



**The Conference of Radiation Control Program Director’s (CRCPD) Suggested State Regulations (SSR) can be found online, but for ease of accessing this information, the applicable SSR’s are provided below.**

[https://www.crcpd.org/page/SSRCRs\\_flipbook](https://www.crcpd.org/page/SSRCRs_flipbook)

**CRCPD SSR Section U.5 – U.8 – March 2015**

\*\*\*

Sec. U.5 - Pre-licensing Construction. An application for a license, or to amend or renew an existing license, for source material milling shall be filed with the Agency at least nine (9) months prior to the anticipated commencement of construction of the plant or facility in which the activity will be conducted and shall be accompanied by the environmental report required by U.6, unless an exemption from the requirement of furnishing such a report has been obtained from the Agency. No construction shall be commenced until the license has been issued.

Sec. U.6 - Applicant’s Environmental Report.

a. For each license application (or application to amend or renew an existing license) to receive, possess, and use source material for uranium or thorium milling or byproduct material, an environmental report shall be required of the applicant and shall contain all information deemed necessary by the Agency.

b. The applicant’s environmental report, or supplement to applicant’s environmental report, as appropriate, shall include information to assist the Agency in the evaluation of the short-term and long-range environmental impact of the project and activity so that the Agency may weigh environmental, economic, technical, and other benefits against environmental costs, while considering available alternatives.

c. The following types of actions require an applicant’s environmental report:

i. Issuance or renewal of a source material milling license or byproduct material license;

ii. Issuance of an amendment that would authorize or result in:

(1) A significant expansion of a site;

(2) A significant change in the types of effluents;

(3) A significant increase in the amounts of effluents;

(4) A significant increase in individual or cumulative occupational radiation exposure; or

(5) A significant increase in the potential for or consequences from radiological accidents.

d. If the application is for an amendment to or a renewal of a license for which the applicant has



previously submitted an environmental report, the supplement to an applicant's environmental report may be limited by incorporating by reference, updating or supplementing the information previously submitted to reflect any significant environmental change, including any significant environmental change resulting from operational experience or a change in operations or proposed decommissioning activities.

e. In the event that an applicant's environmental report acceptable to the Agency is on file with the Agency in regard to the specific licensed activity authorized under an existing license, and upon request of the applicant to amend or renew an existing license or at the initiation of the Agency, the Agency may grant an exemption of the requirement to submit an additional environmental report or supplement. The request for exemption shall provide the Agency with such information as the Agency requires of the applicant to demonstrate that no significant environmental impact will result from the licensed activity.

Sec. U.7 - Transmittal of Applicant's Environmental Report for Review and Comment. Upon receipt of the environmental report or any amendment thereto, and of any other documents required, the Agency shall determine the necessity to transmit and, if appropriate, shall transmit the same for review and comment to federal, state, and local agencies having expertise in and jurisdiction over the proposed project and activity. Written comments and reports of reviewing agencies shall be considered by the Agency in its decision-making review process on the license application request.

a. If an environmental impact statement (EIS) or Environmental Assessment is required of a federal agency pursuant to the National Environment Policy Act of 1969 (NEPA) and is provided by such federal agency, it shall be used by the Agency in its decision-making review process on the license application request.

b. The Agency shall consider applicable regulations of federal, state, and local regulatory agencies and permit requirements thereof.

Sec. U.8 - Environmental Impact Analysis.

a. The Agency shall prepare a written analysis for any significant impact on the environment for the following activities: (1) a license application to receive, possess, and use source material for uranium or thorium milling (2) an application to amend or renew an existing license to receive, possess, and use source material for uranium or thorium milling or, (3) an application to amend or renew an existing license to receive, possess, and use byproduct material. This written analysis shall be available to the public at the time of public notice of hearing. This written analysis shall include:

i. An assessment of the radiological and non-radiological impacts to the public health and the environment;

DRAFT



- ii. An assessment of any impact on any waterway and ground water;
  - iii. Consideration of alternatives to the activities to be conducted; and
  - iv. Consideration of the long-term impacts of the licensed activities.
- b. In preparing the environmental impact analysis, the Agency may use and incorporate by reference the environmental report prepared by the applicant as required by U.6 and environmental assessments prepared by federal, state or local agencies.
- c. The environmental impact analysis, or any part thereof, shall be prepared directly by or under supervision of the Agency.



