

**SUPPORTING STATEMENT**  
**ENVIRONMENTAL PROTECTION AGENCY**

**1. Identification of Information Collection**

1(a) Title: NESHAP for Radionuclides (40 CFR part 61, subparts B, K, R and W) (Renewal)  
EPA Number 1100.16 OMB Control Number 2060-0191

1(b) Short Characterization

On December 15, 1989, pursuant to Section 112 of the Clean Air Act, as amended in 1977 (42 USC 1857), the 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. Of the subparts included in the 1989 rule, as currently amended, only four apply to privately-operated facilities. In addition to requiring operational practices that limit emissions, subparts B, K, R, and W impose radionuclide dose and emission limits on source categories as listed in Table 1:

**Table 1: Dose and Emissions Limits by Subpart**

<b>Subpart</b>	<b>Source Category</b>	<b>Dose or Release Limit</b>
B	Underground Uranium Mines	10 mrem/yr due to Radon-222
K	Elemental Phosphorous Plants	2 curies/yr of Polonium-210
R	Phosphogypsum Stacks	20 pCi/m <sup>2</sup> /s of Radon-222
W	Uranium Mill Tailings	20 pCi/m <sup>2</sup> /s of Radon-222

On March 31, 2019, Office of Management and Budget (OMB) approval to collect information associated with National Emission Standards for Hazardous Air Pollutants (NESHAP) for radionuclides will expire. On September 6, 2018, the U.S. Environmental Protection Agency (EPA) published a Federal Register (FR) Notice stating that the Agency plans

to submit an information collection request (ICR), “NESHAP for Radionuclides (40 CFR part 61, subparts B, K, R, and W) (Renewal)” to the OMB for review and approval. This renewal request is for continued collection of information under the subparts listed above. The EPA requested comments on specific aspects of this ICR, with the comment period closing on November 5, 2018 (83 FR 45236). The Agency received four electronic comments, none of which were within the scope of this ICR. The EPA consulted with several stakeholders, who identified areas where the methodology of the ICR could be improved. Specifically, stakeholders identified assumptions used by the EPA that appear to overestimate reporting burden under Subpart R, and underestimate reporting burden under Subpart B. The EPA will continue to gather information on facility operations that could improve the precision of burden estimates in subsequent ICRs. Considering these comments, the Agency concludes that the overall estimated burden across all source categories remains reasonable, therefore no changes were made to the burden estimates in the ICR renewal proposed in the Federal Register on September 6, 2018. This renewal will be published in the Federal Register for an additional thirty-day comment period, and concurrently submitted to the OMB for approval.

The EPA uses information provided by respondents to this regulation to document that public health continues to be protected from the hazards of airborne radionuclides through compliance with these standards. Compliance is demonstrated through emissions testing and dose calculation when appropriate. Facilities are required to generate and maintain applicable records for 5 years, and to report results to the EPA. For this ICR, the EPA updated information related to Subpart B, K, R and W facilities’ reporting activities, and used this new information to estimate annual burden as shown in Section 6.0 of this supporting statement. The information is

not collected using surveys or questionnaires, therefore only Part A of the supporting statement requesting OMB approval under the Paperwork Reduction Act and 5 CFR part 1320 is addressed below.

## **2. Need and Use for the Collection**

### **2(a) Need/Authority for the Collection**

The Clean Air Act (42 USC 1857), Section 114 authorizes the Administrator of the 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 methods; sample emissions in accordance with EPA-prescribed locations, intervals and methods; and provide information as requested by the EPA Administrator or authorized representative.

### **2(b) Practical Utility/Users**

The EPA uses the information collected to determine that public health continues to be protected through compliance with the health-based standards set by the radionuclide NESHAP.

## **3. Non-duplication, Consultations, and other Collections Criteria**

### **3(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 the EPA or any other governmental agency.

### **3(b) Public Notice Required Prior to ICR Submission to OMB**

The EPA requested public comments on specific aspects of this ICR during the period

between September 6 and November 5, 2018 (83 FR 45236). The Agency received four electronic comments, none of which were within the scope of this ICR. The renewal will be published in the Federal Register for an additional thirty-day comment period, and concurrently submitted to the OMB for approval.

