

REQUEST FOR OMB REVIEW

(Under the Paperwork Reduction Act and Executive Order 12291)

Important — Read instructions (SF-83A) before completing this form. *Submit the required number of copies of SF-83, together with the material for which review is requested to:*

Office of Information and Regulatory Affairs
Office of Management and Budget
Washington, D.C. 20503

1. Department/Agency and Bureau/Office originating request

U.S. Nuclear Regulatory Commission

3. Name(s) and telephone number(s) of person(s) who can best answer questions regarding request

R.L. O'Connell (301) 427-4211

2. 6-digit Agency/Bureau number (first part of 11-digit Treasury Account No.)

3 1 5 0 — —

4. 3-digit functional code (last part of 11-digit Treasury Account No.)

2 7 6

5. Title of Information Collection or Rulemaking
Compliance Determination Procedures for 40 CFR 190, Environmental Radiation Protection Standards for Nuclear Power Operations - Uranium Milling

C. Is this a rulemaking submission under Section 3504(h) of P.L. 96-511? (Check one)

1 No (Section 3507 submission)

2 Yes, NPRM. Expected date of publication: _____

3 Yes, final rule. Expected date of publication: _____

Effective date: _____

6. A. Is any information collection (reporting or recordkeeping) involved? (Check one)

1 Yes and proposal is attached for review

2 Yes but proposal is not attached — skip to question D.

3 No — skip to question D.

D. At what phase of rulemaking is this submission made? (Check one)

1 Not applicable

2 Major rule, at NPRM stage

3 Major Final rule for which no NPRM was published

4 Major Final rule, after publication of NPRM

5 Nonmajor rule, at NPRM stage

6 Nonmajor rule, at Final stage

B. Are the respondents primarily educational agencies or institutions or is the purpose related to Federal education programs?

Yes No

COMPLETE SHADED PORTION IF INFORMATION COLLECTION PROPOSAL IS ATTACHED

7. Current (or former) OMB Number

3150-0064

Expiration Date

Dec. 31, 1982

8. Requested Expiration Date

Oct. 1, 1983

12. Agency report form number(s)

None

13. Are respondents only Federal agencies?

Yes No

9. Is proposed information collection listed in the information collection budget?

Yes No

14. Type of request (Check one)

1 preliminary plan

2 new (not previously approved or expired more than 6 months ago)

3 revision

4 extension (adjustment to burden only)

5 extension (no change)

6 reinstatement (expired within 6 months)

10. Will this proposed information collection cause the agency to exceed its information collection budget allowance? (If yes, attach amendment request from agency head.)

Yes No

11. Number of report forms submitted for approval

None

15. a. Approximate size of universe (if sample)	N/A
b. Size of sample	N/A
c. Estimated number of respondents or record keepers per year	2
d. Reports annually by each respondent (item 25)	2
e. Total annual responses (item 15c x 15d)	4
f. Estimated average number of hours per response	20
g. Estimated total hours of annual burden in Fiscal Year (item 15e x 15f)	80

16. Classification of Change in Burden (explain in supporting statement)

	No. of Responses	No. of Reporting Hours	Cost to the Public
a. In inventory	56	1,680	\$
b. As proposed	4	80	\$
c. Difference (b-a)	-52	-1600	\$
Explanation of difference (indicate as many as apply)			
Adjustments			
d. Correction-error	+	+	+\$
e. Correction-reestimate	+	+	+\$
f. Change in use	+	+	+\$
	-52	-1600	
Program changes			
g. Increase	+	+	+\$
h. Decrease	-	-	-\$

17. Abstract—Needs and Uses (50 words or less)

Reported environmental monitoring data will enable NRC to determine licensee compliance with EPA environmental radiation protection standards.

18. Related report form(s) (give OMB number(s), IRCN(s), internal agency report form number(s) or symbol(s))

N/A

20. Catalog of Federal Domestic Assistance Program Number
N/A

21. Small business or organization Yes No

19. Type of affected public (Check as many as apply)

- 1 individuals or households
- 2 state or local governments
- 3 farms
- 4 businesses or other institutions (except farms)

22. Type of activity of affected public—indicate 3-digit Standard Industrial Classification (SIC) code(s) (up to 10) — if over 10, check Multiple or All

1 0 9

23. Brief description of affected public (e.g., "retail grocery stores," "State education agencies," "households in 50 largest SMSAs")

