain.org) or Celene Hawkins, Associate General Counsel, at (970) 564-5642 or [chawkins@utemountain.org](mailto:chawkins@utemountain.org) to set the second consultation meeting regarding the NESHAPS Subpart W rulemaking.

Sincerely,



Manuel Heart  
Chairman  
Ute Mountain Ute Tribe

Cc: Tribal Council  
Peter Ortego, General Counsel, Ute Mountain Ute Tribe  
Celene Hawkins, Associate General Counsel, Ute Mountain Ute Tribe  
H. Michael Keller, Special Counsel, Ute Mountain Ute Tribe  
Scott Clow, Environmental Programs Director, Ute Mountain Ute Tribe  
JoAnne Chase, Director, American Indian Environmental Office, U.S. EPA  
Shaun McGrath, Regional Administrator, U.S. EPA, Region 8  
Dr. Yvette Roubideaux, Director, Indian Health Services  
Kevin Washburn, Assistant Secretary, Indian Affairs

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:53 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Subpart W Docket Submission

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:33 AM  
**To:** Collections.SubW  
**Subject:** FW: Subpart W Docket Submission

---

**From:** Rosnick, Reid  
**Sent:** Tuesday, September 02, 2014 9:11 AM  
**To:** Miller, Beth  
**Subject:** RE: Subpart W Docket Submission

Thank you!

---

**From:** Miller, Beth  
**Sent:** Tuesday, September 02, 2014 9:10 AM  
**To:** Rosnick, Reid  
**Subject:** RE: Subpart W Docket Submission

Done

# Success!

You have created a new document with the following a

**Docket ID:** [EPA-HQ-OAR-2008-0218](#)

**Document ID:** [EPA-HQ-OAR-2008-0218-DRAFT-0143](#)

**Title:** Ute Mountain Ute/EPA Consultation Notes

**Document Type:** SUPPORTING & RELATED MATERIALS

**Status:** Metadata\_Ready



Please consider the environment before printing this e-mail.

*Beth Miller*  
**202-343-9223**

---

**From:** Rosnick, Reid  
**Sent:** Tuesday, September 02, 2014 8:38 AM  
**To:** Miller, Beth  
**Subject:** Subpart W Docket Submission

Hi Beth,

Can you please place the attachment in the Subpart W docket? Call it Ute Mountain Ute/EPA Consultation Notes. Thanks

Reid

---

Reid J. Rosnick  
US Environmental Protection Agency  
Radiation Protection Division  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:53 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Hearing Registration as of September 2, 2014 9:50 am  
**Attachments:** TO-36 Registration as of 9.2.14 950am.xlsx

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**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:33 AM  
**To:** Collections.SubW  
**Subject:** FW: Hearing Registration as of September 2, 2014 9:50 am

---

**From:** Tracy, Lee-Ann [mailto:Lee-Ann\_Tracy@sra.com]  
**Sent:** Tuesday, September 02, 2014 10:41 AM  
**To:** Nesky, Anthony  
**Cc:** Apostolico, Mary; Trulove-Cranor, Whitney; Rosnick, Reid; Diaz, Angelique  
**Subject:** Hearing Registration as of September 2, 2014 9:50 am

Tony,

Here are the latest stats for the hearing registration.

Hearing Registrations as of September 2, 2014			
Session	No. of Registrations	No. of Speakers	Arrival Times
Sep. 3, 9-12	18	6	2@8:30; 3@9:00; 1@10:00
Sep 3, 1-5	14	1	1:00
Sep. 4, 9-12	16	5	3@9:00; 1@9-12:00; 1 TBD
Sept 4, 1-4	19	6	1@9:00; 2@1:00; 1@2:00; 2@3:30

There are 28 unique individuals who have registered for the hearings. Most are attending multiple sessions. All new registrants/speakers since the 8/26/14 report are highlighted in yellow in the attached report. There are 5 additional attendees and 3 additional speakers since the previous report.

Thanks,  
Lee-Ann Tracy  
SRA International, Inc.  
3434 Washington Boulevard  
Arlington, VA 22201  
703.284.5056

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Last Name	First Name	Email	Ticket Type	Contact Ad	Who are you	Which of the	Do you wish	At which o
Brozowski	George	brozowski@	Subpart W	1445 Ross	EPA R6		No	
Paulson	Oscar	oscar.pauls	Subpart W	P.O. Box 15	Kennecott Uranium	Cc	Yes	September
Paulson	Oscar	oscar.pauls	Subpart W	P.O. Box 15	Kennecott Uranium	Cc	Yes	September
Paulson	Oscar	oscar.pauls	Subpart W	P.O. Box 15	Kennecott Uranium	Cc	Yes	September
Paulson	Oscar	oscar.pauls	Subpart W	P.O. Box 15	Kennecott Uranium	Cc	Yes	September
Filas	Frank	ffilas@ene	Subpart W	225 Union	Energy Fuels	Resource	Yes	September
Bakken	Scott	SBakken@	Subpart W	225 Union	Energy Fuels	Resource	Yes	September
Morrison	Kimberly	kmorrison@	Subpart W	225 S Unio	Energy Fuels	Resource	Yes	September
Morrison	Kimberly	kmorrison@	Subpart W	225 S Unio	Energy Fuels	Resource	Yes	September
Schmuck	John	imaschmuc	Subpart W	2095 Hoyt	Private Party		No	
Schmuck	John	imaschmuc	Subpart W	2095 Hoyt	Private Party		No	
Schmuck	John	imaschmuc	Subpart W	2095 Hoyt	Private Party		No	
Schmuck	John	imaschmuc	Subpart W	2095 Hoyt	Private Party		No	
Johnson	Thomas	tj@colosta	Subpart W	CSU/ERHS	Self		Yes	September
Liles	Darrell	dliles@sen	Subpart W	8310 Soutt	SENES Consultants		Yes	September
Johnson	Janet	janetj@soç	Subpart W	1001 Paint	Sopris Environmental		No	
Johnson	Janet	janetj@soç	Subpart W	1001 Paint	Sopris Environmental		No	
Little	Craig	craig@2lin	Subpart W	896 Overvi	Two Lines, Inc.		No	
Little	Craig	craig@2lin	Subpart W	896 Overvi	Two Lines, Inc.		No	
brown	steven	sbrown@s	Subpart W	8310 S vall	SENES Consultants		Yes	September
brown	steven	sbrown@s	Subpart W	8310 S vall	SENES Consultants		Yes	September
brown	steven	sbrown@s	Subpart W	8310 S vall	SENES Consultants		Yes	September
brown	steven	sbrown@s	Subpart W	8310 S vall	SENES Consultants		Yes	September
Chambers	Douglas	dchambers	Subpart W	8310 S, Val	SENES Consultants		Yes	September
Chambers	Douglas	dchambers	Subpart W	8310 S, Val	SENES Consultants		Yes	September
Chambers	Douglas	dchambers	Subpart W	8310 S, Val	SENES Consultants		Yes	September
Chambers	Douglas	dchambers	Subpart W	8310 S, Val	SENES Consultants		Yes	September
Tischler	Jo Ann	jtischler@s	Subpart W	8310 Sout	Arcadis SENES Consult		No	
Tischler	Jo Ann	jtischler@s	Subpart W	8310 Sout	Arcadis SENES Consult		No	
Tischler	Jo Ann	jtischler@s	Subpart W	8310 Sout	Arcadis SENES Consult		No	
Tischler	Jo Ann	jtischler@s	Subpart W	8310 Sout	Arcadis SENES Consult		No	
Cash	John	john.cash@	Subpart W	5880 Enter	Ur-Energy USA, Inc.		Yes	September
Pugsley	Christopher	cpugsley@	Subpart W	1225 19th	National Mining Assoc		No	
Pugsley	Christopher	cpugsley@	Subpart W	1225 19th	National Mining Assoc		No	
Pugsley	Christopher	cpugsley@	Subpart W	1225 19th	National Mining Assoc		No	
Pugsley	Christopher	cpugsley@	Subpart W	1225 19th	National Mining Assoc		No	
Sweeney	Katie	ksweeney@	Subpart W	101 Consti	National Mining Assoc		Yes	September
Sweeney	Katie	ksweeney@	Subpart W	101 Consti	National Mining Assoc		Yes	September
Sweeney	Katie	ksweeney@	Subpart W	101 Consti	National Mining Assoc		Yes	September
Sweeney	Katie	ksweeney@	Subpart W	101 Consti	National Mining Assoc		Yes	September
thompson	anthony	ajthompso	Subpart W	1225-- 19th	nma		Yes	September
thompson	anthony	ajthompso	Subpart W	1225-- 19th	nma		Yes	September
thompson	anthony	ajthompso	Subpart W	1225-- 19th	nma		Yes	September
thompson	anthony	ajthompso	Subpart W	1225-- 19th	nma		Yes	September
Frydenlunc	David	dfrydenlun	Subpart W	225 Union	Energy Fuels Inc.		No	
Kolkman	Dawn	dkolkman@	Subpart W	PO Box 508	Uranerz Energy Corpor		No	

