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ENVIRONMENTAL PROTECTION AGENCY

AGENCY INFORMATION COLLECTION ACTIVITIES

UNDER OMB REVIEW

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 Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before [Insert date 30 days after publication in the FEDERAL REGISTER].

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260-2740, and refer to EPA ICR No. . .

SUPPLEMENTARY INFORMATION:

Title: National Emission Standards for Hazardous Air Pollutant (OMB Control No. 2060-0191; EPA ICR No. 1100.07). "This is a request for extension of a currently approved collection."

Abstract: On December 15, 1989 pursuant to Section 112 of the Clean Air Act as amended in 1977 (42 USC 1857), the Environmental Protection Agency promulgated NESHAPs to control Radionuclide emissions from several source categories. The regulations were published in 54 FR 51653, and are codified at 40

CFR Subparts B, H, I, K, R, T, and W, and imposes the following radionuclide dose and emission standards:

Subpart B--Underground Uranium Mines	- 10 mrem/yr
Subpart H--Department of Energy	- 10 mrem/yr, 20 pci/m^2-s
Subpart I--Non-DOE not licensed by NRC	- 10 mrem/yr, 3 mrem/yr iodine
Subpart I--Licensed by NRC	- 10 mrem/yr, 3 mrem/yr iodine
Subpart K--Elemental Phosphorous	- 2 curies/yr
Subpart R--Phosphogypsum Stacks	- 20 pci/m^2-s
Subpart T and W--Uranium Mill Tailings Piles	- 20 pci/m^2-s

Information collected is used by EPA to ensure that public health continues to be protected from the hazards of airborne radionuclides by compliance with these. If the information were not collected, it is unlikely that violation of the standards would be identified and no corrective action would be initiated to bring the facilities back into compliance. Compliance is demonstrated through emission testing and/or dose calculation. Results are submitted to EPA Regional offices annually or when required for verification of compliance and maintained for a period of 5 years.

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 Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 08/25/95 (FR Doc. 95-21169).

Burden Statement: The annual public reporting and Record keeping burden for this collection of information is estimated to average 31 hours per response. 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.

Respondents/Affected Entities: 6112.

Estimated Number of Respondents: 412.

Frequency of Response: Annually or less than annually.

Estimated Total Annual Hour Burden: 188,708 hours.

Estimated Total Annualized Cost Burden: $3,493,509.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1100.7 . and OMB Control No. 2060-0191 in any correspondence.

Ms. Sandy Farmer
U.S. Environmental Protection Agency,
OPPE Regulatory Information Division (2136),
401 M Street, SW,
Washington, DC 20460.

and

Office of Information and Regulatory Affairs,
Office of Management and Budget,
Attention: Desk Officer for EPA
725 17th Street, NW,
Washington, DC 20503.

Dated: _____

_____
Joseph Retzer, Director,
Regulatory Information Division

COLLECTION REQUEST

OMB-83 SUPPORTING STATEMENT

ENVIRONMENTAL PROTECTION AGENCY

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

A. JUSTIFICATION

1. IDENTIFICATION OF INFORMATION COLLECTION

a) Title: National Emission Standards for Hazardous Air Pollutants: Radionuclides

OMB Number: 2060-0191

EPA Number: 1100.07

b) Short Characterization

On January 31, 1996, OMB approval to collect information associated with National Emission Standards for Hazardous Air Pollutants (NESHAPs) relative to radionuclides will expire. This renewal request is for continued collection of information from various source categories. The information to be collected is non-statistical in nature and, therefore, only Part A of the supporting statement requesting for OMB approval under the Paperwork Reduction Act and 5 CFR 1320 is addressed below.

On August 25, 1995 EPA requested comments on this ICR. The following comments were received from DOE and Lawrence Livermore National Laboratory.

Comment: As a Department comment in response to the Federal Register (60 FR 44340), we request that EPA, through rulemaking or an exemption process, exclude DOE sites from reporting under 40 CFR 61.94 if the estimated dose to the maximally exposed individual (MEI), for the current and preceding 2 years, is 1% or

less of the 10 mrem/yr standard. These sites would instead submit to EPA, in lieu of the June 30, NESHAPs report, a copy of the Annual Site Environmental Report (ASER) or similar report by October.

Response: Annual reporting is required by the regulation for all DOE facilities. Only through a rulemaking could the Agency change this requirement.

Comment: Evaluate whether proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

Response: The information collected is required by the regulation and to demonstrate compliance with the dose standard. Continuous sampling of emissions is only required at release points where the EDE is in excess of 1% of the standard; otherwise periodic sampling is allowed. The EPA/DOE Memorandum of Understanding (MOU) recognizes that the protocol for periodic confirmatory measurements is not specified in the regulation and that some DOE facilities have large numbers of minor release points that have similar emissions and controls which could result in a large number of redundant measurements. Development of periodic confirmatory measurement programs is the responsibility of the facility. The facility owner or operator should use best professional judgement, knowledge of the radionuclides and quantities being used in plant operations and the potential for their release to determine when representative

measurements should be made and/or engineering calculations should be utilized. A protocol for periodic confirmatory measurements for each DOE facility must be provided by DOE to the appropriate EPA regional office.