### 3(c) Consultations

In the preparation of this ICR renewal, the EPA contacted representatives in each of its Regional offices to update information on the operating and reporting status of affected facilities.

The Agency contacted Energy Fuels, a uranium producer that operates both Subpart B and Subpart W sites. The EPA held multiple discussions with Scott Bakken, Senior Director of Regulatory Affairs, and Kathy Weinel, Quality Assurance Manager, in which they offered significant relevant comments on the Subpart B burden estimates. Mr. Bakken observed that although no Subpart B facilities are actively producing uranium, more have been active historically, and more could become active rapidly should the industries' economic conditions change (e.g., the price or demand for uranium increase). In preparing this ICR renewal, the EPA did not identify any uranium mines that were venting, and therefore required to submit reports under Subpart B. However, one Energy Fuels facility submitted a report in 2018 for initial construction activities, and two Energy Fuels facilities will submit required annual reports in 2019. Ms. Weinel additionally provided information to support the view that for Subpart B facilities, the ICR underestimates the burden to respondents. Energy Fuels finds that the radon measurement devices required by the regulation are expensive to buy and maintain, more person-hours are required to maintain samplers and collect data at remote field locations,

significant amounts of managerial time and subcontractor costs are needed to produce annual reports, and an executive's time is required to review and certify the reports. Energy Fuels is expected to provide more information on these costs during the public comment period.

The majority of phosphogypsum stacks in the United States are located in the state of Florida. The EPA contacted John Williamson of the Florida Department of Health, Bureau of Radiation Control, which has been delegated authority under Subpart R. Mr. Williamson confirmed that stack closures occur significantly less frequently than the EPA has estimated. The most recent instances of stack closures and related radon testing in Florida took place in 2011 and 1990. Mr. Williamson was unaware of any recent instances in which phosphogypsum was removed from a stack and tested for radium. The Bureau of Radiation Control is available to perform radon testing and analysis for regulated parties, and the cost to the facility would align closely with the cost estimates in this ICR. The EPA also contacted Deedra Allen, Director of Regulatory Affairs for Mosaic Fertilizer, LLC, a major producer of phosphogypsum. She confirmed that stack closures are rare, and that removal of material from closed stacks does not currently take place.

Overall, consultations showed that the radiation NESHAP ICR could be improved by relying on actual site activities and associated costs wherever possible. In the case of Subpart B, the practice of using a "snapshot" of industry activity in a given year (or at the time of ICR renewal) may not adequately represent actual site activities, which fluctuate with economic conditions. Likewise, in the case of Subpart R, the use of conservative estimates to predict industry activity has resulted in overestimates of compliance activities and costs. Quantitative information provided by industry of actual compliance costs can improve the precision of the

EPA's burden estimates. Noting that the regulated entities have not provided comments on the proposed ICR renewals, EPA may need to be more proactive in the future to obtain more current information. Although the precision of estimates for individual subparts could be improved, because the ICR reflects the total burden across all industrial source categories, the current ICR still presents a useful estimate of total compliance costs.

3(d) Effects of Less Frequent Collection

All reporting is required annually or less frequently than annually.

3(e) General Guidelines

This ICR meets OMB's collection guidelines and does not duplicate another collection.

3(f) Confidentiality

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

3(g) Sensitive Questions

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

**4. The Respondents and the Information Requested**

4(a) Respondents

The North American Industry Classification System (NAICS) codes associated with the activities of the respondents are included in Table 2.

**Table 2: NAICS Codes of Respondents by Subpart**

<b>Subpart</b>	<b>Source Category</b>	<b>NAICS Code</b>
B	Underground Uranium Mines	212291 Uranium-Radium-Vanadium Ore Mining
K	Elemental Phosphorous	325180 (previously 325188): Other Basic Inorganic Chemical Manufacturing
R	Phosphogypsum Stacks	212392: Phosphate Rock Mining
W	Uranium Mill Tailings	212291: Uranium-Radium-Vanadium Ore Mining

4(b) Information Requested

Descriptions of the reporting requirements are listed separately below for each subpart.