Kolkman	Dawn	dkolkman@Subpart W PO Box 508 Uranerz Energy Corpora	No	
Kolkman	Dawn	dkolkman@Subpart W PO Box 508 Uranerz Energy Corpora	No	
Kolkman	Dawn	dkolkman@Subpart W PO Box 508 Uranerz Energy Corpora	No	
Fields	Sarah	sarah@ura Subpart W PO Box 344 Uranium Watch	Yes	September
English	Becky	beckyrep@Subpart W 819 S. Willi Sierra Club	Yes	September
Seeman	Joan	joanseem@Subpart W 6654 S. Bu Sierra Club	Yes	September
Blubaugh	Richard	rblubaugh@Subpart W 5575 DTC F Powertech (USA) Inc.	Yes	September
Hawkle	Kay	khawkle@Subpart W 1739 Frem myself	Yes	September
Hawkle	Kay	khawkle@Subpart W 1739 Frem myself	Yes	September
Hawkle	Kay	khawkle@Subpart W 1739 Frem myself	Yes	September
Hawkle	Kay	khawkle@Subpart W 1739 Frem myself	Yes	September
Stills	Travis	stills@fron Subpart W stills@fron Clients, including Colo	Yes	September
Stills	Travis	stills@fron Subpart W stills@fron Clients, including Colo	Yes	September
Stills	Travis	stills@fron Subpart W stills@fron Clients, including Colo	Yes	September
Stills	Travis	stills@fron Subpart W stills@fron Clients, including Colo	Yes	September
Garren	Karoline	karoline.ga Subpart W 3161 Madi: University of Colorado No		
Cain	Jim	jim.cain@c Subpart W PO Box 175 Cotter Corporation	No	
Cunningha	Sharyn	sharyn@br Subpart W PO Bx 964, Colorado Citizens Agai	Yes	September
Cunningha	Sharyn	sharyn@br Subpart W PO Bx 964, Colorado Citizens Agai	Yes	September
Cunningha	Sharyn	sharyn@br Subpart W PO Bx 964, Colorado Citizens Agai	Yes	September
Cunningha	Sharyn	sharyn@br Subpart W PO Bx 964, Colorado Citizens Agai	Yes	September

**Speakers v All remark: What time What time Do you hav Please describe your special needs.**

	No
3 9:00 AM - 12:00 PM 9:00 a.m.	No
3 9:00 AM - 12:00 PM 9:00 a.m.	No
3 9:00 AM - 12:00 PM 9:00 a.m.	No
3 9:00 AM - 12:00 PM 9:00 a.m.	No
3 9:00 AM - 12:00 PM 9AM September 3	No
4 9:00 AM - 12:00 PM 9:00 am to 12:00 pm	No
3 1:00 PM - 4:00 PM N 1 pm	No
3 1:00 PM - 4:00 PM N 1 pm	No
	No
	No
	No
	No
	No
3 9:00 AM - 12:00 PM 0830	No
4 1:00 PM - 4:00 PM N 2 PM	No
	No
	No
	No
	No
4 9:00 AM - 12:00 PM 9 AM	No
4 9:00 AM - 12:00 PM 9 AM	No
4 9:00 AM - 12:00 PM 9 AM	No
4 9:00 AM - 12:00 PM 9 AM	No
4 9:00 AM - 12:00 PM 9 AM	No
4 9:00 AM - 12:00 PM 9 AM	No
4 9:00 AM - 12:00 PM 9 AM	No
4 9:00 AM - 12:00 PM 9 AM	No
	No
	No
	No
	No
	No
4 1:00 PM - 4:00 PM N 1:00 p.m.	No
	No
	No
	No
	No
	No
3 9:00 AM - 12:00 PM 9 a.m.	No
3 9:00 AM - 12:00 PM 9 a.m.	No
3 9:00 AM - 12:00 PM 9 a.m.	No
3 9:00 AM - 12:00 PM 9 a.m.	No
3 9:00 AM - 12:00 PM 8:30 am	No
3 9:00 AM - 12:00 PM 8:30 am	No
3 9:00 AM - 12:00 PM 8:30 am	No
3 9:00 AM - 12:00 PM 8:30 am	No
	No
	No



	No
	No
	No
3 9:00 AM - 12:00 PM 10:00	No
4 1:00 PM - 4:00 PM N 3:30 pm	No
4 1:00 PM - 4:00 PM N 3:30 pm	No
4 9:00 AM - 12:00 PM 9:00 am	No
4 1:00 PM - 4:00 PM N 1:00 pm	No
4 1:00 PM - 4:00 PM N 1:00 pm	No
4 1:00 PM - 4:00 PM N 1:00 pm	No
4 1:00 PM - 4:00 PM N 1:00 pm	No
4 9:00 AM - 12:00 PM Date and Time to Be D	No
4 9:00 AM - 12:00 PM Date and Time to Be D	No
4 9:00 AM - 12:00 PM Date and Time to Be D	No
4 9:00 AM - 12:00 PM Date and Time to Be D	No
	No
	No
4 1:00 PM - 4:00 PM N 9am	No
4 1:00 PM - 4:00 PM N 9am	No
4 1:00 PM - 4:00 PM N 9am	No
4 1:00 PM - 4:00 PM N 9am	No

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:53 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Final Hearing Registrations as of 8/29/14  
**Attachments:** finalregistration-numbers8-28.xlsx; Registration by Hearing Session.docx

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:33 AM  
**To:** Collections.SubW  
**Subject:** FW: Final Hearing Registrations as of 8/29/14

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, September 02, 2014 10:42 AM  
**To:** Trulove-Cranor, Whitney; Rosnick, Reid; Peake, Tom; Schultheisz, Daniel; Sutin, Elyana; Doris, Grace; Diaz, Angelique  
**Cc:** Apostolico, Mary; Nesky, Anthony  
**Subject:** Final Hearing Registrations as of 8/29/14

### Hearing Registrations as of August 29, 2014

Session	No. of Registrations	No. of Speakers
Sep. 3, 9-12	18	6
Sep 3, 1-5	13	1
Sep. 4, 9-12	16	4
Sept 4, 1-4	19	6

There are 30 unique individuals who have registered for the hearings. Details are in the attached spreadsheet. Also attached is a Word document with the names of attendees and speakers by session.

You can reach me today on my cell phone at 703-403-7014.

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

Last Name	First Name	Email
Bakken	Scott	SBakken@energyfuels.com
Blubaugh	Richard	rblubaugh@POWERTECHURANIUM.COM
brown	steven	sbrown@senesusa.com
Cain	Jim	jim.cain@cotterusa.com
Cash	John	john.cash@ur-energy.com
Chambers	Douglas	dchambers@senes.ca
Chambers	Douglas	dchambers@senes.ca
Cunningham	Sharyn	sharyn@bresnan.net
English	Becky	beckyrep@gmail.com
Fields	Sarah	sarah@uraniumwatch.org
Filas	Frank	ffilas@energyfuels.com
Frydenlund	David	dfrydenlund@energyfuels.com
Garren	Karoline	karoline.garren@colorado.edu
Hawklee	Kay	khawklee@aol.com
Hawklee	Kay	khawklee@aol.com
Johnson	Thomas	tj@colostate.edu
Johnson	Janet	janetj@sopris.net
Kolkman	Dawn	dkolkman@uranerz.com
Liles	Darrell	dliles@senesusa.com
Little	Craig	craig@2linesinc.com
Morrison	Kimberly	kmorrison@energyfuels.com
Paulson	Oscar	oscar.paulson@riotinto.com
Pugsley	Christopher	cpugsley@athompsonlaw.com
Schmuck	John	imaschmuck@fastmail.fm
Seeman	Joan	joanseem@msn.com
Stills	Travis	stills@frontier.net
Sweeney	Katie	ksweeney@nma.org
thompson	anthony	ajthompson@athompsonlaw.com
thompson	anthony	ajthompson@athompsonlaw.com
Tischler	Jo Ann	jtischler@senesusa.com

Contact Address

225 Union Blvd, Ste 600, Lakewood, CO 80228  
5575 DTC Parkway, Ste. 140, Greenwood Village, CO 80111  
8310 S valley Highway # 135, Englewood, Co 80112  
PO Box 1750 Canon City, CO 81215  
5880 Enterprise Dr., Suite 200, Casper, WY 82609  
8310 S, Valley Highway # 135  
8310 S, Valley Highway # 135  
PO Bx 964, Canon City, CO 81215  
819 S. Williams St  
PO Box 344, Moab, Utah 84532  
225 Union Blvd., Suite 600, Lakewood, CO 80228  
225 Union Blvd., Suite 600, Lakewood, CO 80228  
3161 Madison Ave. P422 Boulder CO 80303  
1739 Fremont County Rd 21A  
1739 Fremont County Rd 21A  
CSU/ERHS 1618 Campus Delivery Fort Collins CO  
1001 Painted Lady Lane  
PO Box 50850  
8310 South Valley Highway Suite 135 Englewood CO 80112  
896 Overview Rd., Grand Junction, CO 81506  
225 S Union Blvd, Lakewood, CO 80228  
P.O. Box 1500 Rawlins, Wyoming 82301  
1225 19th Street, NW, Suite 300, Washington, DC 20036  
2095 Hoyt Street Lakewood Colorado 80215  
6654 S. Buffalo Dr. Littleton, CO  
stills@frontier.net  
101 Constitution Ave, NW Washington DC 20001  
1225-- 19th st. wash, dc 20036  
1225-- 19th st. wash, dc 20036  
8310 South Valley Highway, Englewood, CO 80112

Who are you representing?

Energy Fuels Resources (USA) Inc.

Powertech (USA) Inc.

SENES Consultants

Cotter Corporation

Ur-Energy USA, Inc.

SENES Consultants

SENES Consultants

Colorado Citizens Against ToxicWaste, Inc.

Sierra Club

Uranium Watch

Energy Fuels Resources

Energy Fuels Inc.

University of Colorado Natural Resources Clinic

myself

myself

Self

Sopris Environmental

Uranerz Energy Corporation

Two Lines, Inc.

Energy Fuels Resources (USA), Inc.

Kennecott Uranium Company

National Mining Association

Private Party

Sierra Club

Clients, including Colorado Citizens Against ToxicWaste

National Mining Association

nma

nma

Arcadis SENES Consultants, Inc.