Comment: Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information.

Response: The Agency has contacted EPA, contractor and facility emission monitoring and compliance professional in order to get a better estimate of the cost and hours associated with this information collection request and has recalculated the burden and costs.

Comment: Enhance the quality, utility, and clarity of the information to be collected.

Response: Information collected is required by the regulation. As stated in the EPA/DOE MOU, Section 61.93 provides for the use of alternate effluent flow rate measurement procedures or site selection and sample extraction procedures if all the criteria specified in Section 61.93 (b)(3)(i) through (iv) are met. The criteria for establishing "impractical" pursuant to Section 61.93 (b)(3)(i) are site-specific and include engineering, economic, health and safety considerations. Prior EPA approval must be granted for each emission point for which alternate monitoring procedures are to be used.

Comment: 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.

Response: The information requested is required by the regulation. A revision of the regulation would be necessary to modify the reporting requirements. The Agency is considering electronic filing procedures, but has not yet develop policy guidance for this change.

On December 15, 1989 pursuant to Section 112 of the Clean Air Act as amended in 1977 (42 USC 1857), the Environmental Protection Agency (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 Subparts B, H, I, K, R, T, and W, and impose the following radionuclide dose and emission standards:

Subpart B--Underground Uranium Mines	- 10 mrem/yr
Subpart H--Department of Energy	- 10 mrem/yr, 20 pci/m^2-s
Subpart I--Non-DOE not licensed by NRC	- 10 mrem/yr, 3 mrem/yr iodine
Subpart I--Licensed by NRC	- 10 mrem/yr, 3 mrem/yr iodine
Subpart K--Elemental Phosphorous	- 2 curies/yr
Subpart R--Phosphogypsum Stacks	- 20 pci/m^2-s
Subpart T and W--Uranium Mill Tailings Piles	- 20 pci/m^2-s

Due to petitions for reconsideration, EPA has rescinded subpart T as it applies to owners and operators or uranium mill tailings disposal sites licensed by NRC or an affected Agreement State. EPA is also proposing to rescind Subpart I as it applies to NRC-licensed facilities.

Information collected is used by EPA to ensure that public health continues to be protected from the hazards of airborne radionuclides by compliance with these standards. If the information were not collected, it is unlikely that a violation of these standards would be identified and no corrective action would be initiated to bring the facilities back into compliance. Compliance is demonstrated through emission testing and/or dose calculation procedures. Results are submitted to EPA Regional offices annually or when required for verification of compliance, and maintained for a period of 5 years.

2. NEED FOR AND USE OF THE COLLECTION

(a) Need/Authority for the Collection

In the context of the Clean Air Act (42 USC 1857), Section 114 authorizes the Administrator of EPA to require any person who owns or operates any emission source or who is subject to any requirements of the Act to:

- Establish and maintain records
- Make reports install, use and maintain monitoring equipment or method
- Sample emissions in accordance with EPA-prescribed

locations, intervals and methods

- Provide information as may be requested

(b) Practical Utility/Users

Information collected is used by EPA's regional offices to ensure that public health continues to be protected from the hazards of radionuclides by compliance with health based standards. If the information were not collected, it is unlikely that violation of the standards would be identified and no corrective action would be initiated to bring the facilities back into compliance.

EPA's compliance monitoring activities vary widely from a letter requesting information to a full scale investigation, including on-site inspections.

When EPA first learns of a noncompliance problem, an attempt to remedy the problem occurs through informal discussions with the owner/operator of the source. If it is not possible to remedy the problem informally, formal action is taken. EPA's Clean Air Act Compliance Enforcement Guidance Manual identifies the Agency's informal and formal enforcement operating procedures.

3. THE RESPONDENTS AND THE INFORMATION REQUESTED

(a) Respondents/SIC Codes

The SIC Codes associated with the activity of the respondents are:

Department of Energy - 9711

Elemental Phosphorous - 281

Non-DOE not licensed by NRC - 9711

Phosphogypsum Stacks - 281

Underground Uranium Mines - 109

Uranium Mill Tailings Piles - 109

NRC Licensees

General Medical - 8062

Laboratory - 8071

Radiopharmaceutical - 2834

Radioactive Isotope - 2819

(b) Information Requested

A description of the reporting requirements are listed separately for each subpart.

Reporting

Subpart B - Underground Uranium Mines

The mine owner or operator shall annually calculate and report the results of the compliance calculations and the input parameters used in making the calculation. The compliance calculations include using Appendix B, Method 115 to calculate the source terms used in the program COMPLY-R which calculates the dose. The report shall cover the emissions of a calendar year and shall be sent to EPA by March 31 of the following year. Each report shall also include the following information:

(1) The name and location of the mine,

(2) The name of the person responsible for the operation of the facility and the name of the person preparing the report (if different),

(3) The results of the emissions testing conducted and the dose calculated using the procedures in § 61.23,

(4) A list of the stacks or vents or other points where radioactive materials are released to the atmosphere, including their location, diameter, flow rate, effluent temperature and release height,

(5) A description of the effluent controls that are used on each stack, vent, or other release point and the effluent controls used inside the mine, and an estimate of the efficiency of each control method or device,

(6) Distances from the points of release to the nearest residence, school, business or office and the nearest farms producing vegetables, milk and meat,

(7) The values used for all other user-supplied input parameters for the computer model and the source of these data,

(8) Each report shall be signed and dated by a corporate officer in charge of the facility and contain the following declaration immediately above the signature line: "I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted

information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment. See, 18 U.S.C. 1001."

