



**Definitions to be placed in R313-12-3**

“Significant impact” means a significant impact to the human environment, within the meaning of 42 U.S.C. Section 2021(o)(3)(C), that was not fully considered in connection with one or more previous agency actions.

“Environmental Screening Report” or “ESR” means a report submitted to the division by an applicant as described in Section R313-24-4.

“Environmental Impact Analysis” or “EIA” means an analysis prepared by the director after receipt of an ESR as described in Section R313-24-5.

“Environmental Impact Statement” or “EIS” is as defined under the National Environmental Policy Act, 42 U.S. Code § 4321 *et seq.* and relevant federal regulations.

“Supplemental Environmental Impact Analysis” or “SEIS” means an analysis prepared by the director as a supplement to a previous EIA or EIS as described in Subsection R313-24-5(2).

**R313. Environmental Quality, Waste Management and Radiation Control, Radiation.**

**R313-24. Uranium Mills and Source Material Mill Tailings Disposal Facility Requirements.**

**R313-24-1. Purpose and Authority.**

(1) The purpose of this rule is to prescribe requirements for possession and use of source material in milling operations such as conventional milling, in-situ leaching, or heap-leaching. The rule includes requirements for the possession of byproduct material, as defined in Section R313-12-3 (see "byproduct material" definition (b)), from source material milling operations, as well as, possession and maintenance of a facility in standby mode. In addition, requirements are prescribed for the receipt of byproduct material from other persons for possession and disposal. The rule also prescribes requirements for receipt of byproduct material from other persons for possession and disposal incidental to the byproduct material generated by the licensee's source material milling operations.

(2) The rules set forth herein are adopted pursuant to the provisions of Subsections 19-3-104(4) and 19-3-104(7).

(3) The requirements of Rule R313-24 are in addition to, and not substitution for, the other applicable requirements of Title R313. In particular, the provisions of Rules R313-12, R313-15, R313-18, R313-19, R313-21, R313-22, and R313-70 apply to applicants and licensees subject to Rule R313-24.

(4) See R313-17-4 for special procedures for decisions associated with licenses for activity which results in the production or disposal of byproduct material.

**R313-24-2. Scope.**

(1) The requirements in Rule R313-24 apply to source material milling operations, byproduct material, and byproduct material disposal facilities.

**R313-24-3. Pre-Licensing Construction.**

(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.

**R313-24-4. Applicant’s Environmental Screening Report (ESR).**

(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.

(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.

(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.

(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).

(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.

(6) Examples of proposed actions that would be expected to have a significant impact include licensing actions that would authorize or result in:

- (a) the siting and construction of a new facility; or
- (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:
  - (i) a significant physical expansion or process modification;
  - (ii) a significant change in the types of effluents or tailings;
  - (iii) a significant increase in the amounts of effluents or tailings;
  - (iv) a significant change to the reclamation plan;
  - (v) a significant increase in individual or cumulative occupational radiation exposure;
  - (vi) a significant increase in the potential for or consequence of radiological incidents; or
  - (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.

#### **R313-24-5. Environmental Impact Analysis (EIA).**

(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:

- (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;
- (b) An assessment of any impact on waterways and groundwater resulting from the activities to be conducted pursuant to the proposed action;
- (c) Consideration of alternatives, including alternative sites and engineering methods, to the activities to be conducted pursuant to the proposed action; and
- (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).

(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.

(3) A Supplemental EIA (SEIA) is required if:

- (a) the proposed action would result in a significant environmental impact that was not previously evaluated in the EIA;
- or
- (b) new information or circumstances 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.



### **R313-24-6. Clarifications or Exceptions.**

For the purposes of Rule R313-24, 10 CFR 40.2a through 40.4; 40.12; 40.20(a); 40.21; 40.26(a) through (c); 40.31(h); the introductory paragraph of 40.36 and 40.36(a),(b),(d) and (f); 40.41(c); the introduction to 40.42(k) and 40.42(k)(3)(i); 40.46; 40.61(a) and (b); 40.65; and Appendix A to Part 40 (2015) are incorporated by reference with the following clarifications or exceptions:

- (1) The exclusion and substitution of the following:
  - (a) Exclude 10 CFR 40.26(c)(1) and replace with "(1) The provisions of Sections R313-12-51, R313-12-52, R313-12-53, R313-19-34, R313-19-50, R313-19-61, R313-19-61, R313-24-1, Rules R313-14, R313-15, R313-18, and R313-24 (incorporating 10 CFR 40.2a, 40.3, 40.4, and 40.26 by reference)";
  - (b) In Appendix A to 10 CFR 40, exclude Criterion 5B(1) through 5H, Criterion 7A, Criterion 13, and replace the excluded Criterion with "Utah Administrative Code, R317-6, Ground Water Quality Protection"; and
  - (c) In Appendix A to 10 CFR 40, exclude Criterion 11A through 11F and Criterion 12;
- (2) The substitution of the following:
  - (a) "10 CFR 40" for reference to "this part" as found throughout the incorporated text;
  - (b) "Director" for reference to "Commission" in the first and fourth references contained in 10 CFR 40.2a, in 10 CFR 40.3, 40.20(a), 40.26, 40.36(f), 40.41(c), 40.46 (a), 40.61, and 40.65; and "Director" for reference to "NRC" in 10 CFR 40.36(b);
  - (c) "Rules R313-19, R313-21, or R313-22" for "Section 62 of the Act" as found in 10 CFR 40.12(a);
  - (d) "Rule R313-15-402" for reference to "10 CFR 20.1402" and "Rule R313-15-403" for reference to "10 CFR 20.1403" in 10 CFR 40.36(d);
  - (e) "Rule R313-15-1109" for reference to "10 CFR 20.2108" in 10 CFR 40.36(f);
  - (f) "Rules R313-21 or R313-22" for reference to "the regulations in this part" in 10 CFR 40.41(c);
  - (g) "Section R313-19-100" for reference to "part 71 of this chapter" as found in 10 CFR 40.41(c);
  - (h) In 10 CFR 40.42(k)(3)(i), "R313-15-401 through R313-15-406" for reference to "10 CFR part 20, subpart E";
  - (i) "source material milling" for reference to "uranium milling, in production of uranium hexafluoride, or in a uranium enrichment facility" as found in 10 CFR 40.65(a);
  - (j) "Director" for reference to "appropriate NRC Regional Office shown in Appendix D to 10 CFR part 20 of this chapter, with copies to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555," as stated in 10 CFR 65(a)(1);
  - (k) "require the licensee to" for reference to "require to" in 10 CFR 40.65(a)(1); and
  - (l) In Appendix A to 10 CFR part 40, the following substitutions:
    - (i) "R313-12-3" for reference to "Sec. 20.1003 of this chapter" as found in 10 CFR 40.36(f) and in the first paragraph of the introduction to Appendix A;
    - (ii) "Utah Administrative Code, Rule R317-6, Ground Water Quality Protection" for ground water standards in "Environmental Protection Agency in 40 CFR part 192, subparts D and E" as found in the Introduction, paragraph 4; or "Environmental Protection Agency in 40 CFR part 192, subparts D and E (48 FR 45926; October 7, 1983)" as found in Criterion 5;
    - (iii) "Director as defined in Subsection 19-5-102(6)" for reference to "Commission" in the definition of "compliance period," in paragraph five of the introduction and in Criterion 5A(3);
    - (iv) "Director" for reference to "Commission" in the definition of "closure plan", in paragraph five of the introduction, and in Criteria 6(2), 6(4), 6(6), 6A(2), 6A(3), 9, and 10 of Appendix A;
    - (v) "license issued by the Director" for reference to "Commission license" in the definition of "licensed site," in the introduction to Appendix A;
    - (vi) "Director" for reference to "NRC" in Criterion 4D;
    - (vii) "representatives of the Director" for reference to "NRC staff" in Criterion 6(6);
    - (viii) "Director-approved" for reference to "Commission-approved" in Criterion 6A(1) and Criterion 9;
    - (ix) "Director" for reference to "appropriate NRC regional office as indicated in Criterion 8A" as found, Criterion 8, paragraph 2 or for reference to "appropriate NRC regional office as indicated in Appendix D to 10 CFR part 20 of this chapter, or the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555," as stated in Criterion 8A; and
    - (x) "Director" for reference to "the Commission or the State regulatory agency" in Criterion 9, paragraph 2.