Subpart B: Underground Uranium Mines

Subpart B requires mines that are being actively ventilated to perform annual radon emissions measurements and public dose calculations using Appendix B, Method 115 of 40 CFR part 61 and the EPA computer program COMPLY-R, and to report the results to the EPA. The specific reporting requirements are found in Section 61.24(a):

“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. This report shall cover the emissions of a calendar year and 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 (including latitude and longitude).
- (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 Section 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 (e.g., meteorological data) 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.'

#### Subpart K: Elemental Phosphorus Plants

Subpart K sets an annual emissions limit for polonium-210. Each owner or operator of an



elemental phosphorus plant shall test emissions of polonium-210 from the plant annually according to the procedures in Section 61.123 and using the test methods in Section 61.125. The EPA requires that these results be reported annually. Specific compliance reporting requirements are included in Section 61.123(f):

“Each owner or operator of an elemental phosphorus plant shall furnish the EPA 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 (including latitude and longitude).
- (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.’”

#### Subpart R: Phosphogypsum Stacks

Subpart R sets a limit for radon emissions from inactive stacks, defined in the rule as any stack which for two years has neither had phosphogypsum added nor has been used for water management. When a stack becomes inactive, testing and reporting is required, which is described in Section 61.203:

“(a) Within sixty days of the date on which a stack becomes an inactive stack...the owners or operators of the inactive phosphogypsum stack shall test the stack for radon-222 flux in accordance with the procedures described in 40 CFR part 61, appendix B, Method 115. EPA shall be notified at least 30 days prior to each such emission test so that EPA may, at its option, observe the test. If meteorological conditions are such that test cannot be properly conducted, then the owner or operator should notify EPA and test as soon as conditions permit.

(b)(1) Within 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:

- (i) The name and location of the facility;
- (ii) A list of the stacks at the facility including the size and dimensions of the stack;
- (iii) The name of the person responsible for the operation of the facility and the name of the person preparing the report (if different);
- (iv) 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

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

(2) 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.’”

If a stack remains inactive, testing and reporting is only required once. Should the stack become active again for the purposes of phosphogypsum disposal or water management, the facility owner or operator must notify EPA, and radon flux measurement and reporting must be repeated when the stack again becomes inactive (see Section 61.203(d)).

Subpart R additionally defines certain scenarios in which removal of phosphogypsum from stacks is permitted. Within ninety days of phosphogypsum removal from an inactive stack, and at least once within each calendar year during which removal occurs, radon flux measurements and reporting must be repeated. Radon flux testing is not required for the removal of phosphogypsum from an active stack. Additionally, Section 61.207 sets forth requirements for measuring the radium-226 concentration at the location in the stack from which phosphogypsum is removed. The results of these analyses must be included in certification documents for the

removed phosphogypsum required by Section 61.208(a)(1):

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

- (i) The name and address of the owner or operator;
- (ii) The name and address of the purchaser or recipient of the phosphogypsum;
- (iii) The quantity of phosphogypsum, in kilograms or pounds sold or transferred;
- (iv) The date of sale or transfer;
- (v) A description of the intended use for the phosphogypsum;
- (vi) The average radium-226 concentration, in pCi/g (pCi/lb), of the phosphogypsum, as determined pursuant to §61.207; and
- (vii) The signature of the person who prepared the certification.”

Section 61.208 (b) requires a certification document with the same content to be prepared by “each distributor, retailer, or reseller who purchases or receives phosphogypsum for subsequent resale or transfer.” Submission of certification documents to EPA is not a requirement, but the documents must be retained according to recordkeeping requirements as discussed below.

#### Subpart W: Uranium Mill Tailings

Subpart W limits radon flux from operating uranium mill tailing impoundments. The EPA requires reports to be submitted annually. The requirements for those reports are included in Section 61.254:

“The owners or operators of operating existing mill impoundments shall perform radon measurements and compliance calculations as required in §61.253. The input parameters and results of 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.’”