In order to complete the subpart B reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform radon-222 emission measurements as required in Appendix B, Method 115,

c. perform data analysis including Method 115 source term calculations and COMPLY-R dose calculation,

d. prepare and submit report.

Subpart H - Department of Energy

Radionuclide emission rates from point sources (stacks or vents) shall be measured in accordance with the requirements in §61.93 (b).

Compliance with this standard shall be determined by calculating the highest effective dose equivalent to any member of the public at any offsite point where there is a residence, school, business or office. The owners or operators of each facility shall submit an annual report to both EPA headquarters and the appropriate regional office by June 30 which includes the results of the monitoring as recorded in DOE's Effluent Information System and the dose calculations required by § 61.93(a) for the previous calendar year.

In addition to these reporting requirements an annual report shall include the following information:

(1) The name and location of the facility,

(2) A list of the radioactive materials used at the facility,

(3) A description of the handling and processing that the radioactive materials undergo at the facility,

(4) A list of the stacks or vents or other points where radioactive materials are released to the atmosphere,

(5) A description of the effluent controls that are used on each stack, vent, or other release point and an estimate of the efficiency of each control device,

(6) Distances from the points of release to the nearest residence, school, business or office and the nearest farms producing vegetables, milk, and meat,

(7) The values used for all other user-supplied input parameters for the computer models (e.g., meteorological data) and the source of these data,

(8) A brief description of all construction and modifications which were completed in the calendar year for which the report is prepared, but for which the requirement to apply for approval to construct or modify was waived under § 61.96 and associated documentation developed by DOE to support the waiver. EPA reserves the right to require that DOE send to EPA all the information that normally would be required in an application to construct or modify, following receipt of the description and supporting documentation,

(9) Each report shall be signed and dated by a corporate officer or public official in charge of the facility and contain the following declaration immediately above the signature line: "I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment. See, 18 U.S.C. 1001."

In order to complete these reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform the emission monitoring and test procedures in 61.93,

c. perform data analysis including source term calculations and computer model dose calculation,

d. prepare and submit report to EPA,

Subpart I - NRC Licensed and Non-DOE Federal Facilities

Compliance with the emission standard in this subpart shall be determined through the use of either the EPA computer code COMPLY or the alternative requirements of Appendix E. Facilities emitting radionuclides not listed in COMPLY or Appendix E shall contact EPA to receive the information needed to determine dose. The source terms to be used for input into COMPLY shall be determined through

the use of the measurement procedures listed in § 61.107 or the emission factors in Appendix D or through alternative procedures for which EPA has granted prior approval; or,

The owner or operator of a facility subject to this subpart must submit an annual report to the EPA covering the emissions of calendar year by March 31 of the following year.

The report or application for approval to construct or modify as required by 40 CFR part 61, subpart A and § 61.106, must provide the following information:

(1) The name of the facility,

(2) The name of the person responsible for the operation of the facility and the name of the person preparing the report (if different),

(3) The location of the facility, including suite and/or building number, street, city, county, state, and zip code,

(4) The mailing address of the facility, if differs from item (3),

(5) A list of the radioactive materials used at the facility,

(6) A description of the handling and processing that the radioactive materials undergo at the facility,

(7) A list of the stacks or vents or other points where radioactive materials are released to the atmosphere,

(8) A description of the effluent controls that are used on each stack vent, or other release point and an estimate of the efficiency of each device,

(9) Distances from the point of release to the nearest residence, school, business or office and the nearest farms producing vegetables, milk, and meat,

(10) The effective dose equivalent calculated using the compliance procedures in § 61.103,

(11) The physical form and quantity of each radionuclide emitted from each stack, vent or other release point, and the method(s) by which these quantities were determined,

(12) The volumetric flow, diameter effluent temperature, and release height for each stack, vent or other release point where radioactive materials are emitted, the method(s) by which these were determined,

(13) The height and width of each building from which radionuclides are emitted,

(14) The values used for all other user-supplied input parameters (e.g., meteorological data) and the source of these data,

(15) A brief description of all construction and modifications which were completed in the calendar year for which the report is prepared, but for which the requirement to apply for approval to construct or modify was waived under section 61.106, and associated documentation developed by the licensee to support the waiver. EPA reserves the right to require that the licensee send to EPA all the information that normally would be required in an application to construct or modify, following receipt of the description and supporting documentation,

(16) Each report shall be signed and dated by a corporate officer or public official in charge of the facility and contain the following declaration immediately above the signature line: "I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment. See, 18 U.S.C. 1001."