NRC-licensed uranium mills

24. Purpose (Check as many as apply. If more than one, indicate predominant by an asterisk)

- 1 application for benefits
- 2 program evaluation
- 3 general purpose statistics
- 4 regulatory or compliance
- 5 program planning or management
- 6 research

26. Collection method (Check as many as apply)

- 1 mail-self-administered
- 2 other self-administered
- 3 telephone interview
- 4 personal interview
- 5 recordkeeping requirement:
Required retention period: _____ years
- 6 other—describe:

25. Frequency of Use

- 1 Nonrecurring
- Recurring (check as many as apply)
- 2 on occasion 6 semiannually
- 3 weekly 7 annually
- 4 monthly 8 biennially
- 5 quarterly 9 other—describe:

27. Collection agent (Check one)

- 1 requesting Department/Agency
- 2 other Federal Department/Agency
- 3 private contractor
- 4 recordkeeping requirement
- 5 other—describe:

28. Authority for agency for information collection or rulemaking—indicate statute, regulation, judicial decree, etc.

Atomic Energy Act of 1954, as amended

30. Do you promise confidentiality? (If yes, explain basis for pledge in supporting statement.) Yes No

29. Respondent's obligation to reply (Check as many as apply)

- 1 voluntary
- 2 required to obtain or retain benefit
- 3 mandatory—cite statute, not CFR (attach copy of statutory authority) 42 U.S.C. 2201(o)

31. Will the proposed information collection create a new or become part of an existing Privacy Act system of records? (If yes, attach Federal Register notice or proposed draft of notice.) Yes No

32. Cost to Federal Government of information collection or rulemaking \$ 3,200

COMPLETE ITEMS 33 THRU 35 ONLY IF RULEMAKING SUBMISSION

33. Compliance costs to the public

\$ _____

34. Is there a regulatory impact analysis attached?

Yes No

35. Is there a statutory or judicial deadline affecting issuance?

Yes. Enter date: _____
 No

CERTIFICATION BY AUTHORIZED OFFICIALS SUBMITTING REQUEST—We certify that the information collection or rulemaking submitted for review is necessary for the proper performance of the agency's functions, that the proposal represents the minimum public burden and Federal cost consistent with need, and is consistent with applicable OMB and agency policy directives. Signature and title of:

APPROVING POLICY OFFICIAL FOR AGENCY

DATE

SUBMITTING OFFICIAL

DATE

Patricia G. Norry

11-16-82

R. Stephen Scott

11/17/82

SUPPORTING STATEMENT
FOR
COMPLIANCE DETERMINATION PROCEDURES
FOR 40 CFR PART 190
ENVIRONMENTAL RADIATION PROTECTION STANDARDS FOR
NUCLEAR POWER OPERATIONS - URANIUM MILLING

Justification

The U.S. Nuclear Regulatory Commission, as the "Regulatory Agency" defined in 40 CFR 190, is responsible for assuring that uranium milling facilities licensed by the Commission meet the environmental radiation protection standards promulgated by EPA in 40 CFR 190. In order to determine compliance with EPA standards and NRC regulations, NRC established by order a requirement that each uranium mill licensee submit two (2) additional quarterly reports of the sampling and analysis results of its environmental monitoring program, in addition to the semiannual reports already required by NRC under 10 CFR 40.65, for a one-year period, for a total of four quarterly reports for each licensee during that one year period. After the one-year period, only semi-annual reporting is required.

OMB clearance for this information collection requirement was previously obtained under clearance number 3150-0064, which expires December 31, 1982. The Supporting Statement for that previous clearance, submitted to OMB on December 1, 1981 [copy attached], is by this reference fully incorporated herein as though set forth at length.

The information collection requirement, when imposed, applied to fourteen NRC-licensed facilities. By the expiration of the current clearance on December 31, 1982, all but two licensees will have completed their reporting.

Two licensees subject to the order imposing the requirement undertook litigative action which delayed the schedule for data collection and reporting as to them. These actions have now been resolved and the information collection and reporting have commenced for these two licensees. However, because of the delayed start, some of their reports will now be due in CY 1983, after the expiration of the current clearance. NRC is therefore requesting an extension of clearance number 3150-0064 to October 1, 1983. All reports should be submitted to NRC by that date. The extended reporting time does not change the number of reports or the burden for any licensee. The extension simply reflects the delay in the commencement of the one-year reporting period for these two licensees, as a result of litigative action by them.

