

SUPPORTING STATEMENT

ENVIRONMENTAL PROTECTION AGENCY

A. JUSTIFICATION

1. IDENTIFICATION OF INFORMATION COLLECTION

- a) Title: Revisions to National Emission Standards for Radon Emissions from Operating Mill Tailings (NESHAP) Subpart W, 40 CFR 61.250

EPA Number 2464.02, OMB Number 2060-0706

- b) Short Characterization

On **(INSERT DATE)** EPA issued final revisions to the radon emission standards for 40 CFR Part 61, Subpart W. Included in the final revisions is a requirement that owners and operators of uranium recovery facilities maintain specific records pertaining to the design, construction and operation of the uranium tailings impoundments, both conventional and non-conventional, and heap leach piles. These records will be retained at the facility and contain information regarding the approved design of the impoundments and/or heap leach pile, including but not limited to, all tests performed that prove the liner is compatible with the material(s) being placed on the liner. For non-conventional impoundments this requirement also includes written and digital photographic records showing compliance with the requirement to maintain liquid in the impoundment such that any solid materials in the impoundment are not visible above the liquid level. Apart from the design documents, which are required for the application submitted under Subpart A of 40 CFR part 61, records regarding the inspections to determine the liquid retention requirement for nonconventional ponds are new requirements for collection of information that is not covered under the existing ICR for NESHAPS, EPA Number 1100.13, OMB Number 2060-0191.

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, thus, there would be no corrective action initiated to bring the facilities back into compliance. Compliance is demonstrated through inspection. All facilities are required to maintain their records for 5 years. The rationale for the 5 year record keeping requirement is from the Code of Federal Regulations (CFR), 40 CFR part 61, Section 255. In some cases, they also report their results to EPA.

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

EPA's regional offices use the information collected to ensure that public health continues to be protected from the hazards of radionuclides by compliance with health based standards and/ or Generally Available Control Technology (GACT).

EPA's compliance monitoring activities vary widely. EPA could issue a letter requesting

information about compliance or could conduct a full scale investigation, including on-site inspections.

When EPA first learns of a compliance problem, EPA attempts to remedy the problem by holding 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. NON DUPLICATION, CONSULTATIONS AND OTHER COLLECTION CRITERIA

(a) Non duplication

In accordance with 40 CFR Part 61, the specific information requested by this notice is not currently collected by any other office within EPA or any other governmental agency.

(b) Public Notice Required Prior to ICR Submission to OMB

On May 2, 2014 (79 FR 25388), EPA requested comments on specific aspects of this ICR, with a 90 day comment period, subsequently extended, which closed on October 29, 2014. Specifically, there were no comments received from affected entities or the general public by this deadline.

(c) Consultations

In developing the proposed regulations, EPA gathered extensive background information on the affected facilities. In addition to background information collected from the regulated sources, public comments were received during the rulemaking process and they are contained in the public docket. In preparing this request, EPA also contacted contractors, EPA staff, and facility emission monitoring and compliance professionals. As a result of these consultations

and the provision in the Clean Air Act Amendments, EPA was able to eliminate duplication of effort between EPA and NRC in instances where EPA determined that the NRC program could provide protection of the public health with an ample margin of safety.

(d) Effects of Less Frequent Collection

All reporting less frequent than annually.

(e) General Guidelines

This ICR meets OMB's collection guidelines, had no public comments during the comment period which ended October 29, 2014, and does not duplicate another collection.

(f) Confidentiality

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

(g) Sensitive Questions

This section is not applicable because this ICR does not request sensitive information.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

(a) Respondents NAICS Codes

The NAICS Code associated with the activity of the respondents is:

Uranium Ores Mining and/or Beneficiation - 212291

Leaching of Uranium, Radium or Vanadium Ores - 212291

(b) Information Requested

Descriptions of the reporting requirements are listed below.

Reporting

Subpart W - Uranium Mill Tailings

The owners or operators of operating non-conventional impoundments are required to submit digital photographs collected during compliance inspections to the Subpart W Impoundment Photographic Reporting system (SWIPR) under Section 61.255. Digital photographs documenting the presence of liquids in non-conventional impoundments such that solid materials are not visible above the liquid level are to be collected at least weekly and uploaded to SWIPR at least monthly. Daily inspections of impoundments are required by the Nuclear Regulatory Commission (NRC).

Record Keeping

The owner or operator of the uranium recovery facility must maintain records that confirm the approved design and operating procedures for the conventional impoundment(s), non-conventional impoundment(s) and heap leach pile(s). Included in these records shall be the results of liner compatibility tests and written and digital photographic records confirming that liquid has been maintained in non-conventional impoundments such that no solid material is visible above the liquid level. 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 or facility for at least five years and, upon request, be made available for inspection by the Administrator, or his/her authorized representative.