Facilities emitting radionuclides in an amount that would cause less than 10% of the dose standard (10 mrem/yr, 3 mrem/yr for iodine), as determined by the compliance procedures from §61.103(a), are exempt from the reporting requirements of 61.104(a). Facilities shall annually make a new determination whether they are exempt from reporting.

In order to complete these reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform emission estimates and dose calculation procedures to demonstrate compliance and determine if reporting is required,

c. prepare and submit the report if necessary.

Subpart K - Elemental Phosphorus Plants

Each owner or operator of an elemental phosphorus plant shall

test emissions from the plant annually according to the procedures in § 61.123 and using the test methods in § 61.125.

Each owner or operator of an elemental phosphorus plant shall furnish the Administrator with a written report on the results of the emission test within 60 days of conducting the test. The report must provide the following information:

(1) The name and location of the facility,

(2) The name of the person responsible for the operation of the facility and the name of the person preparing the report (if different),

(3) A description of the effluent controls that are used on each stack, vent or other release point and an estimate of the efficiency of each device,

(4) The results of the testing, including the results of each sampling run completed,

(5) The values used in calculating the emissions and the source of these data,

(6) Each report shall be signed and dated by a corporate officer in charge of the facility and contain the following declaration immediately above the signature line: "I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant

penalties for submitting false information including the possibility of fine and imprisonment. See, 18 U.S.C. 1001."

In order to complete these reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform the emission monitoring and test procedures in § 61.125,

c. perform data analysis including calculation of annual emission rate,

d. prepare and submit the report to EPA.

Subpart R

Sixty days following the date at which a stack becomes an inactive stack the owners or operators of inactive phosphogypsum stacks shall test the stack in accordance with the procedures described in Appendix B, Method 115. This is a one-time report. However, if an owner or operator removes phosphogypsum from an inactive stack, the owner shall test the stack once a year for every year in which phosphogypsum is removed from the stack.

EPA shall be notified at least 30 days prior to an emission test so that EPA may, at its option, observe the test. Ninety days after the testing is required, the owner or operator shall provide EPA with a report detailing the actions taken and the results of the radon-222 flux testing. Each report shall also include the following information:

(1) The name and location of the facility,

(2) A list of the stacks at the facility including the size and dimensions of the stack,

(3) The name of the person responsible for the operation of the facility and the name of the person preparing the report (if different),

(4) A description of the control measures taken to decrease the radon flux from the source and any actions taken to insure the long term effectiveness of the control measures, and

(5) The results of the testing conducted, including the results of each measurement,

(6) Each report shall be signed and dated by a corporate officer in charge of the facility and contain the following declaration immediately above the signature line: "I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment. See, 18 U.S.C. 1001."

Also, the owner or operator of the stack from which the phosphogypsum is removed shall determine annually the average radium-226 concentration at the location in the stack from which the phosphogypsum will be removed as provided by § 61.207. Each distributor, retailer, or reseller who distributes phosphogypsum for

use in agriculture shall prepare certification documents which conform to the requirements of § 61.208

The owner or operator of a stack from which phosphogypsum will be removed and distributed in commerce pursuant to § 61.204, § 61.205, or § 61.206 shall prepare a certification document for each quantity of phosphogypsum which is distributed in commerce which includes:

(1) The name an address of the owner or operator,

(2) The name and address of the purchaser or recipient of the phosphogypsum,

(3) The quantity (in pounds) of phosphogypsum sold or transferred,

(4) The date of sale or transfer,

(5) The average radium-226 concentration, in pCi/g, of the phosphogypsum to § 61.207, and

(6) The signature of the person who prepared the certification.

Each distributor, retailer, or reseller who purchases or receives phosphogypsum for subsequent resale or transfer shall prepare a certification document for each quantity of phosphogypsum which is resold or transferred which includes:

(1) The name an address of the owner or operator,

(2) The name and address of the purchaser or recipient of the phosphogypsum,

(3) The quantity (in pounds) of phosphogypsum sold or transferred,

(4) The date of resale or transfer,

(5) A description of the intended end use for the phosphogypsum,

(5) A copy of each certification document which accompanied the phosphogypsum at the time it was purchased or received by the distributor, retailer, or reseller, and

(6) The signature of the person who prepared the certification.

Submission of certification documents to EPA is not a requirement.

In order to complete these reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform the radon flux testing in §61.203,

c. perform radium-226 sampling and measurement procedures in §61.207 (if required),

d. perform data analysis including Method 115 radon flux or radium-226 concentration calculations,

e. prepare and submit the report and prepare a certification document if required.

Subpart T - Uranium Mill Tailings

Sixty days following the completion of covering the pile to limit radon emission but prior to the long term stabilization of the pile, the owners or operators of uranium mill tailings shall conduct testing for all piles within the facility in accordance with the procedures described in 40 CFR 61, Appendix B, Method 115, or procedures for which EPA has granted prior approval. Ninety days after the testing is required, each facility shall provide EPA with a report detailing the actions taken and the results of the radon-222 flux testing. EPA shall be notified at least 30 days prior to

an emission test so that EPA may, at its option, observe the test. Each report shall also include the following information:

(1) The name and location of the facility,

(2) A list of the piles at the facility,

(3) A description of the control measures taken to decrease the radon flux from the source and any actions taken to insure the long term effectiveness of the control measures,

(4) The results of the testing conducted, including the results of each measurement,

(5) Each report shall be signed and dated by a corporate officer or public official in charge of the facility and contain the following declaration immediately above the signature line: "I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment. See, 18 U.S.C. 1001." This is a one-time reporting requirement which precedes the closing of a pile.