EPA amended Subpart W on January 17, 2017 (82 FR 5142). The amendments clarified the distinction between “conventional” impoundments, which are used to manage the mostly solid wastes from uranium milling, and “non-conventional” impoundments, which are used to manage liquid process effluents. Non-conventional impoundments are also known as evaporation or holding ponds. The amendments also clarified the applicability of Subpart W to non-conventional impoundments, without changing the radon monitoring requirements for

conventional impoundments constructed prior to December 15, 1989 (“existing conventional impoundments”), which are covered by this ICR. A separate ICR (OMB Control Number 2060-0706) was approved for new reporting and record-keeping requirements applicable to non-conventional impoundments and all uranium recovery facilities subject to Subpart W. EPA will evaluate the possibility of combining the two ICRs for future renewals.

### Record Keeping

The record keeping requirements of all the subparts are similar. The owner or operator of the facility must maintain records documenting the results of all measurements, the calculations and/or analytical methods used to derive values for input parameters, and the procedures 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. Records must be kept at the facility for at least five years and, upon request, be made available for inspection by the EPA Administrator, or his/her authorized representative.

## **5. The Information Collected—Agency Activities, Collection Methodology, and Information Management**

### 5(a) Agency Activities

The information collected under this ICR is used to demonstrate compliance with Federal regulations. The EPA’s activities consist of reviewing reports, taking further actions if needed to verify compliance, and maintaining files.

### 5(b) Collection Methodology and Management

The EPA Regional offices review facility reports to determine compliance with the

regulatory standards. The EPA may recalculate reported doses using computer models, conduct site inspections, or witness emission tests, as deemed necessary.

#### 5(c) Small Entity Flexibility

The rule does not define small entities for the affected source categories, nor does it identify exemptions to compliance or reporting requirements that are specific to small businesses. Of the 17 respondents identified by this ICR renewal, many likely meet the Small Business Administration's definition of Small Business. Most of the burden placed on respondents is due to emissions testing and analyses, which are necessary to determine compliance with a health-based standard. Reporting the results of emissions testing to the EPA is comparatively small burden. Respondents are explicitly allowed, under Section 61.13, to propose alternate compliance methods for EPA approval, or to request a waiver from reporting requirements. As discussed in Section 6, one facility successfully obtained a waiver for testing and reporting in 2017.

#### 5(d) Collection Schedule

The reporting schedule is set by the regulation. Under subparts B, K and W, annual reports are required to provide yearly certification of compliance with a health-based emissions standard, unless the EPA has granted a waiver. For Subpart R, it was determined during rulemaking that less frequent reports are adequate to protect public health.

### **6. Estimating the Burden and Cost of the Collection**

#### 6(a) Estimating Respondent Burden, and

#### 6(b) Estimating Respondent Cost

The EPA updated the number of facilities that are currently active for this ICR renewal, identifying the facilities that are currently subject to monitoring and reporting requirements under 40 CFR part 61. As of July 2018, the EPA identified no subpart B facilities, one subpart K facility, 13 subpart R and three subpart W facilities as currently active. The subpart K facility demonstrated low emissions and on October 30, 2017 EPA Region 10 granted it a permanent waiver from radionuclide testing as long as it operates in its current configuration. By comparison there were two subpart B, one subpart K, 14 subpart R, and three subpart W facilities operating at the time of the 2015 ICR.

Burden and costs estimates have been calculated for each subpart. Respondent labor rates are based on mean values from the 2017 data of the U.S. Department of Labor, Bureau of Labor Statistics (BLS). The average hourly rates for three labor categories -- management, technical, and clerical -- were obtained from the published 2017 Occupational Employment Statistics for NAICS codes 212200 (Mining [except Oil and Gas]) and 325100 (Basic Chemical Manufacturing). Management rates were given. Technical rates were based on the mean salary for “all production operations” in the mining sector which includes mining engineers, environmental engineers and geologists. Clerical rates were based on the hourly labor rates for secretary and information clerk in the mining sector in the 2017 BLS data. Loaded hourly labor rates were calculated by multiplying the base salary rates by a factor of 1.5 to account for overhead expenses, and the loaded hourly labor rate for 2017 then was increased by 2.96% to account for the average rate of inflation from May 2017 to June 2018, per the BLS Inflation Calculator. The resulting loaded labor rates were \$106.50 per hour for management, \$71.00 per hour for technical, and \$30.50 per hour for clerical labor. The compliance and reporting



activities anticipated are listed below for each subpart.

