DRAFT VALUE/IMPACT STATEMENT

1. PROPOSED ACTION

1.1 Description

The Commission's regulations in 10 CFR Part 40, "Domestic Licensing of Source Material," require that an application for a license to receive, possess, and use source material for uranium milling contain proposed written specifications relating to milling operations to achieve the requirements and objectives set forth in Appendix A of that Part. Technical Criterion 8 of Appendix A requires, among other things, that milling operations be conducted so that all airborne effluent releases are reduced to levels as low as is reasonably achievable (ALARA), primarily by means of emission controls. The proposed action would provide guidance acceptable to the NRC staff for designing, testing, operating, and maintaining air emission control devices used at uranium milling operations.

1.2 Need for Proposed Action

Guidance on design objectives for ventilation and dust control systems in uranium milling facilities is needed to ensure that release of radioactive material to the environment is maintained ALARA. Licensees are uncertain as to what the NRC staff will accept in the way of procedures for design, testing, operating, and maintaining emission control devices. Guidance is needed to clarify the staff position in this regard.

1.3 Value/Impact of Proposed Action

1.3.1 NRC

The impact of the proposed guidance will be primarily to reduce licensing staff effort in reviewing sections of applications dealing with uranium mill ventilation and dust control systems and in corresponding with applicants about specific aspects of this area.

1.3.2 Other Government Agencies

The proposed guidance will aid the Mine Safety and Health Administration (MSHA) in the regulation of occupational health protection at uranium mills and also the Agreement State regulatory agencies that regulate mills, primarily agencies in New Mexico, Colorado, Texas, Washington, and Florida. A Memorandum of Understanding (MOU) signed by NRC and MSHA states that each agency will coordinate the development of standards with the other agency. The MOU was published in the Federal Register (45 FR 1315) on January 4, 1980.

1.3.3 Industry

Industry will benefit from having clear guidance on NRC uranium mill licensing policy relating to designing, testing, operating, and maintaining emission control devices.

1.3.4 Workers

The proposed action should result in more reliable performance of emission control devices used in uranium mill ventilation systems and therefore should be of benefit to workers.

1.3.5 Public

There could be a cost reduction to the public as taxpayers and consumers because of the improved efficiency of the licensing process.

1.4 Decision on Proposed Action

The NRC should publish guidance acceptable to the NRC staff for designing, testing, operating, and maintaining emission control devices used at uranium milling operations.

2. TECHNICAL APPROACH

2.1 Technical Alternatives

Guidance can be developed along either performance objective or prescriptive paths. Guidance oriented toward performance objectives would establish the overall objectives to be achieved and would allow flexibility as to how

the objectives would be achieved. If the prescriptive path is taken, specific detailed requirements would be set out in the guidance.

2.2 Discussion and Comparison of Technical Alternatives

Setting of prescriptive guidance requires a considerable amount of detailed knowledge about the design and the testing, operating, and maintenance procedures for emission control devices used at uranium milling operations in order to prescribe which procedures are among the best. At present there are no clear choices to be made among potential procedures nor are there any national codes or standards that provide specific criteria in this area. In the absence of such codes or standards, industry practice is to follow specific instructions and recommendations of individual equipment manufacturers.

Development of performance objectives requires comparatively less detailed knowledge since these objectives can be derived from the requirements and objectives set forth in 10 CFR Part 40. Also, performance objectives allow licensees flexibility to select the most cost-effective ways to satisfy NRC objectives.

2.3 Decision on Technical Approach

A combination of the performance objective and prescriptive paths should be taken in developing guidance. Overall performance objectives should be stated allowing the licensee flexibility in choosing procedures to achieve these objectives. Where there are some prescriptive requirements that are judged to be necessary, they should be stated, to the extent practicable, as minimum criteria to afford some flexibility in meeting them.

3. PROCEDURAL APPROACH

3.1 Procedural Alternatives

Potential NRC procedures that may be used to promulgate the proposed action and technical approach include the following:

- Regulation
- Regulatory guide
- National standard endorsed by a regulatory guide
- NUREG-series report
- Branch technical position

3.2 Value/Impact of Procedural Alternatives

A regulation is not suitable for incorporating the degree of detail that will be reflected in this guide. A branch technical position is sometimes prepared for specific guidance, however no branch technical position is being developed on this subject. A NUREG-series report is a convenient means for providing information. However, a report usually contains only results of specific studies and is not appropriate for this action. No national standard on the entire subject is available or under preparation. Preparation of a regulatory guide is the preferred course of action.

3.3 Decision on Procedural Approach

A regulatory guide should be prepared.

4. STATUTORY CONSIDERATIONS

4.1 NRC Authority

Authority for the proposed action is derived from the Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, and implemented through the Commission's regulations in Title 10 of the Code of Federal Regulations cited in the introduction to the guide.

4.2 Need for NEPA Assessment

The proposed action does not require an environmental impact statement since it is categorically excluded from the NEPA process in accordance with paragraph 51.22(c)(16) of 10 CFR Part 51.

5. RELATIONSHIP TO OTHER EXISTING OR PROPOSED REGULATIONS OR POLICIES

The proposed regulatory guide has to be consistent with existing regulatory guides on uranium milling facilities.

6. SUMMARY AND CONCLUSIONS

A regulatory guide should be prepared for designing, testing, operating, and maintaining emission control devices used at uranium milling operations.

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