## Registration by Hearing Session

<b>Last Name</b>	<b>First Name</b>	<b>Who are you representing?</b>	<b>Speaker</b>	<b>Arrival Time</b>
<i>Session 1, 9/3/14, 9-12</i>				
Fields	Sarah	Uranium Watch	X	10
Filas	Frank	Energy Fuels Resources	X	9
Johnson	Thomas	Self	X	08:30
Paulson	Oscar	Kennecott Uranium Company	X	9:00
Sweeney	Katie	National Mining Association	X	9
Thompson	Anthony	NMA	X	8:30
Brown	Steven	SENES Consultants		
Cain	Jim	Cotter Corporation		
Chambers	Douglas	SENES Consultants		
Cunningham	Sharyn	Colorado Citizens Against ToxicWaste, Inc. University of Colorado Natural Resources		
Garren	Karoline	Clinic		
Hawklee	Kay	Self		
Kolkman	Dawn	Uranerz Energy Corporation		
Morrison	Kimberly	Energy Fuels Resources (USA), Inc.		
Pugsley	Christopher	National Mining Association		
Schmuck	John	Private Party		
Stills	Travis	Clients, including Colorado Citizens Against ToxicWaste		
Tischler	Jo Ann	Arcadis SENES Consultants, Inc.		
<i>Session 2, 9/3/14, 1-5</i>				
Morrison	Kimberly	Energy Fuels Resources (USA), Inc.	X	1
Brown	Steven	SENES Consultants		
Chambers	Douglas	SENES Consultants		
Cunningham	Sharyn	Colorado Citizens Against ToxicWaste, Inc.		
Hawklee	Kay	Self		
Kolkman	Dawn	Uranerz Energy Corporation		
Paulson	Oscar	Kennecott Uranium Company		
Pugsley	Christopher	National Mining Association		
Schmuck	John	Private Party		
Stills	Travis	Clients, including Colorado Citizens Against ToxicWaste		
Sweeney	Katie	National Mining Association		
Thompson	Anthony	NMA		
Tischler	Jo Ann	Arcadis SENES Consultants, Inc.		

**Session 3, 9/4/14, 9-12 AM**

Bakken	Scott	Energy Fuels Resources (USA) Inc.	X	9
Blubaugh	Richard	Powertech (USA) Inc.	X	9
Brown	Steven	SENES Consultants	X	9
Chambers	Douglas	SENES Consultants	X	9
Stills	Travis	Clients, including Colorado Citizens Against ToxicWaste	X	TBD
Cunningham	Sharyn	Colorado Citizens Against ToxicWaste, Inc.		
Hawklee	Kay	Self		
Johnson	Janet	Sopris Environmental		
Kolkman	Dawn	Uranerz Energy Corporation		
Little	Craig	Two Lines, Inc.		
Paulson	Oscar	Kennecott Uranium Company		
Pugsley	Christophe r	National Mining Association		
Schmuck	John	Private Party		
Sweeney	Katie	National Mining Association		
Thompson	Anthony	NMA		
Tischler	Jo Ann	Arcadis SENES Consultants, Inc.		

**Session 4, 9/4/14, 1-5 PM**

Cash	John	Ur-Energy USA, Inc.	X	1:00
Cunningham	Sharyn	Colorado Citizens Against ToxicWaste, Inc.	X	9
English	Becky	Sierra Club	X	3:30
Hawklee	Kay	myself	X	1:00
Liles	Darrell	SENES Consultants	X	2 PM
Seeman	Joan	Sierra Club	X	3:30
brown	steven	SENES Consultants		
Chambers	Douglas	SENES Consultants		
Frydenlund	David	Energy Fuels Inc.		
Johnson	Janet	Sopris Environmental		
Kolkman	Dawn	Uranerz Energy Corporation		
Little	Craig	Two Lines, Inc.		
Paulson	Oscar	Kennecott Uranium Company		
Pugsley	Christophe r	National Mining Association		
Schmuck	John	Private Party		
Stills	Travis	Clients, including Colorado Citizens Against ToxicWaste		
Sweeney	Katie	National Mining Association		
Thompson	Anthony	NMA		
Tischler	Jo Ann	Arcadis SENES Consultants, Inc.		

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:53 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Final Hearing Registrations as of 8/29/14  
**Attachments:** finalregistration-numbers8-28.xlsx; Registration by Hearing Session.docx

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:32 AM  
**To:** Collections.SubW  
**Subject:** FW: Final Hearing Registrations as of 8/29/14

---

**From:** Rosnick, Reid  
**Sent:** Tuesday, September 02, 2014 10:46 AM  
**To:** Perrin, Alan  
**Subject:** FW: Final Hearing Registrations as of 8/29/14

Alan,

Attached is the final registration numbers for the hearings. Of course, walk ins will be accepted.

Reid

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, September 02, 2014 10:42 AM  
**To:** Trulove-Cranor, Whitney; Rosnick, Reid; Peake, Tom; Schultheisz, Daniel; Sutin, Elyana; Doris, Grace; Diaz, Angelique  
**Cc:** Apostolico, Mary; Nesky, Anthony  
**Subject:** Final Hearing Registrations as of 8/29/14

### Hearing Registrations as of August 29, 2014

Session	No. of Registrations	No. of Speakers
Sep. 3, 9-12	18	6
Sep 3, 1-5	13	1
Sep. 4, 9-12	16	4
Sept 4, 1-4	19	6

There are 30 unique individuals who have registered for the hearings. Details are in the attached spreadsheet. Also attached is a Word document with the names of attendees and speakers by session.

You can reach me today on my cell phone at 703-403-7014.

Tony Nesky



Center for Radiation Information and Outreach

Tel: 202-343-9597

[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

Last Name	First Name	Email
Bakken	Scott	SBakken@energyfuels.com
Blubaugh	Richard	rblubaugh@POWERTECHURANIUM.COM
brown	steven	sbrown@senesusa.com
Cain	Jim	jim.cain@cotterusa.com
Cash	John	john.cash@ur-energy.com
Chambers	Douglas	dchambers@senes.ca
Chambers	Douglas	dchambers@senes.ca
Cunningham	Sharyn	sharyn@bresnan.net
English	Becky	beckyrep@gmail.com
Fields	Sarah	sarah@uraniumwatch.org
Filas	Frank	ffilas@energyfuels.com
Frydenlund	David	dfrydenlund@energyfuels.com
Garren	Karoline	karoline.garren@colorado.edu
Hawklee	Kay	khawklee@aol.com
Hawklee	Kay	khawklee@aol.com
Johnson	Thomas	tj@colostate.edu
Johnson	Janet	janetj@sopris.net
Kolkman	Dawn	dkolkman@uranerz.com
Liles	Darrell	dliles@senesusa.com
Little	Craig	craig@2linesinc.com
Morrison	Kimberly	kmorrison@energyfuels.com
Paulson	Oscar	oscar.paulson@riotinto.com
Pugsley	Christopher	cpugsley@athompsonlaw.com
Schmuck	John	imaschmuck@fastmail.fm
Seeman	Joan	joanseem@msn.com
Stills	Travis	stills@frontier.net
Sweeney	Katie	ksweeney@nma.org
thompson	anthony	ajthompson@athompsonlaw.com
thompson	anthony	ajthompson@athompsonlaw.com
Tischler	Jo Ann	jtischler@senesusa.com

Contact Address

225 Union Blvd, Ste 600, Lakewood, CO 80228  
5575 DTC Parkway, Ste. 140, Greenwood Village, CO 80111  
8310 S valley Highway # 135, Englewood, Co 80112  
PO Box 1750 Canon City, CO 81215  
5880 Enterprise Dr., Suite 200, Casper, WY 82609  
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8310 S, Valley Highway # 135  
PO Bx 964, Canon City, CO 81215  
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225 Union Blvd., Suite 600, Lakewood, CO 80228  
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1739 Fremont County Rd 21A  
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1001 Painted Lady Lane  
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P.O. Box 1500 Rawlins, Wyoming 82301  
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6654 S. Buffalo Dr. Littleton, CO  
stills@frontier.net  
101 Constitution Ave, NW Washington DC 20001  
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8310 South Valley Highway, Englewood, CO 80112

Who are you representing?

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SENES Consultants

Colorado Citizens Against ToxicWaste, Inc.

Sierra Club

Uranium Watch

Energy Fuels Resources

Energy Fuels Inc.

University of Colorado Natural Resources Clinic

myself

myself

Self

Sopris Environmental

Uranerz Energy Corporation

Two Lines, Inc.

Energy Fuels Resources (USA), Inc.

Kennecott Uranium Company

National Mining Association

Private Party

Sierra Club

Clients, including Colorado Citizens Against ToxicWaste

National Mining Association

nma

nma

Arcadis SENES Consultants, Inc.

## Registration by Hearing Session

<b>Last Name</b>	<b>First Name</b>	<b>Who are you representing?</b>	<b>Speaker</b>	<b>Arrival Time</b>
<i>Session 1, 9/3/14, 9-12</i>				
Fields	Sarah	Uranium Watch	X	10
Filas	Frank	Energy Fuels Resources	X	9
Johnson	Thomas	Self	X	08:30
Paulson	Oscar	Kennecott Uranium Company	X	9:00
Sweeney	Katie	National Mining Association	X	9
Thompson	Anthony	NMA	X	8:30
Brown	Steven	SENES Consultants		
Cain	Jim	Cotter Corporation		
Chambers	Douglas	SENES Consultants		
Cunningham	Sharyn	Colorado Citizens Against ToxicWaste, Inc. University of Colorado Natural Resources		
Garren	Karoline	Clinic		
Hawklee	Kay	Self		
Kolkman	Dawn	Uranerz Energy Corporation		
Morrison	Kimberly	Energy Fuels Resources (USA), Inc.		
Pugsley	Christopher	National Mining Association		
Schmuck	John	Private Party		
Stills	Travis	Clients, including Colorado Citizens Against ToxicWaste		
Tischler	Jo Ann	Arcadis SENES Consultants, Inc.		
<i>Session 2, 9/3/14, 1-5</i>				
Morrison	Kimberly	Energy Fuels Resources (USA), Inc.	X	1
Brown	Steven	SENES Consultants		
Chambers	Douglas	SENES Consultants		
Cunningham	Sharyn	Colorado Citizens Against ToxicWaste, Inc.		
Hawklee	Kay	Self		
Kolkman	Dawn	Uranerz Energy Corporation		
Paulson	Oscar	Kennecott Uranium Company		
Pugsley	Christopher	National Mining Association		
Schmuck	John	Private Party		
Stills	Travis	Clients, including Colorado Citizens Against ToxicWaste		
Sweeney	Katie	National Mining Association		
Thompson	Anthony	NMA		
Tischler	Jo Ann	Arcadis SENES Consultants, Inc.		