The burden and cost data for these two licensees is provided below. In all other respects the previous Supporting Statement still applies.

Estimated Compliance Burden

Two (2) additional environmental monitoring data reports by each of the two licensees affected will be required. The estimated burden per report per licensee is 20 hours, for a total of 80 hours.

Estimated Cost to the Government

The cost to the Government to review and process these reports is estimated to be \$3,200, calculated on the basis of \$40 per hour including overhead.

SUPPORTING STATEMENT FOR
COMPLIANCE DETERMINATIONS WITH 40 CFR 190
Environmental Radiation Protection Standards for
Nuclear Power Operations - Uranium Milling

Justification

The U.S. Nuclear Regulatory Commission (NRC), pursuant to the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, is responsible for assuring that every reasonable effort is made to maintain radiation exposures and releases of radioactive materials in effluents to unrestricted areas "as low as reasonably achievable" (ALARA). Also, on January 13, 1977, the U.S. Environmental Protection Agency issued regulations setting forth environmental radiation protection standards for the uranium fuel cycle. These regulations are found in Title 40, Chapter 1, Subchapter F, Part 190, of the Code of Federal Regulations (40 CFR 190). The standard for uranium ore milling facilities became effective on December 1, 1980. The U.S. Nuclear Regulatory Commission, as the "Regulatory Agency" defined in 40 CFR 190, is responsible for assuring that uranium milling facilities licensed by the Commission meet the requirements of these new environmental radiation protection standards. Therefore, pursuant to the existing requirements of 10 CFR 20 "Standards for Protection Against Radiation" and the ALARA principle, as well as to enable the NRC staff to be able to determine compliance with 40 CFR 190, each licensee is being required to submit four (4) quarterly reports of the sampling and analysis results of their environmental monitoring program (EMP). Because the NRC is relying on the use of the actual environmental monitoring data, instead of the use of computer models, to monitor radioactive materials in the environment and to calculate the radiation dose for comparison to the 40 CFR 190 standard, each licensee is being required to develop and submit a single report to the NRC which describes the compliance determinations with 40 CFR 190 and which specifies the lower limits of detection for analytical systems so that the data generated in the EMP will be of a sufficient degree of accuracy to permit the required radiological assessments. EPA imposes no reporting requirement on NRC licensees.

The NRC staff needs this particular environmental monitoring data to be able to determine compliance with 40 CFR 190 at each of the fourteen (14) NRC-licensed facilities, as well as to assure compliance with the 10 CFR 20 and ALARA requirements. These reports are to be submitted directly to the Uranium Recovery Licensing Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

There are no other alternative data sources since only the individual licensees are gathering the site specific information and operating their own environmental monitoring program.

The NRC staff has reviewed all available environmental monitoring data and all radiological assessments completed in the Final Environmental Statements (FES) which support past licensing actions; however, the 40 CFR 190 standard limits the annual radiological exposures accrued after December 1, 1980. Therefore, these new reporting requirements are necessary to obtain the most recent environmental monitoring data in order to determine compliance for this new EPA radiation protection standard. After this initial one-year period (July 1, 1981 for 5 mills and October 1, 1981 for the remaining 9) for which the four quarterly reports are required for affected 14 licensees, the existing semi-annual reporting requirements of 10 CFR 40.65 will be sufficient to show compliance to appropriate radiation protection standards.

Description of Potential Respondents

These reporting requirements affect fourteen (14) NRC licensed facilities for uranium milling operations.

Tabulation and Publication Plans

There are no plans to publish the information received from the licensees but the NRC will issue an annual report which summarizes its findings with respect to each licensee's compliance with 40 CFR 190.

Time Schedule for Data Collection

The sampling and analysis results of each licensee's environmental monitoring program are to be reported within 60 days of the end of each calendar quarter for just four (4) quarters. Upon fulfillment of the 4 quarterly reporting requirements, the existing semiannual reporting requirement under 10 CFR 40.65 will once again become effective. This is a one-time requirement which reverts to the twice a year requirement of 10 CFR 40.65.

For 5 of the mills, this quarterly reporting requirement became effective July 1, 1981. For the remaining 9 mills, this quarterly reporting requirement became effective October 1, 1981.

Each licensee is also being required to submit one report detailing a Quality Assurance Program, specifying lower limits of detection, and a map of its environmental sampling locations plus other pertinent information.