5. 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 approved design and operating procedures for the conventional impoundment(s), non-conventional impoundment(s) and heap leach pile(s). Included in these records shall be the results of liner compatibility tests and written and digital photographic records confirming that liquid has been maintained in non-conventional impoundments such that solid materials are not visible above the liquid level. 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 the Administrator's authorized representative.

The Agency has determined that periodic on-site inspection is the most effective method to insure compliance. EPA regional office staff performs inspections to determine if compliance with the regulatory standards is being maintained. Verification of data is accomplished by review of digital photographs and written observations of liquid in non-conventional impoundments.

(c) Small Entity Flexibility

For purposes of assessing the impacts of this ICR on small entities, small entity is defined as: (1) a small business whose company has less than 250 employees and is primarily engaged in

leaching or beneficiation of uranium, radium or vanadium ores as defined by NAICS code 212291; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

Of the 23 facilities identified, 18 are owned by small businesses. The inspections to determine the liquid retention requirement for non-conventional impoundments can be created and stored during the daily inspections of the tailings and waste retention systems required by the NRC (and Agreement States) under the inspection requirements of 10 CFR 40, Appendix A, Criterion 8A. Therefore, no small organizations or small governmental entities have been identified that would be adversely impacted by the proposed ICR.

(d) Collection Schedule

Collection of the information required will begin on the day of promulgation of the final rule. Inspections and record keeping shall be performed daily, during the inspections required by 10 CFR 40, Appendix A, Criterion 8A. Monthly submission of digital photographs to the SWIPR system is required as of March 1, 2017.

6. ESTIMATING THE BURDEN AND COST OF THE COLLECTION

Burden and costs estimates have been calculated separately for these collections. Respondent labor rates are based on "mean" values from the May 2015 data of the US Department of Labor, Bureau of Labor Statistics (BLS) for the mining industrial sector. These national industry-specific occupational employment and wage estimates are calculated with data collected from employers of all sizes, in metropolitan and non-metropolitan areas in every State

and the District of Columbia, in NAICS 212200 - Mining (except Oil and Gas). Mean hourly rates were then adjusted to represent total compensation, using the BLS estimate that wages in this sector represent 66.4% of total compensation. These rates are then increased by 120% in the cost estimate to include inflation and overhead. The labor key is as follows: Management (Mgmt) (\$104/hr) was based on the Management Occupations Group (Occupation Code 11-0000) in the mining sector in the BLS data. Technical (Tech) (\$46/hr) was based on the Production Occupations Group (Occupation Code 51-0000) in the mining sector which includes mining machine operators, water and liquid waste treatment plant and system operators, and chemical plant and system operators. Clerical (Cler) (\$39/hr) was based on the Office and Administrative Support Occupations Group (Occupation Code 43-0000) in the mining sector in the BLS data.

The tables representing Subpart W are listed below with their reporting requirement information.

Information Collection Hours and Costs Per Respondent Maintain Liquid in Impoundment Total Hours and Costs
Activity

Subpart W-- Uranium Mill Tailings	Manager \$104/hour	Technical \$46/hour	Clerical \$39/hour	Respond. Hours/ year	Labor cost/year/ Respond.	Capital/ startup cost	O & M Cost	Number of Respond.	Total hours/ year	Tot Labor cost/ year
Read and understand the regulatory provision (Mgmt)	10			10	\$1,040	\$		23	230	\$23,920
Acquire Instrumentation (Mgmt)	5			5	\$520	\$300	\$	23	115	\$11,960
Train Technician to perform inspection (Mgmt./Tech)	8	8		16	\$1,200	\$		23	368	\$27,600
Perform Inspection to determine presence of liquid (Tech.)		1		240	\$11,040	\$		23	5520	\$253,920
Record Keeping										
File and maintain data (Clerical/Tech)		10	10	20	\$850			23	460	\$19,550
TOTAL	23	19	10	291	\$14,650	\$300	\$	23	6693	\$336,950

Assumptions:

1. Capital/start up cost: 23 facilities x \$300 = \$6,900 2. Annual cost (O & M): 23 facilities x \$0 = \$0

Information Collection Hours and Costs Per Respondent – Design Plans Retention **Total Hours and Costs**
Activity

Subpart W-- Uranium Mill Tailings	Manager \$104/hour	Technical \$46/hour	Clerical \$39/hour	Respond. Hours/ year	Labor cost/year/ Respond.	Capital/ startup cost	O & M Cost	Number of Respond.	Total hours/ year	Tot Labor cost/ year
Read and understand the regulatory provision (Mgmt)	10			10	\$1,040			23	230	\$23,920
Record Keeping										
File and maintain data (Clerical)			10	10	\$390	\$100		23	230	\$8,970
TOTAL	10		10	20	\$1,430	\$100		23	460	\$32,890