**Session 3, 9/4/14, 9-12 AM**

Bakken	Scott	Energy Fuels Resources (USA) Inc.	X	9
Blubaugh	Richard	Powertech (USA) Inc.	X	9
Brown	Steven	SENES Consultants	X	9
Chambers	Douglas	SENES Consultants	X	9
Stills	Travis	Clients, including Colorado Citizens Against ToxicWaste	X	TBD
Cunningham	Sharyn	Colorado Citizens Against ToxicWaste, Inc.		
Hawlee	Kay	Self		
Johnson	Janet	Sopris Environmental		
Kolkman	Dawn	Uranerz Energy Corporation		
Little	Craig	Two Lines, Inc.		
Paulson	Oscar	Kennecott Uranium Company		
Pugsley	Christophe r	National Mining Association		
Schmuck	John	Private Party		
Sweeney	Katie	National Mining Association		
Thompson	Anthony	NMA		
Tischler	Jo Ann	Arcadis SENES Consultants, Inc.		

**Session 4, 9/4/14, 1-5 PM**

Cash	John	Ur-Energy USA, Inc.	X	1:00
Cunningham	Sharyn	Colorado Citizens Against ToxicWaste, Inc.	X	9
English	Becky	Sierra Club	X	3:30
Hawlee	Kay	myself	X	1:00
Liles	Darrell	SENES Consultants	X	2 PM
Seeman	Joan	Sierra Club	X	3:30
brown	steven	SENES Consultants		
Chambers	Douglas	SENES Consultants		
Frydenlund	David	Energy Fuels Inc.		
Johnson	Janet	Sopris Environmental		
Kolkman	Dawn	Uranerz Energy Corporation		
Little	Craig	Two Lines, Inc.		
Paulson	Oscar	Kennecott Uranium Company		
Pugsley	Christophe r	National Mining Association		
Schmuck	John	Private Party		
Stills	Travis	Clients, including Colorado Citizens Against ToxicWaste		
Sweeney	Katie	National Mining Association		
Thompson	Anthony	NMA		
Tischler	Jo Ann	Arcadis SENES Consultants, Inc.		

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:54 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Hearing Registrations as of 8/26Hearing Registrations as of August 26, 2014

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:32 AM  
**To:** Collections.SubW  
**Subject:** FW: Hearing Registrations as of 8/26Hearing Registrations as of August 26, 2014

---

**From:** Peake, Tom  
**Sent:** Tuesday, September 02, 2014 10:56 AM  
**To:** Rosnick, Reid  
**Subject:** Re: Hearing Registrations as of 8/26Hearing Registrations as of August 26, 2014

Thanks. After I got your email I saw there was another spreadsheet with their names. Looking at these things on a phone, even an iPhone, is trying.  
Tom

Sent from my iPhone

On Sep 2, 2014, at 9:52 AM, "Rosnick, Reid" <[Rosnick.Reid@epa.gov](mailto:Rosnick.Reid@epa.gov)> wrote:

Yes, Sharyn Cunningham is registered, as is Kay Hawkleee, who I believe once belonged to CCAT. Also, Travis Stills is registered to speak.

Reid

---

**From:** Peake, Tom  
**Sent:** Tuesday, September 02, 2014 10:51 AM  
**To:** Nesky, Anthony  
**Cc:** Trulove-Cranor, Whitney; Rosnick, Reid; Schultheisz, Daniel; Sutin, Elyana; Doris, Grace; Diaz, Angelique; Apostolico, Mary  
**Subject:** Re: Hearing Registrations as of 8/26Hearing Registrations as of August 26, 2014

I don't see anybody from CCAT registered.  
The print is small on my phone, but did I miss them? I did see Sarah Fields from Uranium watch.  
Tom

Sent from my iPhone

On Aug 26, 2014, at 5:02 PM, "Nesky, Anthony" <[Nesky.Tony@epa.gov](mailto:Nesky.Tony@epa.gov)> wrote:

Hearing Registrations as of August 26, 2014
---

Session	No. of Registrations	No. of Speakers
Sep. 3, 9-12	13	6
Sep 3, 1-5	11	1
Sep. 4, 9-12	13	4
Sept 4, 1-4	16	4—scattered arrival times from 1 to 3:30 PM

There are 22 unique individuals who have registered for the hearings. One more person has registered since we had our conference call on August 20.—his name is highlighted in in yellow on the attached spreadsheet. Most are attending multiple sessions. We **DO** have speakers for the last session on Sep 4, but they plan to stagger their arrival times from 1 to 3:30 PM. Details are in the attached spreadsheet.

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

<registrations-as-of-8-26.xlsx>



## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:54 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Hearing Registrations as of 8/26Hearing Registrations as of August 26, 2014

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:32 AM  
**To:** Collections.SubW  
**Subject:** FW: Hearing Registrations as of 8/26Hearing Registrations as of August 26, 2014

---

**From:** Rosnick, Reid  
**Sent:** Tuesday, September 02, 2014 10:53 AM  
**To:** Peake, Tom; Nesky, Anthony  
**Cc:** Trulove-Cranor, Whitney; Schultheisz, Daniel; Sutin, Elyana; Doris, Grace; Diaz, Angelique; Apostolico, Mary  
**Subject:** RE: Hearing Registrations as of 8/26Hearing Registrations as of August 26, 2014

Yes, Sharyn Cunningham is registered, as is Kay Hawkle, who I believe once belonged to CCAT. Also, Travis Stills is registered to speak.

Reid

---

**From:** Peake, Tom  
**Sent:** Tuesday, September 02, 2014 10:51 AM  
**To:** Nesky, Anthony  
**Cc:** Trulove-Cranor, Whitney; Rosnick, Reid; Schultheisz, Daniel; Sutin, Elyana; Doris, Grace; Diaz, Angelique; Apostolico, Mary  
**Subject:** Re: Hearing Registrations as of 8/26Hearing Registrations as of August 26, 2014

I don't see anybody from CCAT registered.  
The print is small on my phone, but did I miss them? I did see Sarah Fields from Uranium watch.  
Tom

Sent from my iPhone

On Aug 26, 2014, at 5:02 PM, "Nesky, Anthony" <[Nesky.Tony@epa.gov](mailto:Nesky.Tony@epa.gov)> wrote:

Hearing Registrations as of August 26, 2014		
Session	No. of Registrations	No. of Speakers
Sep. 3, 9-12	13	6
Sep 3, 1-5	11	1
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[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

<registrations-as-of-8-26.xlsx>

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**Sent:** Monday, November 17, 2014 12:54 PM  
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**From:** Peake, Tom  
**Sent:** Tuesday, September 02, 2014 10:51 AM  
**To:** Nesky, Anthony  
**Cc:** Trulove-Cranor, Whitney; Rosnick, Reid; Schultheisz, Daniel; Sutin, Elyana; Doris, Grace; Diaz, Angelique; Apostolico, Mary  
**Subject:** Re: Hearing Registrations as of 8/26Hearing Registrations as of August 26, 2014

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Sent from my iPhone

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Hearing Registrations as of August 26, 2014		
Session	No. of Registrations	No. of Speakers
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Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

<registrations-as-of-8-26.xlsx>

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:55 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Registration Notification for Subpart W Public Hearings  
**Attachments:** 1408042493-322566107-registration.pdf

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:31 AM  
**To:** Collections.SubW  
**Subject:** FW: Registration Notification for Subpart W Public Hearings

---

**From:** Rosnick, Reid  
**Sent:** Tuesday, September 02, 2014 2:35 PM  
**To:** Thornton, Marisa  
**Subject:** FW: Registration Notification for Subpart W Public Hearings

---

**From:** Eventbrite [<mailto:orders@eventbrite.com>]  
**Sent:** Wednesday, July 30, 2014 6:00 PM  
**To:** Nesky, Anthony  
**Subject:** Registration Notification for Subpart W Public Hearings



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Good news! A registration for [Subpart W Public Hearings](#) just came through. Below, you'll find a copy of the registration confirmation email for:

**Darrell Liles**  
[dliles@senesusa.com](mailto:dliles@senesusa.com)  
**Order #322566107**

Cheers!  
Eventbrite


P.S. You can turn off this notification anytime on your [email preferences page](#).


# Hi Darrell, this is your registration confirmation for Subpart W Public Hearings

Organized by U.S. Environmental Protection Agency



---



## Registration summary

  
**Mobile Summary**

  
**Paper Summary**

Open the email attachment  
or [download here](#)

---

## Message from U.S. Environmental Protection Agency

You are registered to attend the Subpart W Public Hearing.  
Please read the following before attending:

### BUILDING LOCATION

The EPA Region 8 office is at 1595 Wynkoop Street, Denver, CO80202-1129. The building is located along the 16th Street Mall in downtown Denver, adjacent to Union Station and across from the Tattered Cover bookstore. The building opens at 8 AM Monday-Friday.