Consultations Outside the Agency

The NRC staff has consulted with:

- The U.S. Environmental Protection Agency
R. A. Richardson
401 M Street, S.W.
Washington, D.C. 20460

- Representatives of NRC-licensed uranium milling facilities (see attached list) were briefed by the staff at a meeting held on November 14, 1980 in Silver Spring, Maryland.

These discussions involved all affected respondents and there were no unresolved problems with respect to the information requested. Extensive public comments were received by the EPA during its rulemaking procedures for 40 CFR 190.

Compliance Burden

Of the fourteen (14) licensees affected, the two (2) additional quarterly environmental monitoring data reports required during the first year only are estimated to be about 20 man-hours per licensee per report; or a total one-time burden of 560 man-hours for all fourteen affected facilities. The single report of the Quality Assurance Program and the other required pertinent information is estimated to be about 80 man-hours per license; or a total one-time burden of 1120 man-hours for all fourteen affected facilities.

Estimate of Cost to Federal Government

There is additional cost to the Federal Government of 535 staff hours of effort to review reports. Staff effort is estimated at \$40.00 per hour (and includes overhead). Total cost \$21,400.

Provisions for Confidentiality

The information submitted to NRC by licensees in response to these reporting requirements is available for public inspection in accordance with 10 CFR Part 9.

Enclosure:
Sample Order

UNITED STATES OF AMERICA NUCLEAR REGULATORY COMMISSION

In the Matter of:)	Docket No. 40-8698
)	Source Material License
Plateau Resources Limited)	No. SUA-1371
772 Horizon Drive)	Amendment No. 3
Grand Junction, Colorado 81501)	

ORDER TO MODIFY LICENSE

I

Plateau Resources Limited ("The Licensee") is the holder of Source Material License No. SUA-1371 issued by the Nuclear Regulatory Commission ("The Commission"). The license authorizes the possession, use and processing of natural uranium and the production of 1,350 pounds of U_3O_8 per day. The licensee converts natural uranium ore to U_3O_8 (yellowcake). The current license was issued September 21, 1979 and is due to expire on September 30, 1984.

II

On January 13, 1977, the U.S. Environmental Protection Agency issued regulations setting forth environmental radiation protection standards for the uranium fuel cycle. These regulations are found in Title 40, Chapter 1, Subchapter F, Part 190, of the Code of Federal Regulations (40 CFR 190). The standard for uranium ore milling facilities became effective on December 1, 1980. The regulations in 40 CFR 190 require that radioactivity in normal effluent releases to the general environment, radon and its daughters excepted, from

licensed milling operations shall be limited in such a manner as to provide reasonable assurance that no member of the public will receive an annual dose equivalent of more than 25 millirems to the whole body, 75 millirems to the thyroid, or 25 millirems to any other organ.

The Nuclear Regulatory Commission, as the "Regulatory Agency" defined in 40 CFR 190, is responsible for assuring that uranium milling facilities licensed by the Commission meet the requirements of these new environmental radiation protection standards. To assure compliance with 40 CFR 190, the license is being conditioned to require the modification to the requirement for the evaluation and periodic reporting of environmental monitoring data and other pertinent information. The attached document, "Compliance Determination Procedures for Environmental Radiation Protection Standards for Uranium Recovery Facilities - 40 CFR 190," provides for a standardized reporting format for the environmental monitoring data, and the dose conversion factors to be used to calculate the dose commitments. The need to establish a comprehensive Quality Assurance Program and to obtain reasonable lower limits of detection for analytical systems has also been included so that the data generated from the environmental monitoring program will be meaningful and will be of a sufficient degree of accuracy to permit the required radiological dose assessments.

The NRC staff has reviewed the available environmental monitoring data, and the radiological assessments contained in the Final Environmental Statement (FES) for Plateau Resources Limited (NUREG-0583). On the basis of this information and its review, the staff concludes that implementation of the 40 CFR 190 standard is practicable (see the NRC Report "40 CFR 190 Compliance

Assessment for NRC Licensed Uranium Recovery Facilities as of December 1, 1980"). This report and the attached document describing NRC 40 CFR 190 compliance determination procedures form the technical basis for the conditions contained in this order.