In order to complete these reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform testing required in Appendix B, Method 115,

c. perform data analysis including Method 115 radon flux calculations,

d. prepare and submit the report to EPA.

Subpart W - Uranium Mill Tailings

The owners or operators of operating existing mill impoundments shall report the results of the compliance calculations required in § 61.253 and the input parameters used in making the calculation for each calendar year shall be sent to EPA by March 31 of the following year. Each report shall also include the following information:

(1) The name and location of the mill,

(2) The name of the person responsible for the operation of the facility and the name of the person preparing the report (if different),

(3) The results of the testing conducted, including the results of each measurement,

(4) Each report shall be signed and dated by a corporate officer in charge of the facility and contain the following declaration immediately above the signature line: "I certify under penalty of law that I have personally examined and am familiar with the information submitted herein and based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment. See, 18 U.S.C. 1001."

In order to complete these reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform testing required in Appendix B, Method 115,

c. perform data analysis including Method 115 radon flux calculations,

d. prepare and submit the report to EPA.

Record Keeping

The record keeping requirements of each subpart are similar and have be summarized in the paragraph below.

The owner or operator of the facility must maintain records documenting the source of input parameters including the results of all measurements upon which they are based, the calculations and/or analytical methods used to derive values for input parameters, and the procedure used to determine compliance. This documentation should be sufficient to allow an independent auditor to verify the accuracy of the determination made concerning the facility's compliance with the standard. These records must be kept at the mill for at least five years and, upon request, be made available for inspection by the Administrator, or his authorized representative.

4. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

(a) Agency Activities

Information being collected is pursuant to Federal regulation. Agency activities consist of reviewing owner or operator test reports and maintaining files.

(b) Collection Methodology and Management

The Office of Radiation and Indoor Air and the EPA regional offices have planned and allocated resources for the efficient and effective management and use of this information.

Records must be maintained documenting the source of input parameters including the results of all measurements upon which they are based, the calculations and/or analytical methods used to derive values for input parameters, and the procedure used to determine effective dose equivalent. This documentation should be sufficient to allow an independent auditor to verify the accuracy of the determination made concerning the facility's compliance with the standard. These records must be kept at the site of the facility for at least five years and, upon request, be made available for inspection by the Administrator, or his authorized representative.

The Agency has determined that annual report review and periodic on site inspection is the most effective method to insure compliance. Regional office technical staff review facility annual reports to determine if compliance with the regulatory standards are being maintained. Verification of data is accomplished by recalculation of dose using computer models and conducting site inspections or witnessing an emission test.

For Subpart H, in those instances where the information requested is classified, such information will be made available to EPA separate from the report and will be handled and controlled according to applicable security and classification regulations and

requirements. Regular monitoring information recorded in the annual report is also recorded in DOE's Effluent Information System.

(c) Small Entity FLexibility

Only subpart I affects facilities that would be consider small businesses. Procedures of subpart I for demonstrating compliance have been designed such that facilities emitting radionuclides in an amount that would cause less than 10% of the dose standard (10 mrem/yr, 3 mrem/yr for iodine) are exempt from reporting. The Agency plans to rescind subpart I as it affects NRC licensed facilities.

(d) Collection Schedule

Reporting of test results is required annually to provide yearly certification of compliance with a health based standard; therefore, less frequent reporting was not considered an option to reduce burden because of the yearly stipulation in the rule. Reporting for some facilities is less often because it is based on facility actions such as closing a tailings pile.

5. NONDUPLICATION, CONSULTATIONS AND OTHER COLLECTION CRITERIA

(a) Nonduplication

The specific information requested by this notice is not currently collected by any other office within EPA or any other governmental agency. The Agency has rescinded subpart T as it applies to NRC licensed facilities, and subpart I for nuclear power reactors. The Agency is also planning to rescind subpart I as it applies to all NRC licensed facilities.

(b) Consultations

In developing the regulations, EPA gathered extensive background information on the affected facilities. In addition to background information collected from industry sources, public comments were received during the rule making process which are contained in the public docket. Since the signing of the rule, there has been opportunity for dialogue between EPA and affected facilities which have resulted in changes to the rule, memorandums of understanding, and recision. In preparing this request EPA also contacted contractor, EPA and facility emission monitoring and compliance professionals.

(c) Effects of Less Frequent Collection

All reporting is annually or less than annually.

(d) General Guidelines

(e) Confidentiality and Sensitive Questions

i. Confidentiality

This section does not apply because this ICR does not request information of confidential nature.

For Subpart H, in those instances where the information requested is classified, such information will be made available to EPA separate from the report and will be handled and controlled according to applicable security and classification regulations and requirements.

ii. Sensitive Questions

This section does not apply because this ICR does not request information of a sensitive nature.