### PARKING

The City of Denver provides information on parking here:

<http://www.denvergov.org/tabid/437781/Default.aspx>><http://www.denvergov.org/tabid/437781/Default.aspx>

### DRIVING DIRECTIONS

If coming from Denver International Airport--

Follow the "Airport Exit" signs to proceed south and west on Pena Boulevard for about 9 miles. Keep following the natural turn to the right as Pena Blvd. turns into Interstate 70 West, heading toward downtown. Follow I-70 West for 10 miles before exiting onto I-25 South. Two miles after turning south on I-25, take the Speer Avenue South exit and make a left towards downtown and the Pepsi Center. Upon crossing the Interstate, you will see the Pepsi Center on your right. Stay left and make a left at the stop light on Wewatta Street (there is a lefthand turn lane provided). Head across a small bridge and go straight until you reach 15th Street. Make a right on 15th Street, and your first left on Wynkoop Street. The EPA building is on the left, with the building entrance off of 16th Street.

If coming from the north, south or west--

Take Interstate 25 to the Speer Boulevard South exit and follow the directions two paragraphs above.

#### SECURITY REQUIREMENTS

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Please arrive at the building 30 minutes before any talks or events you have scheduled. Our security screening process is similar to screening at the airport: you will be asked to walk through a magnetometer (removing metal objects from your pockets), and your coats, bags etc. will be x-rayed. We regret that we do not have facilities to check coats or bags. You will be provided with a visitor badge after you pass through security. Please wear this at all times while you are in the building.

Video, as well as photos of any kind, are not allowed. Also, NO weapons of any kind are allowed in the building. This includes mace, knives, guns, etc. You will not be permitted in the building if you have any of these items. For a complete list of restricted items and additional information, please visit the EPA Region 8 website at:

<http://www2.epa.gov/region8/directions-and-visitor-information-us-epa-region-8>

#### TO GET TO THE HEARING ROOM

After going through security, please proceed to the 2nd Floor Conference Center via the elevator. Conference Center attendees are not allowed above the 2nd floor without having an EPA escort. Outside of the meeting room, there will be a registration table where you will check-in and receive a temporary badge that must be worn at all times while in the building. Any visitor exiting the building during breaks or lunch will be required to pass through security screening upon return each time. At the conclusion of the conference, please return to the registration table to be checked out and turn in your temporary visitor badge.

#### SPEAKERS

Speakers will be allotted 5 minutes to make his or her presentation. Speakers will be assigned a speaker number upon arriving, and will be called in sequential order to give his or her presentation. Submission of written remarks is not required, but will be gladly accepted. All remarks and submissions become part of the official public record.

Please print and bring your ticket with you.

**Have a question? Contact the organizer at [nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)**



## Order Summary

**July 30, 2014**

Order #: 322566107

Name	Type	Quantity
Darrell Liles	Subpart W Public Hearings - September 4, 2014, 1:00 PM - 5:00 PM MDT Capacity: 60 persons	1

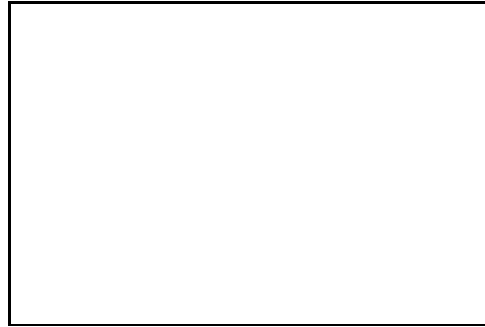
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## About this event



EPA Region 8 Office  
1595 Wynkoop Street  
Denver, CO 80202-1129



---

## Registration Information

Contact Address

**8310 South Valley Highway Suite 135 Englewood CO 80112**

Who are you representing?

**SENES Consultants**

Do you wish to speak at one of the sessions?

**Yes**

At which of the following sessions would you like to speak? You may select only one.

**September 4 1:00 PM - 4:00 PM MDT**

What time do you intend to arrive to speak?

**2 PM**



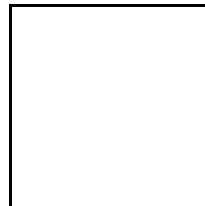
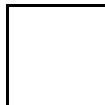
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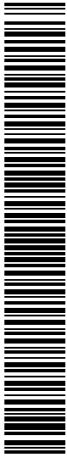


This email was sent to [dliles@senesusa.com](mailto:dliles@senesusa.com).

Eventbrite | 155 5th St, 7th Floor | San Francisco, CA 94103

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Please print and bring with you to the event

 322566107407726699001	Event <h1>Subpart W Public Hearings</h1>		
	Date+Time	Location EPA Region 8 Office 1595 Wynkoop Street Denver, CO 80202-1129	Payment Status Free Order
	Order Info Order #322566107. Ordered by Darrell Liles on July 30, 2014 2:57 PM		
	Type Subpart W Public Hearings - September 4, 2014, 1:00 PM - 5:00 PM MDT Capacity: 60 persons		

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322566107407726699001

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## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:55 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Update to Subpart W Page on Tuesday

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:31 AM  
**To:** Collections.SubW  
**Subject:** FW: Update to Subpart W Page on Tuesday

---

**From:** Nesky, Anthony  
**Sent:** Tuesday, September 02, 2014 2:56 PM  
**To:** Romero, Carmen; Thornton, Marisa  
**Cc:** Rosnick, Reid; Herrenbruck, Glenna  
**Subject:** Update to Subpart W Page on Tuesday

Dear Marisa and Carmen:

Registration is closing today for the hearings, so we need to update the Subpart W webpage on Tuesday, Sep 2. Please don't change the page before then.

On Tuesday, please delete the strikeout text below on

<http://www.epa.gov/radiation/neshaps/subpartw/rulemaking-activity.html>

## **PUBLIC HEARING, SEPTEMBER 3 and 4, 2014, DENVER, COLORADO**

EPA will hold a public hearing to allow the public to make oral presentations of data, views or arguments about the proposed revisions to Subpart W. The public hearing will be held September 3 and 4, 2014, at the EPA Region 8 Office, 1595 Wynkoop Street, Denver, CO 80202-1129. Sessions will be held both days from 9:00 am to 12:00 pm and from 1:00 pm to 5:00 pm. ~~Capacity is limited; advance registration is required to help accommodate those who wish to attend or speak. Registration has been extended to August 29, 2014.~~ [CLICK TO REGISTER FOR THE PUBLIC HEARING.](#)

Note: Participation or attendance at the public hearing is not necessary to comment on this proposed rulemaking. EPA also welcomes [written comments](#).

Thanks!

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:55 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Follow-Up Tribal Letter  
**Attachments:** Gina McCarthy Letter Second Meeting Request.pdf

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:30 AM  
**To:** Collections.SubW  
**Subject:** FW: Follow-Up Tribal Letter

---

**From:** Rosnick, Reid  
**Sent:** Wednesday, September 03, 2014 6:56 AM  
**To:** Angelique Diaz  
**Subject:** FW: Follow-Up Tribal Letter

---

**From:** Childers, Pat  
**Sent:** Friday, August 29, 2014 1:22 PM  
**To:** Rosnick, Reid; Harrison, Jed; Flynn, Mike  
**Subject:** FW: Follow-Up Tribal Letter

Here ya go. Its pretty basic language.

---

**From:** Scott Clow [<mailto:sclow@utemountain.org>]  
**Sent:** Friday, August 29, 2014 1:17 PM  
**To:** Childers, Pat  
**Subject:** RE: Follow-Up Tribal Letter

Here is the letter that was FedEx'd to the Administrator this week. We are going to send the hard copies and electronic copies to the copy list on Tuesday.

---

**From:** Childers, Pat [<mailto:Childers.Pat@epa.gov>]  
**Sent:** Friday, August 29, 2014 10:28 AM  
**To:** Scott Clow  
**Subject:** FW: Follow-Up Tribal Letter



# UTE MOUNTAIN UTE TRIBE

P.O. Box 248  
Towaoc, Colorado 81334-0248  
(970) 565-3751

August 22, 2014

Ms. Gina McCarthy  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**RE: Government-to-Government Consultation between EPA and the Ute Mountain Ute Tribe, Second Meeting Request**

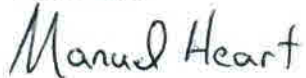
Dear Administrator McCarthy:

On July 10, 2014, the EPA held the first government-to-government consultation meeting with the Ute Mountain Ute Tribe (Tribe) regarding the NESHAPS Subpart W rulemaking. The Tribe was pleased to have this initial opportunity to consult with your agency regarding the NESHAPS Subpart W rulemaking. During the meeting, the Tribe emphasized to the EPA that, due to the complexity of the issues and questions presented during the consultation meeting and the fact that the EPA was not prepared to answer all the Tribe's questions at that time, additional consultation meetings would be necessary during the public comment period for this rulemaking. I am now formally requesting that the EPA hold a second consultation meeting with the Tribe on the NESHAPS Subpart W rulemaking at least three weeks in advance of the close of the public comment period.

During the July 10, 2014 meeting, the Tribe also requested that future consultation meetings on this rulemaking allow in-person discussion between the Tribe and staff from the EPA Headquarters office. We appreciated that three EPA employees from Region 8 (Deb Thomas, Alfreda Mitre, and Angelique Diaz) attended the July 10, 2014 consultation meeting in person, but we believe that it is important that we be able to communicate directly, and in person, with representatives from the EPA Headquarters office (including the EPA lead for the rulemaking, Reid Rosnick) who have the authority and the responsibility to make decisions regarding the NESHAPS Subpart W rulemaking. We understand that Mr. Rosnick may have certain health-related limitations on travel during the public comment period, and the Tribe can offer to have certain Tribal staff and leadership travel to accommodate this in-person meeting.