III

Accordingly, in order to assure compliance with Title 40, Code of Federal Regulations, Part 190, and pursuant to Title 10, Code of Federal Regulations, Part 40, Source Material License No. SUA-1371 is hereby amended pursuant to 10 CFR 2.204 to add the following conditions:

40.65
40 For a period of four (4) calendar quarters from the time that the Environmental Monitoring Program becomes operational as required by license condition 34, the sampling and analysis results of the environmental monitoring shall be reported within 60 days of the end of each calendar quarter in accordance with the discussion in Section 7 "Recording and Reporting Results" of Regulatory Guide 4.14 "Radiological Effluent and Environmental Monitoring at Uranium Mills". Dose assessments based on this actual environmental monitoring program data and the dose conversion factors as given in Attachment A of "Compliance Determination Procedures for Environmental Radiation Protection Standards for Uranium Recovery Facilities-40 CFR 190" shall be included in the report. A copy of this report shall be sent directly to the Uranium Recovery Licensing Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

- 41 The requirement in 10 CFR 20.405(c), when effective, for notification upon determination of non-compliance to 40 CFR 190 shall be suspended during the period that the four quarterly environmental monitoring reports are being submitted as required in condition 40 above.
- 42 The licensee shall submit the following information to the Uranium Recovery Licensing Branch, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by April 1, 1981 for NRC review and approval prior to implementation:
- A. Complete specifications for a quality assurance program that includes all of the elements recommended in Regulatory Guide 4.15, "Quality Assurance for Radiological Monitoring Programs (Normal Operations) - Effluent Streams and the Environment."
 - B. The lower limits of detection (LLD) for analysis of samples collected pursuant to the environmental monitoring program of condition 34 shall meet the LLD's listed in Section 5 Lower Limit of Detection of Regulatory Guide 4.14, "Radiological Effluent and Environmental Monitoring at Uranium Mills."
 - C. A detailed topographic map(s) showing all environmental sample collection locations and all of the following within 5 miles (8 km) of any portion of the restricted area boundary: private residences, grazing areas, private and public potable water and agricultural wells, milk cattle, nonresidential structures and uses, mining areas, and ore storage pads.

The licensee or any other person whose interest may be affected by this Order may request a hearing on this Order before April 1, 1981. The amendment will become effective on the expiration of the period during which a hearing may be requested. In the event a hearing is requested, the amendment will become effective on a date specified in an order made following the hearing. In the event a hearing is requested, the only issues to be considered at such a hearing shall be:

- o Whether the amendments in Part III are reasonably related to assuring that the requirements of 40 CFR 190 are complied with.
- o Whether this Order should be sustained.

FOR THE NUCLEAR REGULATORY COMMISSION

John B. Martin, Director
Division of Waste Management
Office of Nuclear Material Safety
and Safeguards

Dated at Silver Spring, Maryland,
this ____ day of December, 1980.

Table 1
 LICENSED URANIUM RECOVERY FACILITIES

<u>NAME</u>	<u>LOCATION</u>	<u>DOCKET NUMBER</u>	<u>NUMBER</u>	<u>EXPIRATION DATE</u>
1. Atlas Minerals	Hoab, UT	40-3453	SUA-917	04-30-84
2. Bear Creek Uranium Co. (Rocky Mt. Energy Co.)	Converse Co. WY	40-8452	SUA-130	07-31-82
3. Exxon Minerals Highland Mill	Converse Co. WY	40-8102	SUA-1139	07-31-78*
4. Federal American Partners	Gas Hills, WY	40-4492	SUA-667	01-31-76*
5. Energy Fuels Nuclear White Mesa Mill & OBS	Blanding, UT	40-8681	SUA-1358	08-31-84
6. Minerals Exploration Co Sweetwater Mill	Sweetwater Co, WY	40-8584	SUA-1350	02-28-84
7. Pathfinder Mines	Gas Hills, WY	40-2259	SUA-672	01-31-83
8. Pathfinder Mines	Shirley Basin, WY	40-6622	SUA-442	09-30-82
9. Petrocomics Company	Shirley Basin, WY	40-6659	SUA-551	04-30-81
10. Plateau Resources	Shooting Canyon UT	40-8598	SUA-1371	09-30-84
11. Rio Algom Humecca Mill	LaSal, UT	40-8084	SUA-1371	09-30-82
12. Union Carbide Corp	Gas Hills, WY	40-299	SUA-648	03-31-76*
13. United Nuclear Corp Morton Ranch	Converse Co., WY	40-8602	SUA-1356	05-31-84
14. Western Nuclear, Inc. Split Rock Mill	Jeffrey City, WY	40-1162	SUA-56	10-31-73*

Continued on next page