#### Subpart B: Underground Uranium Mines

To meet reporting requirements for Subpart B, respondents are expected to:

- 1) read and understand the regulatory provision,
- 2) perform radon-222 emission measurements as required in 40 CFR part 61, Appendix B, Method 115,
- 3) perform data analysis, including Method 115 source term calculations and dose calculation using an approved model for concentration calculations,
- 4) prepare and submit the report.

Table 3 includes the estimated annual burden to understand regulatory provisions, perform Method 115 radon testing, perform data analysis, prepare a report, and manage records. At the time the ICR was updated, the EPA identified no mines that were mechanically venting and required to submit a report. For the next renewal, the EPA will consider modifying its methodology to account for the range of activities that could take place at Subpart B facilities throughout the three-year period covered by the ICR.

**Table 3: Burden and Cost for Subpart B Uranium Mines**

Reporting Burden Task	Reporting Burden (hours)					Reporting Burden (costs)			
	Burden Manager Level (hr/year)	Burden Technical Level (hr/year)	Burden Clerical Level (hr/year)	Task Burden per Facility (hr/year)	Task Burden for all Facilities (hr/year)	Capital Startup Cost (\$/yr)	O & M Cost (\$/yr)	Facility Labor (\$/yr)	All Facilities Total Labor (\$/yr)
Read and understand the regulatory provision	10	0	0	10	0	\$0	\$0	\$1,065	\$0
Perform emission monitoring	0	160	0	160	0	\$0	\$0	\$11,360	\$0
Perform data analysis	0	40	0	40	0	\$0	\$0	\$2,840	\$0
Prepare report	10	0	0	10	0	\$0	\$0	\$1,065	\$0
<b>Record Keeping Burden (hours)</b>					<b>Record Keeping Burden (costs)</b>				
File and maintain data	0	0	10	10	0	\$0	\$0	\$305	\$0
<b>TOTAL</b>	<b>20</b>	<b>200</b>	<b>10</b>	<b>230</b>	<b>0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$16,635</b>	<b>\$0</b>

Subpart K: Elemental Phosphorus Plants

To meet reporting requirements for Subpart K, respondents are expected to:

- 1) read and understand the regulatory provision,
- 2) perform the emission monitoring and test procedures in Section 61.125,
- 3) perform data analysis, including calculation of annual emission rate,
- 4) prepare and submit the report to EPA.

Based on information received, no Subpart K facility is currently subject to these reporting requirements. The only operating facility sought and obtained a waiver for testing and reporting. Twenty hours of burden per year are assumed for the facility to remain cognizant of the regulatory requirements and conditions of the waiver. This burden and the associated costs are reflected in Table 4:

**Table 4: Burden and Cost for Subpart K Elemental Phosphorus Plants**

Reporting Burden Task	Reporting Burden (hours)					Reporting Burden (costs)			
	Burden Manager Level (hr/year)	Burden Technical Level (hr/year)	Burden Clerical Level (hr/year)	Task Burden per Facility (hr/year)	Task Burden for all Facilities (hr/year)	Capital Startup Cost (\$/yr)	O & M Cost (\$/yr)	Facility Labor (\$/yr)	All Facilities Total Labor (\$/yr)
Read and understand the regulatory provision	10	0	0	10	10	\$0	\$0	\$1,065	\$1,065
Perform emission monitoring	0	0	0	0	0	\$0	\$0	\$0	\$0
Perform data analysis	0	0	0	0	0	\$0	\$0	\$0	\$0
Prepare report	0	0	0	0	0	\$0	\$0	\$0	\$0
Record Keeping Burden (hours)					Record Keeping Burden (costs)				
File and maintain data	0	0	10	10	10	\$0	\$0	\$305	\$305
<b>TOTAL</b>	<b>10</b>	<b>0</b>	<b>10</b>	<b>20</b>	<b>20</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,370</b>	<b>\$1,370</b>

Subpart R: Phosphogypsum Stacks

To meet reporting requirements for Subpart R, respondents are expected to:

- 1) read and understand the regulatory provision,
- 2) perform radon flux testing as directed in Section 61.203,
- 3) perform radium-226 sampling and measurement procedures in Section 61.207 (if required),
- 4) perform data analysis including Method 115 radon flux or radium-226,
- 5) prepare and submit the report and/or certification documents.

