

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6153-1]

Request for Comments: National Emission Standards for Hazardous Air Pollutants: Radionuclides; Information Collection Activities Up for Renewal (OMB Control Number 2060-0191)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

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

DATES: Comments must be submitted on or before October 26, 1998.

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

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

SUPPLEMENTARY INFORMATION:

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

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

Abstract: On December 15, 1989 pursuant to section 112 of the Clean Air act as amended in 1977 (42 U.S.C. 1857), EPA promulgated NESHAPs to control radionuclide emissions from several source categories. The regulations were published in 54 FR 51653, and are codified at 40 CFR part 61, subparts B, H, I, K, R, T, and W. Due to petitions for reconsideration, EPA

rescinded subpart T (July 15, 1994, 59 FR 36280) as it applies to owners and operators or uranium mill tailings disposal sites licensed by NRC or an affected Agreement State.

Since the last ICR, EPA also has rescinded subpart I as it applies to NRC-licensed facilities, effective December 30, 1996 (61 FR 68971). EPA rescinded subpart I for NRC licensees because in the 1990 Clean Air Act amendments, Congress directed EPA to stop regulating radionuclide emissions from NRC licensed facilities if EPA determines that the NRC regulatory program protects the public health with an ample margin of safety. After careful review, EPA determined that public health would be protected with an ample margin of safety by NRC's program. EPA's decision was based on NRC's promulgation of the constraint rule, 10 CFR part 20 (61 FR 65120, December 10, 1996), requiring licensees to establish a dose constraint for air emissions of radionuclides of 10 mrem/year total effective dose equivalent for dose to members of the public; a 1992 survey conducted by EPA which found no facility exceeding EPA's 10 mrem/yr effective doses equivalent standard; and data collected during implementation of subpart I. The existing subpart I of the radionuclide NESHAP now only applies to non-DOE federal facilities not licensed by NRC.

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

Department of Energy—Sections 61.93, 61.94, 61.95

Elemental Phosphorous—Sections 61.123, 61.124, 61.126

Phosphogypsum Stacks—Sections 61.203, 61.206, 61.207, 61.208, 61.209

Underground Uranium Mines—Sections 61.24, 61.25

Uranium Mill Tailings Piles—Sections 61.253, 61.254, 61.255, 61.223, 61.224

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

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

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

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

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

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

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

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

Dated: August 19, 1998.

Frank Marcinowski,
Acting Director, Office of Radiation and Indoor Air.
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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6151-6]

Underground Injection Control Program: Substantial Modification to an Existing State-Administered Underground Injection Control Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for public comment on a Substantial Modification to the Wyoming 1422 Underground Injection Control Program.

SUMMARY: The Safe Drinking Water Act (SDWA) establishes the Underground Injection Control (UIC) Program, which is designed to protect present and future underground sources of drinking water (USDWs) and to prevent underground injection through wells that may endanger these drinking water sources. The SDWA provides for states to apply for and receive approval from the Environmental Protection Agency (EPA) to administer their own UIC programs, if the State regulations and statutes meet EPA's minimum requirements as specified in 40 CFR Part 144, 145, and 146 or the "protective" standard specified in § 1425 of the SDWA for oil and gas related wells. One of these requirements specified in 40 CFR 144.7 is the identification of (USDWs). If an aquifer is a USDW, injection into it can only occur if it is exempted from this classification because it is not serving a drinking water system and is not expected to do so in the future. Therefore, injection into any aquifer that meets the classification as a USDW can only take place if it is exempted from the classification as a USDW. Criteria for exempting aquifers is in Title 40 § 146.4. Certain exemptions are considered substantial program revisions.

Once the State program receives final approval, subsequent modifications to the programs can be requested by the State and accomplished through the specifications under 40 CFR 145.32. Upon receiving a request for modification of a State program, EPA determines if the requested modification is "substantial" or "non-substantial." A request for an aquifer exemption is one type of program modification that can be requested by the State. An aquifer exemption request often accompanies a draft permit for an injection well that will inject into a USDW that can be proven to meet criteria specified in 40 CFR 146.4. If the aquifer exemption is

considered a "non-substantial" modification to the existing State program, then it can be evaluated and approved or disapproved by the EPA Regional Administrator. However, if the aquifer proposed for exemption contains formation fluids with less than 3,000 mg/l Total Dissolved Solids (TDS) which is related to any Class I well or is not related to action on a permit (except in the case of rule authorized enhanced recovery operations in oil fields), then the aquifer exemption represents a "substantial" modification to the State program. In this case, according to 40 CFR 145.32, the proposed program revision shall be published in the **Federal Register** to provide the public an opportunity to comment for a period of at least 30 days. The authority to approve or disapprove the proposed change lies with the EPA Administrator. The proposed substantial revision to the Wyoming 1422 UIC program for which public comments are being solicited is a request for the exemption of 0.04 square miles of the Lance Formation at an approximate depth of 3,800 to 6,500 feet below ground surface surrounding two non-hazardous Class I injection wells in the Powder River Basin within Johnson County, Wyoming.

Public comments are encouraged and a public hearing will be held upon request. A request for a public hearing should be made in writing and should state the nature of the issues proposed to be raised at the hearing. A public hearing will be held only if significant interest is shown.

DATES: EPA must receive public comment, in writing, on the proposed modification of the Wyoming 1422 program by September 28, 1998.

ADDRESSES: Send written comments to Valois Shea-Albin, Ground Water Unit (8P-W-GW), Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202-2466, by the deadlines provided above. Copies of the application and pertinent materials are available for review by the public between 8:30 a.m. and 4:00 p.m.