Please contact Scott Clow, Environmental Programs Department Director, at (970) 564-5432 or [sclow@utemountain.org](mailto:sclow@utemountain.org) or Celene Hawkins, Associate General Counsel, at (970) 564-5642 or [chawkins@utemountain.org](mailto:chawkins@utemountain.org) to set the second consultation meeting regarding the NESHAPS Subpart W rulemaking.

Sincerely,



Manuel Heart  
Chairman  
Ute Mountain Ute Tribe

Cc: Tribal Council  
Peter Ortego, General Counsel, Ute Mountain Ute Tribe  
Celene Hawkins, Associate General Counsel, Ute Mountain Ute Tribe  
H. Michael Keller, Special Counsel, Ute Mountain Ute Tribe  
Scott Clow, Environmental Programs Director, Ute Mountain Ute Tribe  
JoAnne Chase, Director, American Indian Environmental Office, U.S. EPA  
Shaun McGrath, Regional Administrator, U.S. EPA, Region 8  
Dr. Yvette Roubideaux, Director, Indian Health Services  
Kevin Washburn, Assistant Secretary, Indian Affairs

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:56 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Contact, Office of General Counsel

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:29 AM  
**To:** Collections.SubW  
**Subject:** FW: Contact, Office of General Counsel

---

**From:** Celene Hawkins [mailto:[chawkins@utemountain.org](mailto:chawkins@utemountain.org)]  
**Sent:** Friday, September 26, 2014 10:44 AM  
**To:** Rosnick, Reid; Saldenha, Jasmine  
**Cc:** [sclow@utemountain.org](mailto:sclow@utemountain.org); H. Michael Keller  
**Subject:** Contact, Office of General Counsel

Dear Reid and Jasmine,

The attorneys for the Ute Mountain Ute Tribe would like to set up a time to talk to the Office of General Counsel (as Reid suggested to Scott Clow recently) about the Subpart W rulemaking and ongoing consultation efforts regarding the rulemaking. Could you please send me the contact information for the right person at the Office of General Counsel so we can set up a teleconference?

Best,  
Celene Hawkins  
Associate General Counsel  
Ute Mountain Ute Tribe  
(970) 564-5642  
(970) 739-5725 (cell)  
[chawkins@utemountain.org](mailto:chawkins@utemountain.org)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:56 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Response to your e-mail of 10/14/09

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:30 AM  
**To:** Collections.SubW  
**Subject:** FW: Response to your e-mail of 10/14/09

---

**From:** Reid Rosnick [mailto:Rosnick.Reid@epamail.epa.gov]  
**Sent:** Friday, September 26, 2014 8:20 AM  
**To:** Rosnick, Reid  
**Subject:** Fw: Response to your e-mail of 10/14/09

---

Reid J. Rosnick  
Radiation Protection Division (6608J)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

----- Forwarded by Reid Rosnick/DC/USEPA/US on 09/26/2014 08:19 AM -----

From: Reid Rosnick/DC/USEPA/US  
To: [pdcaresia@aol.com](mailto:pdcaresia@aol.com),  
Cc: Sharyn Cunningham <[Sharyn@bresnan.net](mailto:Sharyn@bresnan.net)>, Angelique Diaz/R8/USEPA/US@EPA, Tom Peake/DC/USEPA/US@EPA  
Date: 10/30/2009 10:31 AM  
Subject: Response to your e-mail of 10/14/09

---

Paul,

I have reviewed the document you provided to me in your e-mail of 14 October 2009. The document was produced for Cotter by MFG, Inc, dated 20 May 2004 with the subject heading of Proposed Sampler Specific Radon Concentrations. You asked me to review the proposed approach and comment on three issues that you raised in your e-mail.

1. Sample sizes being used to calculate means and standard deviations.
2. Creation of a background radon measurement by taking the mean and adding 2 standard deviations to create average background
3. Not applying the same statistical approach to the downgradient radon samples.

Before I answer your questions, I am including a couple of caveats. In reviewing this information it is clear to me that it is not part of any sampling program for NESHAP Subpart W. I can only assume therefore that this is a program that has been proposed in conjunction with the facility's operating license. This program is



administered by the Nuclear Regulatory Commission (NRC) unless that program is run by an Agreement State. The State of Colorado is an Agreement State, and I am unclear on exactly why this sampling program was proposed. Also, since the memo was produced in May 2004, it is unclear to me whether this proposed method was actually reviewed and/or approved for use. I would need to examine considerably more documentation before I could determine the usefulness of this proposed sampling program, and frankly, since it is not related to Subpart W, I do not have the time to explore it for further follow-up. I suggest that you continue to raise this issue with the Colorado Department of Public Health and Environment. I will, however, answer your questions in a general sense, as it relates to Subpart W.

Regarding sample size as it relates to calculation of means/standard deviations, NESHAP Subpart W requires in Method 115 a specific number of flux measurements for a tailings facility:

- Water saturated beaches – 100 flux measurements
- Loose and dry top surfaces – 100 flux measurements
- Sides – 100 flux measurements, unless soil is used in dam construction
- Water covered areas – no flux measurements

Although no background measurements are specified in this test, it is generally assumed that flux measurements will be on the order of 100 in order to be consistent with the downgradient measurements. One hundred samples produce a more normal distribution, and allows for greater confidence in the data. As you know, in general sample sizes of less than 30 do not usually produce results accurate to a specified confidence and margin of error unless the population is normally distributed. Further, the locations for determining background are assumed to be free of tailings, and are truly representative of existing natural background for radon.

In Subpart W, after the samples are collected, the mean radon flux from the pile shall be the arithmetic mean of the mean radon flux for each sector of the tailings pile. Addition of any number of standard deviations is not permitted. The number of samples required more than compensates for using problematical statistical methods. Further, the weather conditions, moisture content of the tailings, and the area of the pile covered by water must be delineated in the analysis, and must be chosen at the time of measurement to provide representative long-term radon flux.

Lastly for Subpart W, the mean of the radon flux samples is compared to the mean of the background samples. There are no methods used to compensate for lack of data, such as employing the standard deviation to background, and comparing it to just the mean of the downgradient data. If the resultant flux rate is greater than 20 pCi/m<sup>2</sup>/sec, the pile is in violation. I should mention that while we will possibly consider various alternatives to the sampling method utilized in Method 115, we will not be considering the use of alternate, unsupported or untenable statistical methods that gives the appearance of data treatment.

I hope this helps, as I stated earlier, I have responsibilities with Subpart W that are mandated by law, and I must concentrate my efforts to meet those deadlines. Thanks for the opportunity to have a look at the proposal.

Reid

-----  
Reid J. Rosnick  
Radiation Protection Division (6608J)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202.343.9563  
[rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov)

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:56 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:30 AM  
**To:** Collections.SubW  
**Subject:** FW: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

---

**From:** Nesky, Anthony  
**Sent:** Thursday, September 25, 2014 1:01 PM  
**To:** Rosnick, Reid; Thornton, Marisa  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

All of these references are currently on the Subpart W site at:  
<http://www.epa.gov/radiation/neshaps/subpartw/eiareferences.html>

The scans in Andrew's email were illegible as Sarah noted, so we redid them, and in addition to being on the website, they will be in other records.

I don't know if you want to fix this record, because technically the illegible files are the accurate records!

Tony Nesky  
Center for Radiation Information and Outreach  
Tel: 202-343-9597  
[nesky.tony@epa.gov](mailto:nesky.tony@epa.gov)

---

**From:** Rosnick, Reid  
**Sent:** Thursday, September 25, 2014 7:24 AM  
**To:** Thornton, Marisa  
**Cc:** Nesky, Anthony  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Hi Marisa,

It looks like they were already scanned in July. Andrew printed them out and scanned them. He sent a note to Tony, so Tony, do you have the original copies of these FR notices?

---

**From:** Thornton, Marisa  
**Sent:** Wednesday, September 24, 2014 10:57 AM  
**To:** Rosnick, Reid  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

If I use the Hein online it's going to take some time to find those documents. Can someone rescan them instead of me digging through pages and pages of documents to find 1?

---

**From:** Rosnick, Reid  
**Sent:** Wednesday, September 24, 2014 10:43 AM  
**To:** Thornton, Marisa  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Hi Marisa,

Try the EPA desktop library: <http://intranet.epa.gov/desktop/>

They have Hein online, which has FRs from the 1930s <http://www.heinonline.org/HOL/Index?collection=fedreg>

Reid

---

**From:** Thornton, Marisa  
**Sent:** Wednesday, September 24, 2014 10:37 AM  
**To:** Rosnick, Reid  
**Subject:** RE: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Reid,

The federal register website only goes back to 1994  
<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR&browsePath=1994&isCollapsed=true&leafLevelBrowse=false&ycord=0>

---

**From:** Rosnick, Reid  
**Sent:** Sunday, September 21, 2014 4:20 PM  
**To:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)  
**Cc:** Stahle, Susan; Thornton, Marisa  
**Subject:** Re: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Dear Sarah:

We will look into this tomorrow and resolve the issue. Thank you.

Reid

---

**From:** [sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org) <[sarah@uraniumwatch.org](mailto:sarah@uraniumwatch.org)>  
**Sent:** Sunday, September 21, 2014 2:07 PM  
**To:** Rosnick, Reid  
**Subject:** Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Dear Mr. Rosnick,

Recently the EPA posted 2 compilations of Non-Privileged Records for July-Sept. 2014.

Pages 256 to 319 of Part 2 are *Federal Register* notices, but they are unreadable.