Table 5 includes the following expenses for respondents:

- It is estimated that the testing materials for 300 flux measurements and the analysis are obtained from a contract source at a cost of \$44/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 that the thirteen stacks that have not closed yet must complete this one-time report.
- It is likewise estimated that all thirteen currently-active phosphogypsum stacks will remove material, and therefore be required to measure the radium-226 concentration of the removed material to be included in certification papers.

Testing and reporting under subpart R is required only when facilities close active stacks or remove phosphogypsum. Rather than predict the exact number of facilities per year that will undertake these activities, the EPA has chosen estimates which represent an upper bound of the potential burden due to testing and reporting. It is unlikely that in a given year all active stacks will take actions requiring testing and reporting, as is assumed, and possible that no stacks will take such actions. The Agency will continue to observe the actual activities of facilities to refine these estimates for future ICRs.

Section 61.207 requires a minimum of 30 samples from each area where phosphogypsum is being removed from the stack, with additional sampling required where the concentrations approach 10 pCi/g of radium-226. It is estimated that 100 samples per stack will be necessary to document radium concentrations and that radium analysis will be performed for \$100 per sample by a contract laboratory. It is estimated that sample collection and preparation occur at a rate of five samples per hour. The total burden estimated for subpart R facilities is shown in Table 5.

**Table 5: Burden and Cost for Subpart R Phosphogypsum Stacks**

Reporting Burden Task	Reporting Burden (hours)					Reporting Burden (costs)			
	Burden Manager Level (hr/year)	Burden Technical Level (hr/year)	Burden Clerical Level (hr/year)	Task Burden per Facility (hr/year)	Task Burden for all Facilities (hr/year)	Capital Startup Cost (\$/yr)	O & M Cost (\$/yr)	Facility Labor (\$/yr)	All Facilities Total Labor (\$/yr)
Read and understand the regulatory provision	10	0	0	10	130	\$0	\$0	\$1,065	\$13,845
Perform radon flux testing	0	64	0	64	832	\$0	\$171,600	\$4,544	\$59,072
Perform radium-226 sampling and measurement procedures	0	20	0	20	260		\$130,000		
Perform data analysis	0	12	0	12	156	\$0	\$0	\$852	\$11,076
Prepare report and certification papers	10	0	0	10	130	\$0	\$0	\$1,065	\$13,845
	<b>Record Keeping Burden (hours)</b>					<b>Record Keeping Burden (costs)</b>			
File and maintain data	0	0	10	10	130	\$0	\$0	\$305	\$3,965
<b>TOTAL</b>	<b>20</b>	<b>96</b>	<b>10</b>	<b>126</b>	<b>1638</b>	<b>\$0</b>	<b>\$301,600</b>	<b>\$7,831</b>	<b>\$101,803</b>

**Subpart W: Uranium Mill Tailings**

To meet reporting requirements for Subpart W, respondents are expected to:

- 1) read and understand the regulatory provision,
- 2) perform radon flux testing required in 40 CFR part 61, Appendix B, Method 115,
- 3) perform data analysis including Method 115 radon flux calculations,
- 4) prepare and submit the report to EPA.

Table 6 includes the following expenses for respondents:

- It is estimated that the testing materials for 200 measurements and the analysis is obtained from a contract source at a cost of \$44/measurement.
- It is estimated that it will take one day for two people to place the test canisters and one for two people to collect the canisters and ship them to a testing lab.
- It is estimated that 3 facilities will file a report annually.