**This crosswalk compares the applicable CRCPD Suggested State Regulations (SSR) with the Division’s proposed draft rule.**

<b>CRCPD Suggested State Regulation</b>	<b>Proposed Draft Rule</b>
<p><u>Sec. U.5 - Pre-licensing Construction.</u>                      An application for a license, or to amend or renew an existing license, for source material milling shall be filed with the Agency at least nine (9) months prior to the anticipated commencement of construction of the plant or facility in which the activity will be conducted and shall be accompanied by the environmental report required by U.6, unless an exemption from the requirement of furnishing such a report has been obtained from the Agency. No construction shall be commenced until the license has been issued.</p>	<p><b>R313-24-3. Pre-licensing Construction.</b>                      (1) An application for a new license, or to amend an existing license under Rule R313-24 that involves the construction of physical facilities:                          (a) shall be filed with the director at least nine months before the anticipated commencement of construction of the plant or facility; and                          (b) shall be accompanied by the environmental screening report required by Section R313-24-4.                      (2) Construction of facilities described in Subsection R313-24-3(1) is prohibited until after the license has been issued.</p>
<p><u>Sec. U.6 - Applicant’s Environmental Report.</u></p> <p>a. For each license application (or application to amend or renew an existing license) to receive, possess, and use source material for uranium or thorium milling or byproduct material, an environmental report shall be required of the applicant and shall contain all information deemed necessary by the Agency.</p> <p>b. The applicant’s environmental report, or supplement to applicant’s environmental report, as appropriate, shall include information to assist the Agency in the evaluation of the short-term and long-range environmental impact of the project and activity so that the Agency may</p>	<p><b>R313-24-4 – Applicant’s Environmental Screening Report.</b></p> <p>(1) For each new license application, or an application for renewal or other major licensing action identified in Subsection R313-17-2(1)(a)(i), the applicant shall submit an Environmental Screening Report (ESR). The director may require the submission of an ESR for any other licensing action involving the receipt, possession, or use of source material for uranium or thorium milling or byproduct material.</p> <p>(2) The ESR shall include information to assist the director in the evaluation of the short and long-term environmental impacts of the proposed action, including impact mitigation measures, so that the director may determine whether the proposed action is expected to have a significant impact. The ESR shall contain the information considered necessary by the director to make this determination.</p>



<p>weigh environmental, economic, technical, and other benefits against environmental costs, while considering available alternatives.</p> <p>c. The following types of actions require an applicant’s environmental report:</p> <p>i. Issuance or renewal of a source material milling license or byproduct material license;</p> <p>ii. Issuance of an amendment that would authorize or result in:</p> <p>(1) A significant expansion of a site;</p> <p>(2) A significant change in the types of effluents;</p> <p>(3) A significant increase in the amounts of effluents;</p> <p>(4) A significant increase in individual or cumulative occupational radiation exposure; or</p> <p>(5) A significant increase in the potential for or consequences from radiological accidents.</p> <p>d. If the application is for an amendment to or a renewal of a license for which the applicant has previously submitted an environmental report, the supplement to an applicant’s environmental report may be limited by incorporating by reference, updating or supplementing the information previously submitted to reflect any significant environmental change, including any significant environmental change resulting from operational experience or a change in operations or proposed decommissioning activities.</p> <p>e. In the event that an applicant’s environmental report acceptable to the</p>	<p>(3) The ESR may rely on any previous environmental data or analyses in the administrative record to the extent the applicant demonstrates that the information is relevant to the proposed action. In that event, it may be necessary to update the previous data or analysis to reflect any significant change or difference.</p> <p>(4) In connection with the director’s evaluation of an ESR, the director may provide notice of, and an opportunity to comment to stakeholders, including, for example, the general public, Native American groups, businesses, local, state, and federal governmental agencies, citizen and community groups, and other groups who may have an interest in the proposed licensing action, as determined by the director. This notice and comment period is optional, in the director’s discretion. If the director provides a notice and comment opportunity under this subsection, it shall be preliminary to, and in addition to, the public notice, hearing, and comment that otherwise apply to the proposed action as described in Subsection R313-24-5(4).</p> <p>(5) After considering the matters addressed in Section R313-24-4, including any comments received under Subsection R313-24-4(4), if the director determines that the proposed action will not result in a significant impact, then an environmental impact analysis under Section R313-24-5 shall not be required.</p> <p>(6) Examples of proposed actions that would be expected to have a significant impact include licensing actions that would authorize or result in:</p> <p>(a) the siting and construction of a new facility; or</p> <p>(b) with respect to any existing licensed facility, any new, significant change to the applicant’s operations, plans, safety modeling, and similar factors as compared to environmental impacts previously evaluated, such as:</p> <p>(i) a significant physical expansion or process modification;</p> <p>(ii) a significant change in the types of effluents or tailings;</p>
--	--



