

## Draft Minutes - Subpart W Stakeholder Conference Call

October 4, 2012

### Attendees

EPA: Phil Egidi, ORIA, Susan Stahle, OGC

ENVIRONMENTAL GROUPS: Sharyn Cunningham, CCAT, Sarah Fields, Uranium Watch, Jennifer Thurston, INFORM

INDUSTRY: Oscar Paulson, Kennecott, Josh Leftwich, Cameco; Jim Viellenave, Lelan Huffman, (CA); Phil Cavender, AUC; Richard Blughbaugh, John Nars(?), Powertech. (Please review for misspellings and/or additions)

OTHER: Travis Stills, Energy Minerals Law Center

Phil: Welcome to the quarterly conference call. I am filling in for Reid Rosnick, who is on sick leave. The status of the rulemaking is basically unchanged since our last call. The package is still in EPA's Office of Policy, currently projected to be sent to OMB in November 2012. No changes to the July minutes were noted.

Oscar Paulson: The website should be updated to reflect the changes in publication of the proposed rule.

Jennifer Thurston: At the last call EPA stated that they would review past communications, including a review of privileged information, and post them on the website. That was not reflected in the last set of minutes, and has not been posted on the website. Would Reid summarize his review and include that summary in the minutes?

Susan Stahle: In fact, Reid did review communications between stakeholders and EPA that date back several years. He compiled those emails and attachments and I reviewed them to make sure no privileged information was in the communications. Reid then had all of the reviewed emails posted on the Subpart W website last month. None were withheld from release.

Reid: The process I used for posting emails and attachments on the website is as follows: Emails/attachments I receive from stakeholders and my responses (if any) are placed in a folder I created specifically for the Subpart W rulemaking. In time they are automatically archived by the EPA network. I compiled the emails and attachments from both of these folders (recent and archive) and sent them to OGC for review to determine if there was privileged information. The review found no such information so the emails and attachments were bundled up and sent to our staff person who places information on the Subpart W website, where they can now be found.

Travis Stills: The Office of General Council should review and release all files pertinent to Subpart W, not just files chosen by staff members.

Sarah Fields: On September 17, 2012 I sent Reid an email containing several documents related to an underground borehole mining process. Will the EPA include this process in the proposed Subpart W rule?

Oscar Paulson: The Subpart W rule addresses radon emissions from byproduct material generated after the ore has been mined and processed. The process to which you refer is borehole mining, it is not a milling process, and Subpart W would not apply to the mining process.

Sarah Fields: This determination is not the industry's call to make, it is the regulators decision.

Oscar Paulson: I believe the State of Colorado has determined that the process is defined as mining.

Jeff Parsons: I believe that Colorado has declined to make a determination on this until they see an actual application that includes the technique.

Sharyn Cunningham: At the last meeting I noted that comments I had on the risk assessment had not been posted on the website. I would like to see them posted.

**Next conference call is on Thursday, January 3, 2013 at 11 AM EST.**

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