**Table 6: Burden and Cost for Subpart W Uranium Mill Tailings**

Reporting Burden Task	Reporting Burden (hours)					Reporting Burden (costs)			
	Burden Manager Level (hr/year)	Burden Technical Level (hr/year)	Burden Clerical Level (hr/year)	Task Burden per Facility (hr/year)	Task Burden for all Facilities (hr/year)	Capital Startup Cost (\$/yr)	O & M Cost (\$/yr)	Facility Labor (\$/yr)	All Facilities Total Labor (\$/yr)
Read and understand the regulatory provision	10	0	0	10	30	\$0	\$0	\$1,065	\$3,195
Perform radon flux testing	0	32	0	32	96	\$0	\$26,400	\$2,272	\$6,816
Perform data analysis	0	12	0	12	36	\$0	\$0	\$852	\$2,556
Prepare report	10	0	0	10	30	\$0	\$0	\$1,065	\$3,195
Record Keeping Burden (hours)					Record Keeping Burden (costs)				
File and maintain data	0	0	10	10	30	\$0	\$0	\$305	\$915
<b>TOTAL</b>	<b>20</b>	<b>44</b>	<b>10</b>	<b>74</b>	<b>222</b>	<b>\$0</b>	<b>\$26,400</b>	<b>\$5,559</b>	<b>\$16,677</b>

### 6(c) Estimating Agency Burden and Cost

The burden to the EPA is due to technical reviews of the reports submitted by the regulated community to ensure that emissions and dose are within the limits set by the regulations, and record keeping. The Agency burden and costs are estimated below in Table 7. Agency salaries were found in 2018 General Schedule base salary table. Agency burden is based on the salary for a GS-13, step 10 technical employee, with a multiplier of 1.6 to include overhead; this resulted in a loaded rate of \$75 per hour. For the Clerical category, the salary scale for a GS-11, step 10 was used with a multiplier of 1.6 to account for overhead; this resulted in \$53 per hour. The multiplier of 1.6 was obtained from the Agency's ICR Handbook. Please note that 16 report reviews are used for this calculation, because one of the 17 respondents has obtained a permanent waiver from annual reporting.

**Table 7: Summary of Burden Estimate for the EPA**

Agency Activity	Capital/Start-Up Burden Hours	Capital/Start-up Cost	Annual Burden Hrs per Report	Annual Costs per Report
Review reports for compliance verification (Technical)			6@ \$75/hr	\$450
File reports (Clerical)			4@ \$53/hr	\$212
SUB-TOTAL	0	0	10	\$662
<b>TOTAL</b> for 16 report reviews			160	\$10,592

6(d) Estimating the Respondent Universe and Total Burden and Costs, and

6(e) Bottom-Line Burden Hours and Cost Tables

The total estimated annual burden for respondents affected by all four subparts is estimated below, in Table 8:

**Table 8: Summary of Burden Estimate for Respondents**

Subpart	No of Respondents (Facilities)	Capital/Start-up	(O & M) Cost	Annual Burden Hours	Annual Labor Cost
B	0	0.00	\$0	0	\$0
K	1	0.00	\$0	20	\$1,370
R*	13	0.00	\$301,600	1,638	\$101,803
W	3	0.00	\$26,400	222	\$16,677
<b>TOTALS</b>	<b>17</b>	<b>0.00</b>	<b>\$328,000</b>	<b>1,880</b>	<b>\$119,850</b>

\* Assumes that all operational stacks both remove phosphogypsum, requiring analyses for radium-226, and that these facilities all require radon flux measurements. This is a conservative assumption – see Section 6(b).

#### 6(f) Reasons for Change in Burden

Most burden estimates decreased from 2015 because fewer uranium mines are operating, and the EPA issued a waiver of reporting requirements to the only operating elemental phosphorus plant in the United States. In 2015 it was assumed that phosphogypsum would be removed from ten inactive stacks, requiring additional radon flux testing. This supporting statement assumes that phosphogypsum will only be removed from active stacks, which is more consistent with actual practice and still provides a conservative estimate of the need for testing. Under the regulation, removal of phosphogypsum from an inactive stack is permissible, and this calculation suitably addresses that possibility.

#### 6(g) Burden Statement

The annual public reporting and record keeping burden for this collection of information is estimated to average 111 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. 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-2003-0085, which is available for public viewing at the Office of Air and Radiation Docket in the EPA Docket Center (EPA/DC), EPA West, Room B3334, 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 Air and Radiation Docket is (202) 566-1742. An electronic version of the public docket is available at [www.regulations.gov](http://www.regulations.gov). This site can be used 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. When 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, D.C. 20503, Attention: Desk Officer for EPA. Please include the EPA Docket ID EPA-HQ-OAR-2003-0085 and OMB Control Number 2060-0249 in any correspondence.