6. BURDEN AND COST OF THE COLLECTION

In response to comments received from the Lawrence Livermore National Laboratory and because of regulatory rescision and facility closure burden and cost estimates have been recalculated. Burden and costs estimates have been calculated separately for each subpart.

Respondent labor rates are based on those of typical government personnel capable of performing the requisite respondent's tasks. That is, it would not be unreasonable to expect a GS-15 at an hourly rate of $38 to prepare the report; a GS-13 at an hourly rate of $27 to perform the test and perform data analysis; and a GS-7 clerical at $12 an hour to maintian files. These rates are doubled in the cost estimate to include overhead. The labor key is as follows: Mgmt=GS-15 ($76/hr), Tech=GS-13 ($54/hr), and Cler=GS-7 (24/hr).

Subpart B -- Underground Uranium mines

In order to complete subpart B reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform radon-222 emission measurements as required in Appendix B, Method 115,

c. perform data analysis including Method 115 source term calculations and COMPLY-R dose calculation,

d. prepare and submit report.

- The estimated capital/start-up cost includes the monitoring equipment needed to perform Method 115 testing for one mine.

- Capital/start-up burden includes understanding regulatory provisions and installation of equipment.
- Estimated annual costs related to testing include calibration, and repairs costs.
- Estimated annual burden hours collecting emission data from monitoring equipment and performing data analysis and calculations, report preparation and data management.
- Based on reports received during the previous reporting period, five mines are in standby none are operating.
- This estimate assumes 1 new mine and 9 current mines operating during the reporting period.

REPORTING	Capital/Start-up			Annual		
	Burden Hours	Cost	Burden Hour Cost	Burden Hours	Costs	Burden Hour Cost
Read and understand the regulatory provision (Mgmt)	40		$3,040.00			
Perform emission monitoring (Tech)	40	$15,000.00	$2,160.00	160	$5,000.00	$8,640.00

Perform data analysis (Tech)				40		$2,160.00
Prepare report (Mgmt)				10		$760.00
SUB-TOTAL	80	$15,000.00	$5,200.00	210	$5,000.00	$11,560.00
RECORD KEEPING						
File and maintain data (Cler)				10		$240.00
TOTAL	80	$15,000.00	$5,200.00	220	$5,000.00	$11,800.00
Capital/start-up cost: 1 facility x $15,000 = $15,000						
Annual cost (O & M): 10 facilities x ($5000) = $50,000						
Annual hourly burden: 10 facilities x (220 hours + 80 hours) = 3000 hours						
Annual burden cost: 10 facilities x ($5200 + $11,800) = $170,000						

Subpart H--Department of Energy Facilities

In order to complete these reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform the emission monitoring and test procedures in 61.93,

c. perform data analysis including source term calculations and computer model dose calculation,

d. prepare and submit report to EPA.

Estimates will vary greatly from facility to facility. However, only 12 DOE facilities have emission sources that require continuous emission monitoring. The remaining facilities conduct periodic confirmatory measurements. Most DOE facilities would conduct emission monitoring regardless of the NESHAP reporting requirements.

- An estimated capital/start-up cost for equipment necessary for conducting emission monitoring at one emission source is about $10,000.

- It is estimated that 2 facilities will be required to upgrade equipment to meet the reporting requirements.

- Estimated annual costs for sample analysis vary greatly from stack to stack and depend upon what radionuclides are being measured. For example, tritium analysis cost is estimated at $200/sample, alpha and beta analysis cost is estimated at $75/sample, gamma analysis of charcoal is estimated at $25/sample. This estimate assumes weekly samples for each analysis.

- Annual costs for maintenance and calibration are included.

- This estimate assumes a facility with one source requiring continuous emission monitoring, and several sources which require periodic measurements to confirm that continous monitoring is not required.

- 40 facilities are estimated to file a report.

REPORTING	Capital/Start-up			Annual		
	Burden Hours	Cost	Burden Hour Cost	Burden Hours	Costs	Burden Hour Cost
Read and understand the regulatory provision (Mgmt)	40		$3,040.00			
Perform emission monitoring (Tech)	40	$15,000.00	$2,160.00	832	$36,200.00	$44,928.00
Perform data analysis (Tech)				60		$3,240.00

Prepare and submit report (Mgmt)				20	$200	$1,520.00
SUB-TOTAL	80	$15,000.00	$5,200.00	912	$36,400.00	$49,688.00
RECORD KEEPING						
File and maintain data (Cler)				10		$240.00
TOTAL	80	$15,000.00	$5,200.00	922	$36,400.00	$49,928.00
Capital/Startup cost: 2 facilities x $15,000 = $30,000						
Annual cost (O & M): 40 facilities x $36,400 = $1,456,000						
Annual burden hours: 40 facilities x (922 hours + 80 hours) = 40,880 hours						
Annual burden cost: 40 facilities x ($5200 + $49,928) = $2,205,120						

Subpart I--NRC Licensed Facilities

In order to complete these reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform emission estimates and dose calculation procedures,

c. prepare and submit the report it necessary.