Assumptions:

1. Capital/start up cost: 23 facilities x \$100 = \$2,300
2. Annual cost (O & M): 23 facilities x \$0 = \$0

W--Uranium Mill Tailings

In order to complete these reporting requirements respondents will:

- a. read and understand the regulatory provision,
- b. acquire and install instrumentation necessary to comply with the regulatory requirements,
- c. train technicians to perform the inspections,
- d. perform the required inspections,
- e. prepare and maintain the reports at the facility, available to EPA upon request.

Maintaining liquid in non-conventional impoundment

-It is estimated that the material required for documenting the liquid level through written and digital photographic records is not more than \$300.

- It is estimated that it will take one person one day to train to record the required information, and one person to provide training.

- It is estimated that it will take one hour to perform the inspection and record the required information, and it will be carried out for 240 work days per year.

- It is estimated that it will take 20 hours per year to submit digital photographs and maintain digital photographic records.

- It is estimated that 23 facilities will keep records annually.

- The estimated cost for each facility to complete the requirements is \$14,650.

Maintaining design/construction records

-It is assumed that these records cost nothing to generate, since they were required as part

of the application for construction/modification required under Subpart A of 40 CFR Part 61.

-It is assumed that maintaining the records at the facility will require minimum handling, and minimum storage requirements.

-It is estimated that 23 facilities will maintain these records.

-The estimated cost for each facility to maintain the records is \$1,430.

ESTIMATED AGENCY BURDEN AND COST

The burden to the EPA is only for reviewing the information collected by the regulated community to ensure that they meet the requirements of the regulations. The main burden is on the regulated community as they have to inspect their facilities, compile the data, and retain the necessary reports for compliance purposes. The estimated agency burden and costs are as shown in the table below. Agency salaries were found in 2016 General Schedule Salary Table. Most uranium recovery facilities are located in Regions 6, 7, and 8, so the average locality pay for those locations was used (Dallas, TX; Lenexa, KS; and Denver, CO). The data for review of reports for compliance was based on the salary scale for GS-13, step 5 (Tech), with a multiplier of 1.6 to include overhead; this resulted in \$77/hr. For the Clerical category, the salary scale for a GS-9, step 5 (Cler) was used with a multiplier of 1.6 to account for overhead; this resulted in \$45/hr. In addition, development and maintenance of the system for electronic submittal of digital photographs is estimated to involve a GS-14, step 1, using locality pay for Washington, D.C. Using the 1.6 multiplier, this resulted in \$83/hr.

SUMMARY OF BURDEN ESTIMATE FOR THE AGENCY

AGENCY	Capital/Start-Up Burden Hours	Capital/Start-up Cost	Annual Burden Hrs per Report	Annual Costs per Report
Develop and maintain electronic system for submission of digital photographs	30@\$83/hr (Agency) 144@\$91/hr (contract)	\$15,594	0.1@\$83/hr	\$8
Review reports for compliance verification (Tech)			6@\$77/hr	\$462
File reports (Cler)			4@ \$45/hr	\$180
SUB-TOTAL	174	\$15,594	10.1	\$650
TOTAL for 23 respondents			232	\$14,950

Total Estimated Respondent Burden and Cost Summary

	Number of Respondents	Number of Activities	Total Hours Per Year	Total Labor Cost Per Year	Total Annual Capital Costs*	Total Annual O&M Costs
Maintain Liquid	23	5	6693	\$336,950	\$0	\$0
Design/Operating Plan Retention	23	2	460	\$32,890	\$0	\$0
TOTAL	23	7	7,153	\$369,840	\$0	\$0

* Capital/startup costs shown in earlier tables are not annual costs. There are not expected to be annual capital costs associated with this ICR.

Burden Statement: The annual burden for this collection of information is estimated to average 291 hours for compliance with requirements to maintain liquids in non-conventional impoundments and 20 hours for a facility to retain records related to design and construction of

impoundments and heap leach piles. 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. 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.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID EPA-HQ-OAR-2008-0218, which is available for public viewing at the Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Office of Indoor Air and Radiation Docket is (202) 566-1742. An electronic version of the public docket is available through www.regulations.gov. Use www.regulations.gov to submit or view public comments, access the index listing of the contents of the public docket, and to access those

documents in the public docket that are available electronically. Once in the system, select “search,” then key in the docket ID number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID EPA-HQ-OAR-2008-0218 and OMB Control Number XXXX in any correspondence.