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ENVIRONMENTAL PROTECTION AGENCY

REQUEST FOR COMMENTS: NATIONAL EMISSION STANDARDS FOR HAZARDOUS
AIR POLLUTANTS: RADIONUCLIDES;
INFORMATION COLLECTION ACTIVITIES UP FOR RENEWAL
(OMB CONTROL NUMBER 2060-0191)

AGENCY: Environmental Protection Agency (EPA).

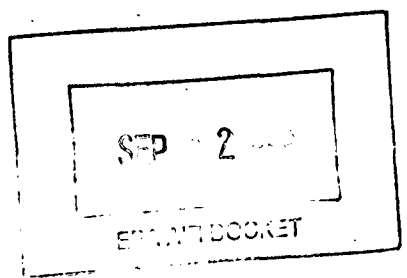
ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Environmental Protection Agency (EPA) is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): National Emission Standards for Hazardous Pollutants; Radionuclides, EPA ICR Number: 1100.09, which expires on January 31, 1999. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the collection as described below.

DATES: Comments must be submitted on or before [Insert date 60 days after publication in the FEDERAL REGISTER].

ADDRESS: Office of Radiation and Indoor Air, Radiation Protection Division, Center for Federal Guidance, Air Standards and Communications, Environmental Protection Agency, 401 M Street, SW, 6602J, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Eleanor Thornton-Jones, telephone: (202) 564-9773, fax: (202) 565-2065, E-mail: thornton.eleanor@epa.gov



SUPPLEMENTARY INFORMATION:

Affected Entities: Entities affected by this action are Department of Energy (DOE), facilities, elemental phosphorus plants, phosphogypsum stacks, underground uranium mines and uranium mill tailings piles.

Title: National Emission Standards for Hazardous Air Pollutants: Radionuclides, OMB No.2060-0191; EPA ICR No.1100.09 expiring 1/31/99.

Abstract: On December 15, 1989 pursuant to Section 112 of the Clean Air act as amended in 1977 (42 USC 1857), EPA promulgated NESHAPs to control radionuclide emissions from several source categories. The regulations were published in 54 FR 51653, and are codified at 40 CFR Part 61, Subparts B, H, I, K, R, T, and W. Due to petitions for reconsideration, EPA rescinded Subpart T (July 15, 1994, 59 FR 36280) as it applies to owners and operators of uranium mill tailings disposal sites licensed by NRC or an affected Agreement State.

Since the last ICR, EPA also has rescinded Subpart I as it applies to NRC-licensed facilities, effective December 30, 1996 (61 FR 68971). EPA rescinded Subpart I for NRC licensees because in the 1990 Clean Air Act amendments, Congress directed EPA to stop regulating radionuclide emissions from NRC licensed facilities if EPA determines that the NRC regulatory program protects the public health with an ample margin of safety. After careful review, EPA determined that public health would be protected with an ample margin of safety by NRC's program. EPA's decision was based on NRC's promulgation of the constraint rule, 10 CFR 20 (61 FR 65120, December 10, 1996), requiring licensees to establish a dose constraint for air emissions of radionuclides of 10 mrem/year total effective dose equivalent for dose to members of the public; a 1992 survey conducted by EPA which found no facility exceeding EPA's

10 mrem/yr effective doses equivalent standard; and data collected during implementation of Subpart I. The existing Subpart I of the radionuclide NESHAP now only applies to non-DOE federal facilities not licensed by NRC.

Information is being collected pursuant to Federal regulation 40 CFR 61. The pertinent sections of the regulation for reporting and record keeping are listed below for each source category:

- Department of Energy - Sections 61.93, 61.94, 61.95
- Elemental Phosphorous - Section 61.123, 61.124, 61.126
- Phosphogypsum Stacks - Sections 61.203, 61.206, 61.207, 61.208, 61.209
- Underground Uranium Mines - Sections 61.24, 61.25
- Uranium Mill Tailings Piles - Sections 61.253, 61.254, 61.255, 61.223, 61.224

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

- (I) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;
- (iii) Enhance the quality, utility, and clarity of the information to be collected; and
- (iv) Minimize the burden of the collection of information on those who are to respond,

including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: Data and information collected is used by EPA to ensure that public health continues to be protected from the hazards of airborne radionuclides by compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAP). Compliance is demonstrated through emission testing and/or dose calculation. Results are submitted to EPA annually for verification of compliance and maintained for a period of 5 years. EPA needs this information to ensure that the regulated facilities are in compliance with the standard, to identify violators, and take corrective action to bring the facilities back into compliance.

Other 40 CFR 61 Facilities - The estimates in this ICR renewal include burden on DOE facilities, elemental phosphorous plants, non-DOE federal facilities not licensed by NRC, phosphogypsum stacks, underground uranium mines and uranium mill tailings piles. For purposes of the burden estimates, it is assumed that all facilities will perform emission testing in lieu of analytical analysis to estimate emissions because, although testing is more time consuming than analytic analysis, the ICR estimates are required to represent a worst case scenario by a factor of about 20. Required activities consist of reading and understanding the regulatory provisions and compliance procedures, preparing a test plan, performing testing, performing data analysis, preparing a report, and storing and maintaining data. Accordingly, it is estimated that the burden will not exceed 288 hours per response and more likely be in a 29 to 288 hour range. The overall radionuclide NESHAP burden has already been reduced by 80 percent due to the rescission of subpart I in December 30, 1996.

<u>Respondent</u>	<u>Number of Facilities</u>	<u>Burden Hours</u>	<u>Annual Burden Hour</u>
Department of Energy	40	1,002	40,080
Elemental Phosphorous	3	268	804
Non-DOE not licensed by NRC	20	40	800
Phosphogypsum Stacks	20	132	2,640
Phosphogypsum Stacks	10	100	1,000
Underground Uranium Mines	10	300	3,000
Uranium Mill Tailings Piles, Subpart T	19	96	1,824
Uranium Mill Tailings Piles, Subpart W	<u>10</u>	<u>56</u>	<u>560</u>
Total	132	1994	50,708

It is estimated that 132 facilities would be required to report emissions and/or effective dose equivalent annually and retain supporting records for five years. Estimated annualized capital/start up cost are: \$45,000 and the annual operation and maintenance costs are: \$1,744,950.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Send comments regarding these matters, or any other aspect of the information collection, including suggestions for reducing the burden, to the address listed above.

8/19/98
Dated:

Paul Mancini For
Larry G. Weinstock, Acting Director
Office of Radiation and Indoor Air