Estimates can vary greatly, but most of the 6000 facilities will demonstrate compliance and determine that reporting is not required within the estimate provided. In 1995 EPA received approximately 300 reports, some of which were not required. EPA plans to rescind subpart I for all NRC licensed facilities. There are approximately 17 Department of Defense facilities which are not licensed by NRC which are affected by subpart I.

- This estimate assumes 6000 facilities will perform compliance procedures and 300 facilities will submit a report to EPA.

REPORTING	Capital/Start-up		Annual Operating		
	Burden Hours	Cost	Burden Hours	Costs	Burden Hour Costs
Read and understand the regulatory provision (Mgmt)			8		$608.00
Perform compliance procedures (Tech)			4		$216.00

Prepare report (Mgmt)			4		$304.00
SUB-TOTAL	0	$0.00	16	$0.00	$1,128.00
RECORD KEEPING					
File and maintain data (Cler)			7		$168.00
TOTAL	0	$0.00	23	$0.00	$1,296.00
Capital/start-up cost: $0					
Annual cost (O & M): $0					
Annual burden hours: 6000 facilities x 23 hours = 138,000 hours					
Annual burden cost: 6000 facilites x $1,296 = $7,776,000					

Subpart K--Elemental Phosphorus Plants

In order to complete these reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform the emission monitoring and test procedures in § 61.125,

c. perform data analysis including calculation of annual emission rate,

d. prepare and submit the report to EPA.

- It is estimated that 3 facilities will complete these reporting requirements. Two facilities closed during the previous period.

REPORTING	Capital/Start-up		Annual Operating		
	Burden Hours	Cost	Burden Hours	Costs	Burden Hour Cost
Read and understand the regulatory provision	0				
Perform testing (Tech)			240	$5,000.00	$12,960.00
Perform data analysis (Tech)			8		$432.00
Prepare and submit report (Mgmt)			10	$100.00	$760.00
SUB-TOTAL	0	$0.00	258	$5,100.00	$14,152.00

RECORD KEEPING					
File and maintain data (Cler)			10		$240.00
TOTAL	0	$0.00	268	$5,100.00	$14,392.00
Capital/start-up cost: $0					
Annual cost (O & M): 3 facilities x $5,100 = $15,300					
Annual burden hours: 3 facilities x 268 hours = 804 hours					
Annual burden cost: 3 facilites x $14,392 = $43,176					

Subpart R--Phosphogypsum Stacks

In order to complete these reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform the radon flux testing in §61.203,

c. perform radium-226 sampling and measurement procedures in §61.207 (if required),

d. perform data analysis including Method 115 radon flux or radium-226 concentration calculations,

e. prepare and submit the report and certification document if required.

- It is estimated that the testing materials for 300 measurements and the analysis is obtain from a contract source at a cost of $25/measurement.

- It is estimated that it will take four days for two people to place, collect and ship 300 samples to a testing lab.

- It is estimated that 20 stacks will be required to complete this one-time report.

- The estimated cost for a contractor to complete testing is $13,000.

REPORTING	Capital/Start-up			Annual Operating		
	Burden Hours	Cost	Burden Hour Cost	Burden Hours	Cost	Burden Hour Cost
Read and understand the regulatory provision (Mgmt)	40		$3,040.00			
Perform testing (Tech)			$0.00	64	$7,500.00	$3,456.00
Perform data analysis (Tech)			$0.00	8		$432.00

Prepare and submit report (Mgmt)			$0.00	10	$100.00	$760.00
SUB-TOTAL	40	$0.00	$3,040.00	82	$7,600.00	$4,648.00
RECORD KEEPING						
File and maintain data (Cler)				10		$240.00
TOTAL	40	$0.00	$3,040.00	92	$7,600.00	$4,888.00
Capital/start-up cost: $0						
Annual cost (O & M): 20 facilities x $7600 =$152,000						
Annual burden hours: 20 facilities x (40 hours + 92 hours) = 2640 hours						
Annual burden cost: 20 facilites x ($3040 + $4888) = $158,560						

It is estimated that 10 phosphogypsum stacks will have to conduct radon flux testing every year because phosphogypsum is removed from the stack. For these stacks, the radium-226 concentration must also be determined and included in certification papers.

REPORTING	Capital/Start-up		Annual		
	Burden Hours	Cost	Burden Hours	Costs	Burden Hour Cost
Read and understand the regulatory provision	0				
Perform radon flux testing (Tech)			64	$7,500.00	$3,456.00
Perform radium-226 sampling and measurement procedures (Tech)			8	$750.00	$432.00
Perform data analysis (Tech)			8		$432.00

Prepare report and certification papers (Mgmt)			10	$100.00	$760.00
SUB-TOTAL	0	$0.00	90	$8,350.00	$5,080.00
RECORD KEEPING					
File and maintain data (Cler)			10		$240.00
TOTAL	0	$0.00	100	$8,350.00	$5,320.00
Capital/start-up cost: $0					
Annual cost (O & M): $8350					
Annual burden hours: 10 facilities x 100 hours = 1000 hours					
Annual burden cost: 10 facilites x $5320 = $53,200					

Subpart T--Uranium Mill Tailings Piles

In order to complete these reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform testing required in Appendix B, Method 115,

c. perform data analysis including Method 115 radon flux calculations,

d. prepare and submit the report to EPA.

