

## *Subpart W Quarterly Call – January 3, 2013*

### Attendees

EPA: Reid Rosnick (ORIA), Angelique Diaz (Region 8), Susan Stahle (OGC)

### Environmental Groups

Jennifer Thurston (INFORM)

### Other

Travis Stills (Energy Minerals Law Center)

### Industry

Oscar Paulson (Kennecott), Katie Sweeney (National Mining Association), John Cash (Ur-Energy), Mike Thomas (?), John McCarthy (?), Bill Carney (Uranium One), Mike Griffin (Strata Energy), Jim Cain (Cotter)

### Reid

- No comments received on October call draft minutes
- Very little to report since the last call. Update on rule package: scheduled to be received by OMB on 2/8/2013. I have been told that Court ordered deadline rules are at OMB with higher priority than Subpart W – reason for the hold up. Subpart W behind rules with court ordered deadlines, but before general rules because there is a settlement agreement in place.

### Questions/Comments/Discussion

Travis Stills: Referred to FOIA documents. Travis claims that EPA is 18 months out of compliance with documents being placed on the website. Repeating his claim regarding placement of documents on the website, and says he doesn't see a good faith attempt by EPA to conform to agreement.

Reid: He doesn't have authority over when rulemaking packages are sent to OMB; that would be the Administrator's office.

Travis Stills: Request that minutes reflect that the Administrator's office is not going forward with the rulemaking package. **SO NOTED**

Katie Sweeney: Why isn't this rulemaking in the regulatory agenda that came out last week? Neither was Part 192, curious why they weren't included. Note that after the conference call Katie sent two websites she uses to track EPA regulations (Subpart W):

[http://yosemite.epa.gov/oepi/RuleGate.nsf/\(LookupRIN\)2060-AP26#1](http://yosemite.epa.gov/oepi/RuleGate.nsf/(LookupRIN)2060-AP26#1)

<http://regulations.gov/#!documentDetail;D=EPA-HQ-OA-2012-1987-0001>

Reid: Wasn't aware of that. Doesn't have the answer, Reid will find out and address in the minutes. Reid will also try to find status of part 192 rule. **ACTION SINCE THE CONFERENCE CALL: SENIOR LEVEL MANAGEMENT OF EPA IS AWARE OF THE DELAY IN SENDING THE SUBPART W RULMAKING PACKAGE TO OMB. REID HAS BEEN DIRECTED TO TELL THE STAKEHOLDERS TO THANK THEM FOR THEIR PATIENCE, STAY TUNED, AND THAT MORE INFORMATION WILL BE PROVIDED IN THE SPRING 2013 REGULATORY AGENDA.**

Katie Sweeney: Status update is helpful, because there is no info on the web regarding updates anymore.

Reid: Actually, on the Subpart W website

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

there is a section (required by the settlement agreement) that posts a tentative completion estimate for the rule, and it is updated as necessary. We assume there is a 90 day review period once we give the package to OMB. Therefore the proposed rule would be signed in mid to late June of this year and out for public comments.

Katie Sweeney: Looked at the EPA dashboard.

Travis Stills: Who do you communicate with in Administrator's office?

Reid: It's in the Office of Policy - Barry Elman, staff person, member of the Subpart W workgroup.

Travis Stills: Sees it being pushed from desk to desk and not going anywhere. Asking for assurance that this is handled by folks with authority to move rulemakings, doesn't think it is.

Reid: Will see what he can do to see why the rulemaking is not on the current regulatory agenda and pin down a more realistic time for package. **SEE ABOVE ACTION ITEM.**

Katie Sweeney: 90 days is optimistic for OMB. Rules have been sitting there for a couple years or longer.

Reid: Correct. The updates I give are the most optimistic deadlines.

Travis Stills: What has been done since the last call to move the regulation forward?

Reid: Once package goes to Office of Policy and then on to OMB, it is out of our hands. Reid again explained the queue of regulations and where the log jam is because of prioritization. Difficult to determine how many are in the line and how they get moved over. Reid will try to provide additional information on the process. Will post what I discover in the minutes.

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Travis Stills: The level of discussion and level of authority is not sufficient. This project needs to be handled by people with authority.

Reid: Without any further questions or comments the conference call was ended.

**NEXT CALL: Thursday, April 4, 2013 11am Eastern Time.**