Sarah Fields  
Uranium Watch

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:55 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:30 AM  
**To:** Collections.SubW  
**Subject:** FW: Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

---

**From:** sarah@uraniumwatch.org [mailto:sarah@uraniumwatch.org]  
**Sent:** Sunday, September 21, 2014 2:08 PM  
**To:** Rosnick, Reid  
**Subject:** Unreadable Portion of July-Sept. Part 2 Subpart W N-P Records

Dear Mr. Rosnick,

Recently the EPA posted 2 compilations of Non-Privileged Records for July-Sept. 2014.

Pages 256 to 319 of Part 2 are *Federal Register* notices, but they are unreadable.

Sarah Fields  
Uranium Watch



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 26 2014

OFFICE OF  
AIR AND RADIATION

Mr. Manuel Heart  
Chairman  
Ute Mountain Ute Tribe  
P.O. Box 248  
Towaoc, Colorado 81334-0248

Dear Chairman Heart:

Thank you for your letter of August 22, 2014, requesting a second consultation meeting between representatives of the Ute Mountain Ute Tribe and the U.S. Environmental Protection Agency to continue our dialogue regarding the National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart W rulemaking.

In your letter you acknowledge travel restrictions that prevent the EPA workgroup leader, Reid Rosnick, from traveling for an in-person meeting. We are grateful for your suggestion to allow the meeting to take place at a location other than Tribal Headquarters to facilitate a person-to-person meeting that can include Mr. Rosnick and continue the consultation process. We will work closely with your staff to continue the consultation process so a meeting can occur at least three weeks prior to the end of the comment period for the rulemaking, which is October 29, 2014. We believe this will satisfy your request.

Mr. Rosnick has been in contact with Scott Clow of your staff to schedule an acceptable time and place for a second consultation meeting. If you have any questions, please contact Mr. Rosnick at (202) 343-9563 or [rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe  
Acting Assistant Administrator

cc: Scott Clow, Ute Mountain Ute Tribe  
Pat Childers, OAR  
Michael Flynn, OAR/ORIA  
Jed Harrison, OAR/ORIA  
Reid Rosnick, OAR/ORIA/RPD  
Shaun McGrath, Region 8  
Alfreda Mitre, Region 8  
Angelique Diaz, Region 8

## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:57 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Response Letter to Manuel Heart, Chairman of Ute Mountain Ute Tribe - AX-14-002-4289  
**Attachments:** Signed Response to Manuel Heart , Chairman of Ute Mountain Ute Tribe - AX-14-001-4289.pdf

---

**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:29 AM  
**To:** Collections.SubW  
**Subject:** FW: Response Letter to Manuel Heart, Chairman of Ute Mountain Ute Tribe - AX-14-002-4289

---

**From:** Hamilton, Sabrina  
**Sent:** Friday, September 26, 2014 3:46 PM  
**To:** Childers, Pat; Flynn, Mike; Harrison, Jed; Rosnick, Reid; McGrath, Shaun; Mitre, Alfreda; Diaz, Angelique  
**Cc:** Millett, John; Drinkard, Andrea; McMichael, Nate; Dennis, Allison  
**Subject:** Response Letter to Manuel Heart, Chairman of Ute Mountain Ute Tribe - AX-14-002-4289

Attached for your information is a PDF copy of the signed letter from Janet McCabe, AA for OAR. If you experience problems opening the file, please contact me. Thanks

*Sabrina*

Sabrina Hamilton  
Air and Radiation Liaison Specialist  
and FOIA Coordinator  
Office of Air and Radiation - Correspondence Unit  
U.S. Environmental Protection Agency (EPA)  
1200 Pennsylvania Avenue, N.W. (6101-A)  
Washington, D.C. 20460  
Tel: (202) 564-1083  
Fax: (202) 501-0600



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 26 2014

OFFICE OF  
AIR AND RADIATION

Mr. Manuel Heart  
Chairman  
Ute Mountain Ute Tribe  
P.O. Box 248  
Towaoc, Colorado 81334-0248

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Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe  
Acting Assistant Administrator

cc: Scott Clow, Ute Mountain Ute Tribe  
Pat Childers, OAR  
Michael Flynn, OAR/ORIA  
Jed Harrison, OAR/ORIA  
Reid Rosnick, OAR/ORIA/RPD  
Shaun McGrath, Region 8  
Alfreda Mitre, Region 8  
Angelique Diaz, Region 8



## Thornton, Marisa

---

**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:58 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Contact, Office of General Counsel

---

**From:** Stahle, Susan  
**Sent:** Thursday, October 2, 2014 10:44 AM  
**To:** Collections.SubW  
**Subject:** FW: Contact, Office of General Counsel

Susan Stahle  
Attorney-Advisor  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-1272 (ph)  
202-564-5603 (fax)  
[stahle.susan@epa.gov](mailto:stahle.susan@epa.gov)

---

**From:** Stahle, Susan  
**Sent:** Monday, September 29, 2014 1:15 PM  
**To:** 'Celene Hawkins'; H. Michael Keller  
**Subject:** RE: Contact, Office of General Counsel

Sounds good, I'll put that on my calendar. Yes, if you could, please provide a call-in number. Thanks.

Susan Stahle  
Attorney-Advisor  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-1272 (ph)  
202-564-5603 (fax)  
[stahle.susan@epa.gov](mailto:stahle.susan@epa.gov)

---

**From:** Celene Hawkins [<mailto:chawkins@utemountain.org>]  
**Sent:** Monday, September 29, 2014 11:14 AM  
**To:** Stahle, Susan; H. Michael Keller  
**Subject:** RE: Contact, Office of General Counsel

Dear Susan,

Starting a call at 2:00 PM eastern time (noon mountain time) on Wednesday, October 1 would work best for me (as long as that time works for Mike). Would you like me to provide a call-in number?

Best,  
Celene

---

**From:** Stahle, Susan [<mailto:Stahle.Susan@epa.gov>]  
**Sent:** Monday, September 29, 2014 7:09 AM  
**To:** Celene Hawkins; H. Michael Keller  
**Subject:** RE: Contact, Office of General Counsel

Hi Celene –

Yes, we did meet on one of early calls. I enjoyed our conversation.

I'd be happy to talk to again this week. Wednesday or Thursday work for me. On Wednesday, I am available from 11:00 am – 12:00 pm (eastern time) or any time after 1:00 pm (eastern time). On Thursday, I am available any time.

Please let me know what date and time work best for you.

Susan Stahle  
Attorney-Advisor  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-1272 (ph)  
202-564-5603 (fax)  
[stahle.susan@epa.gov](mailto:stahle.susan@epa.gov)

---

**From:** Celene Hawkins [<mailto:chawkins@utemountain.org>]  
**Sent:** Friday, September 26, 2014 7:16 PM  
**To:** Stahle, Susan; H. Michael Keller  
**Subject:** RE: Contact, Office of General Counsel

Dear Ms. Stahle,

I believe we met by phone earlier this year in one of our planning calls for the UMUT Subpart W consultation. Reid Rosnick suggested that we set a time to talk to you about continuing efforts on the Subpart W consultation. Can we please schedule a time to talk next week? I have some availability in the mornings on Tuesday, Wednesday, and Thursday.

Best,

Celene Hawkins  
Associate General Counsel  
Ute Mountain Ute Tribe  
[chawkins@utemountain.org](mailto:chawkins@utemountain.org)  
(970) 564-5642  
(970) 739-5725 (cell)

---

**From:** Rosnick, Reid [<mailto:Rosnick.Reid@epa.gov>]  
**Sent:** Friday, September 26, 2014 8:48 AM  
**To:** Celene Hawkins; Saldenha, Jasmine

**Cc:** Scott Clow; H. Michael Keller; Stahle, Susan; Peake, Tom; Schultheisz, Daniel; Childers, Pat; Harrison, Jed; Cherepy, Andrea

**Subject:** RE: Contact, Office of General Counsel

Hello Helene,

I believe the proper contact in OGC is Susan Stahle, (202) 564-1272 or [stahle.susan@epa.gov](mailto:stahle.susan@epa.gov) I've copied her on this note.

Reid

---

**From:** Celene Hawkins [<mailto:chawkins@utemountain.org>]

**Sent:** Friday, September 26, 2014 10:44 AM

**To:** Rosnick, Reid; Saldenha, Jasmine

**Cc:** [sclow@utemountain.org](mailto:sclow@utemountain.org); H. Michael Keller

**Subject:** Contact, Office of General Counsel

Dear Reid and Jasmine,

The attorneys for the Ute Mountain Ute Tribe would like to set up a time to talk to the Office of General Counsel (as Reid suggested to Scott Clow recently) about the Subpart W rulemaking and ongoing consultation efforts regarding the rulemaking. Could you please send me the contact information for the right person at the Office of General Counsel so we can set up a teleconference?

Best,

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(970) 564-5642

(970) 739-5725 (cell)

[chawkins@utemountain.org](mailto:chawkins@utemountain.org)

## Thornton, Marisa

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**Sent:** Monday, November 17, 2014 12:58 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Contact, Office of General Counsel

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**From:** Stahle, Susan  
**Sent:** Thursday, October 2, 2014 10:44 AM  
**To:** Collections.SubW  
**Subject:** FW: Contact, Office of General Counsel

Susan Stahle  
Attorney-Advisor  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-1272 (ph)  
202-564-5603 (fax)  
stahle.susan@epa.gov

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(970) 564-5642  
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**Sent:** Friday, September 26, 2014 8:48 AM  
**To:** Celene Hawkins; Saldenha, Jasmine  
**Cc:** Scott Clow; H. Michael Keller; Stahle, Susan; Peake, Tom; Schultheisz, Daniel; Childers, Pat; Harrison, Jed; Cherepy, Andrea  
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Reid

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Andrea

**Subject:** RE: Contact, Office of General Counsel

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**Cc:** [sclow@utemountain.org](mailto:sclow@utemountain.org); H. Michael Keller

**Subject:** Contact, Office of General Counsel

Dear Reid and Jasmine,

The attorneys for the Ute Mountain Ute Tribe would like to set up a time to talk to the Office of General Counsel (as Reid suggested to Scott Clow recently) about the Subpart W rulemaking and ongoing consultation efforts regarding the rulemaking. Could you please send me the contact information for the right person at the Office of General Counsel so we can set up a teleconference?