- It is estimated that the testing materials for 100 measurements and the analysis is obtain from a contract source at a cost of $25/measurement.

- It is estimated that it will take one day for two people to place 100 canisters and one for two people to collect the canisters and ship them to a testing lab.

- Testing is required once when the pile closes.

- Subpart T was rescinded for NRC licensed facilities.

- Affected facilities include abandon sites under DOE control.

- 19 facilities are estimated to file a one-time report.

- The estimated cost for a contractor to complete the testing is $4000.

REPORTING	Capital/Start-up			Annual		
	Burden Hours	Cost	Burden Hour Cost	Burden Hours	Costs	Burden Hour Cost

Read and understand the regulatory provision (Mgmt)	40		$3,040.00			
Perform testing (Tech)				32	$2,500.00	$1,728.00
Perform data analysis (Tech)				4		$216.00
Prepare and submit report (Mgmt)				10		$760.00
SUB-TOTAL	40	$0.00	$3,040.00	46	$2,500.00	$2,704.00
RECORD KEEPING						
File and maintain data (Cler)				10		$240.00
TOTAL	40	$0.00	$3,040.00	56	$2,500.00	$2,944.00
Capital/start-up cost: $0						

Annual cost (O & M): 19 facilities x $2500 = $47,500
Annual burden hours: 19 facilities x (56 hours + 40 hours) = 1824 hours
Annual burden cost: 19 facilites x ($3040 + $2944) = $113,696

Subpart W--Uranium Mill Tailings Piles

In order to complete these reporting requirements respondents will:

a. read and understand the regulatory provision,

b. perform radon flux testing required in Appendix B, Method 115,

c. perform data analysis including Method 115 radon flux calculations,

d. prepare and submit the report to EPA.

- It is estimated that the testing materials for 100 measurements and the analysis is obtain from a contract source at a cost of $25/measurement.

- It is estimated that it will take one day for two people to place 100 canisters and one for two people to collect the canisters and ship them to a testing lab.

- It is estimated that 10 facilities will file a report annually.

- The estimated cost for a contractor to complete the testing is $4000.

REPORTING	Capital/Start-up		Annual		
	Burden Hours	Cost	Burden Hours	Costs	Burden Hour Cost
Read and understand the regulatory provision	0				
Perform testing (Tech)			32	$2500	$1,728.00
Perform data analysis (Tech)			4		$216.00
Prepare and submit report (Mgmt)			10	$100.00	$760.00
SUB-TOTAL	0	$0.00	46	$2,600.00	$2,704.00
RECORD KEEPING					
File and maintain data (Cler)			10		$240.00

TOTAL	0	$0.00	56	$2,600.00	$2,944.00
Capital/start-up cost: $0					
Annual cost (O & M): 10 facilities x $2600 = $26,000					
Annual burden hours: 10 facilities x 56 hours = 560 hours					
Annual burden cost: 10 facilites x $2944 = $29,440					

ESTIMATED AGENCY BURDEN AND COST

AGENCY	Capital/Start-Up Burden Hours	Capital/Start-up Cost	Annual Burden Hours	Annual Costs
Review reports for compliance verification (Tech)			9	$486.00
File reports (Cler)			3	$72.00
SUB-TOTAL	0	0	12	$558.00
TOTAL for 412 respondents			4944	$229,896.00

SUMMARY OF BURDEN ESTIMATE

	Capital/Start-up		Annual Burden	
	Cost	(O & M)	Hours	Hour Cost
Subpart B	$15,000.00	$50,000.00	3000	$170,000.00
Subpart H	$30,000.00	$1,456,000.00	40880	$2,205,120.00
Subpart I	$0.00	$0.00	138000	$7,776,000.00
Subpart K	$0.00	$5,100.00	804	$43,176.00
Subpart R	$0.00	$160,350.00	3640	$211,760.00
Subpart T	$0.00	$47,500.00	1824	$113,696.00
Subpart W	$0.00	$26,000.00	560	$29,440.00
TOTAL	**$45,000.00**	**$1,744,950.00**	**188708**	**$10,549,192.00**
EPA	$0.00	$0.00	4944	$229,896.00

Average annual burden per response: 188,708 hours/6112 respondents = 31 hours

For capital with a 20 year life, and assuming 5% discount rate, the annualized cost is 8.02% of the capital cost.

Total Annualized captial/start-up cost: $45,000 x 8.02% =$3609

Total Annualized Cost: $3609 + $1,744,950 = $3,493,509

EXPLANATION OF BURDEN ESTIMATE CHANGE

Burden and cost estimates were recalculated for this ICR. Due to comments from Lawrence Livermore National Laboratory regarding estimates for DOE facilities, it was determined appropriate to recalculate estimates for each subpart at this time. For some subparts burden estimates decreased because the number of facilities affected has decreased due to regulatory rescision or facility closure. Burden hour cost estimates increased because labor rates used for this estimate included overhead costs.