<p>Agency is on file with the Agency in regard to the specific licensed activity authorized under an existing license, and upon request of the applicant to amend or renew an existing license or at the initiation of the Agency, the Agency may grant an exemption of the requirement to submit an additional environmental report or supplement. The request for exemption shall provide the Agency with such information as the Agency requires of the applicant to demonstrate that no significant environmental impact will result from the licensed activity.</p>	<ul style="list-style-type: none"> <li>(iii) a significant increase in the amounts of effluents or tailings;</li> <li>(iv) a significant change to the reclamation plan;</li> <li>(v) a significant increase in individual or cumulative occupational radiation exposure;</li> <li>(vi) a significant increase in the potential for or consequence of radiological incidents; or</li> <li>(vii) any other significant change to the expected source term or other important parameter of safety modeling that formed the basis for previous licensing actions.</li> </ul>
<p><u>Sec. U.7 - Transmittal of Applicant’s Environmental Report for Review and Comment.</u> Upon receipt of the environmental report or any amendment thereto, and of any other documents required, the Agency shall determine the necessity to transmit and, if appropriate, shall transmit the same for review and comment to federal, state, and local agencies having expertise in and jurisdiction over the proposed project and activity. Written comments and reports of reviewing agencies shall be considered by the Agency in its decision-making review process on the license application request.</p> <p>a. If an environmental impact statement (EIS) or Environmental Assessment is required of a federal agency pursuant to the National Environment Policy Act of 1969 (NEPA) and is provided by such federal agency, it shall be used by the Agency in its decision-making review process on the license application request.</p> <p>b. The Agency shall consider applicable regulations of federal, state, and local regulatory agencies and permit requirements</p>	<p>(4) In connection with the director’s evaluation of an ESR, the director may provide notice of, and an opportunity to comment to stakeholders, including, for example, the general public, Native American groups, businesses, local, state, and federal governmental agencies, citizen and community groups, and other groups who may have an interest in the proposed licensing action, as determined by the director. This notice and comment period is optional, in the director’s discretion. If the director provides a notice and comment opportunity under this subsection, it shall be preliminary to, and in addition to, the public notice, hearing, and comment that otherwise apply to the proposed action as described in Subsection R313-24-5(4).</p>



<p>thereof.</p>	
<p><u>Sec. U.8 - Environmental Impact Analysis.</u></p> <p>a. The Agency shall prepare a written analysis for any significant impact on the environment for the following activities: (1) a license application to receive, possess, and use source material for uranium or thorium milling (2) an application to amend or renew an existing license to receive, possess, and use source material for uranium or thorium milling or, (3) an application to amend or renew an existing license to receive, possess, and use byproduct material. This written analysis shall be available to the public at the time of public notice of hearing. This written analysis shall include:</p> <p>i. An assessment of the radiological and non-radiological impacts to the public health and the environment;</p> <p>ii. An assessment of any impact on any waterway and ground water;</p> <p>iii. Consideration of alternatives to the activities to be conducted; and</p> <p>iv. Consideration of the long-term impacts of the licensed activities.</p> <p>b. In preparing the environmental impact analysis, the Agency may use and incorporate by reference the environmental report prepared by the applicant as required by U.6 and environmental assessments prepared by federal, state or local agencies.</p> <p>c. The environmental impact analysis, or any part thereof, shall be prepared directly by or</p>	<p><b>R313-24-5. Environmental Impact Analysis (EIA).</b></p> <p>(1) For each new license application, application for renewal, or other licensing action that the director determines will result in a significant impact, the director shall prepare a written Environmental Impact Analysis (EIA) that includes:</p> <p>(a) An assessment of the radiological and non-radiological impacts to the public health from the activities to be conducted pursuant to the proposed action;</p> <p>(b) An assessment of any impact on waterways and groundwater resulting from the activities to be conducted pursuant to the proposed action;</p> <p>(c) Consideration of alternatives, including alternative sites and engineering methods, to the activities to be conducted pursuant to the proposed action; and</p> <p>(d) Consideration of the long-term impacts such as decommissioning, decontamination, and reclamation impacts associated with activities to be conducted pursuant to the proposed action, specifically including the management of any byproduct material, as defined by 42 U.S.C. Section 2014(e)(2).</p> <p>(2) In preparing the EIA, the director may rely upon and incorporate by reference the ESR prepared by the applicant as required by Section R313-24-4, and any previous Environmental Impact Statement (EIS) or other relevant environmental analysis prepared by federal, state, or local agencies. If a pre-existing EIA or statement is relevant to the applicable licensing action, the new EIA may be prepared as a supplement.</p> <p>(3) A Supplemental EIA (SEIA) is required if:</p> <p>(a) the proposed action would result in a significant environmental impact that was not previously evaluated in the EIA; or</p> <p>(b) new information or circumstances</p>



under  
supervision of the Agency.

relevant to environmental concerns and bearing on the proposed action or impacts of the action would result in a significant impact that was not previously evaluated.

(4) The EIA, or any part thereof, shall be prepared directly by or under supervision of the director. The director may also require that the applicant submit additional information.

(5) The director shall make available to the public, in connection with any public notice and comment period under Section R313-17-2, any information or analysis provided under Sections R313-24-4 and R313-24-5. If the proposed action is subject to a question-and-answer hearing under Section R313-17-4, the director shall make available to the public any information or analysis performed under Sections R313-24-4 and R313-24-5 at least 30 days before the date for the hearing.