Best,

Celene Hawkins

Associate General Counsel

Ute Mountain Ute Tribe

(970) 564-5642

(970) 739-5725 (cell)

[chawkins@utemountain.org](mailto:chawkins@utemountain.org)

## Thornton, Marisa

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**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:58 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Contact, Office of General Counsel

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**From:** Stahle, Susan  
**Sent:** Thursday, October 2, 2014 10:44 AM  
**To:** Collections.SubW  
**Subject:** FW: Contact, Office of General Counsel

Susan Stahle  
Attorney-Advisor  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-1272 (ph)  
202-564-5603 (fax)  
[stahle.susan@epa.gov](mailto:stahle.susan@epa.gov)

---

**From:** Rosnick, Reid  
**Sent:** Friday, September 26, 2014 10:48 AM  
**To:** Celene Hawkins; Saldenha, Jasmine  
**Cc:** [sclow@utemountain.org](mailto:sclow@utemountain.org); H. Michael Keller; Stahle, Susan; Peake, Tom; Schultheisz, Daniel; Childers, Pat; Harrison, Jed; Cherepy, Andrea  
**Subject:** RE: Contact, Office of General Counsel

Hello Helene,

I believe the proper contact in OGC is Susan Stahle, (202) 564-1272 or [stahle.susan@epa.gov](mailto:stahle.susan@epa.gov) I've copied her on this note.

Reid

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**From:** Celene Hawkins [<mailto:chawkins@utemountain.org>]  
**Sent:** Friday, September 26, 2014 10:44 AM  
**To:** Rosnick, Reid; Saldenha, Jasmine  
**Cc:** [sclow@utemountain.org](mailto:sclow@utemountain.org); H. Michael Keller  
**Subject:** Contact, Office of General Counsel

Dear Reid and Jasmine,

The attorneys for the Ute Mountain Ute Tribe would like to set up a time to talk to the Office of General Counsel (as Reid suggested to Scott Clow recently) about the Subpart W rulemaking and ongoing consultation

efforts regarding the rulemaking. Could you please send me the contact information for the right person at the Office of General Counsel so we can set up a teleconference?

Best,

Celene Hawkins

Associate General Counsel

Ute Mountain Ute Tribe

(970) 564-5642

(970) 739-5725 (cell)

[chawkins@utemountain.org](mailto:chawkins@utemountain.org)

## Thornton, Marisa

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**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:57 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: when is the hearing in the Subpart W matter?

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**From:** Stahle, Susan  
**Sent:** Thursday, October 2, 2014 10:45 AM  
**To:** Collections.SubW  
**Subject:** FW: when is the hearing in the Subpart W matter?

Susan Stahle  
Attorney-Advisor  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-1272 (ph)  
202-564-5603 (fax)  
stahle.susan@epa.gov

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**From:** Blake, Wendy  
**Sent:** Wednesday, September 17, 2014 9:55 AM  
**To:** Stahle, Susan  
**Subject:** FW: when is the hearing in the Subpart W matter?

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**From:** Blake, Wendy  
**Sent:** Wednesday, September 17, 2014 9:55 AM  
**To:** Thornton, Marisa  
**Subject:** FW: when is the hearing in the Subpart W matter?

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**From:** Perrin, Alan  
**Sent:** Wednesday, July 16, 2014 4:21 PM  
**To:** Blake, Wendy  
**Subject:** RE: when is the hearing in the Subpart W matter?

We are planning for September 3 and 4 in Denver. This has not been announced yet.

~~~~~  
Alan Perrin, Deputy Director  
Radiation Protection Division, USEPA  
office (202) 343-9775 | bb (202) 279-0376

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**From:** Blake, Wendy  
**Sent:** Wednesday, July 16, 2014 4:14 PM  
**To:** Perrin, Alan  
**Subject:** when is the hearing in the Subpart W matter?

Wendy L. Blake  
Assistant General Counsel  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
phone: (202) 564-1821  
fax: (202) 564-5603

## Thornton, Marisa

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**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:57 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: ADD meeting

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**From:** Rosnick, Reid  
**Sent:** Friday, October 3, 2014 7:29 AM  
**To:** Collections.SubW  
**Subject:** FW: ADD meeting

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**From:** Cherepy, Andrea  
**Sent:** Tuesday, September 30, 2014 4:40 PM  
**To:** Rosnick, Reid  
**Subject:** RE: ADD meeting

Reid,

Just wanted to keep you up to date on the timing of the ADD Meeting. The schedule/agenda is being firmed up now. The meeting is currently scheduled to run Wednesday afternoon through Friday at noon (Oct 22 -24). Folks are having trouble finding flights out of Denver on Friday afternoon, so there is talk that the meeting could be shortened to just 1 ½ days (Wednesday afternoon through Thursday evening). I will let you know if I hear of any other changes.

Andrea

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**From:** Rosnick, Reid  
**Sent:** Monday, September 22, 2014 10:15 AM  
**To:** Cherepy, Andrea  
**Subject:** RE: ADD meeting

Yanks!

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**From:** Cherepy, Andrea  
**Sent:** Monday, September 22, 2014 10:06 AM  
**To:** Rosnick, Reid  
**Cc:** Rosencrantz, Ingrid  
**Subject:** ADD meeting

Reid,

It looks like the Fall Air Division Directors' meeting will take place in Denver from October 22 – 25.

Andrea





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

SEP 26 2014

OFFICE OF  
AIR AND RADIATION

Mr. Manuel Heart  
Chairman  
Ute Mountain Ute Tribe  
P.O. Box 248  
Towaoc, Colorado 81334-0248

Dear Chairman Heart:

Thank you for your letter of August 22, 2014, requesting a second consultation meeting between representatives of the Ute Mountain Ute Tribe and the U.S. Environmental Protection Agency to continue our dialogue regarding the National Emission Standards for Hazardous Air Pollutants (NESHAP) Subpart W rulemaking.

In your letter you acknowledge travel restrictions that prevent the EPA workgroup leader, Reid Rosnick, from traveling for an in-person meeting. We are grateful for your suggestion to allow the meeting to take place at a location other than Tribal Headquarters to facilitate a person-to-person meeting that can include Mr. Rosnick and continue the consultation process. We will work closely with your staff to continue the consultation process so a meeting can occur at least three weeks prior to the end of the comment period for the rulemaking, which is October 29, 2014. We believe this will satisfy your request.

Mr. Rosnick has been in contact with Scott Clow of your staff to schedule an acceptable time and place for a second consultation meeting. If you have any questions, please contact Mr. Rosnick at (202) 343-9563 or [rosnick.reid@epa.gov](mailto:rosnick.reid@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe".

Janet G. McCabe  
Acting Assistant Administrator

cc: Scott Clow, Ute Mountain Ute Tribe  
Pat Childers, OAR  
Michael Flynn, OAR/ORIA  
Jed Harrison, OAR/ORIA  
Reid Rosnick, OAR/ORIA/RPD  
Shaun McGrath, Region 8  
Alfreda Mitre, Region 8  
Angelique Diaz, Region 8

## Thornton, Marisa

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**From:** Rosnick, Reid on behalf of Collections.SubW  
**Sent:** Monday, November 17, 2014 12:58 PM  
**To:** Thornton, Marisa  
**Subject:** Fw: Response Letter to Manuel Heart, Chairman of Ute Mountain Ute Tribe - AX-14-002-4289  
**Attachments:** Signed Response to Manuel Heart , Chairman of Ute Mountain Ute Tribe - AX-14-001-4289.pdf

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**From:** Stahle, Susan  
**Sent:** Thursday, October 2, 2014 10:43 AM  
**To:** Collections.SubW  
**Subject:** FW: Response Letter to Manuel Heart, Chairman of Ute Mountain Ute Tribe - AX-14-002-4289

Susan Stahle  
Attorney-Advisor  
Air and Radiation Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-1272 (ph)  
202-564-5603 (fax)  
stahle.susan@epa.gov

---

**From:** Rosnick, Reid  
**Sent:** Tuesday, September 30, 2014 10:45 AM  
**To:** Stahle, Susan  
**Subject:** FW: Response Letter to Manuel Heart, Chairman of Ute Mountain Ute Tribe - AX-14-002-4289

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**From:** Hamilton, Sabrina  
**Sent:** Friday, September 26, 2014 3:46 PM  
**To:** Childers, Pat; Flynn, Mike; Harrison, Jed; Rosnick, Reid; McGrath, Shaun; Mitre, Alfreda; Diaz, Angelique  
**Cc:** Millett, John; Drinkard, Andrea; McMichael, Nate; Dennis, Allison  
**Subject:** Response Letter to Manuel Heart, Chairman of Ute Mountain Ute Tribe - AX-14-002-4289

Attached for your information is a PDF copy of the signed letter from Janet McCabe, AA for OAR. If you experience problems opening the file, please contact me. Thanks

*Sabrina*

Sabrina Hamilton  
Air and Radiation Liaison Specialist  
and FOIA Coordinator  
Office of Air and Radiation - Correspondence Unit  
U.S. Environmental Protection Agency (EPA)

1200 Pennsylvania Avenue, N.W. (6101-A)  
Washington, D.C. 20460  
Tel: (202) 564-1083  
Fax: (202) 501-0600