



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, "byproduct material" (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) Rule R313-24 is adopted pursuant to 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, Sections 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 Section 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. Construction Requirements.

(1) Any application for a new license, license renewal, or a major licensing action identified in Subsection R313-17-2(1)(a)(i) that involves construction:

(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 report required by Section R313-24-4.

(2) Construction, as defined in Section R313-12-3, is prohibited unless the director has provided the necessary licensing and approvals for the construction.

R313-24-4. Applicant's Environmental Report.

(1) For each new license application, application for renewal, or major licensing action identified in Subsection R313-17-2(1)(a)(i), the applicant shall submit an environmental report. In the director's discretion, the director may require the submission of an environmental report for any other licensing action within the scope of this rule.

(2) The environmental report shall include specific information and data to assist the director in the identification and evaluation of the short-term and long-range environmental impacts of the proposed action, including impact mitigation measures, in sufficient detail for the director to prepare the environmental analysis described in Section R313-24-5. The environmental report shall contain the information the director considers necessary to prepare the environmental analysis.

(3) To the extent the director considers that the information is relevant to the proposed action, the environmental report shall include specific references to, and analysis of, existing environmental information, data or analyses in the historical administrative record. The director may require the submission of supplemental information and analysis to update previous analyses and information.

(4) The environmental report shall provide an assessment of the following impacts on the environment:

(a) the radiological and non-radiological impacts to the public health and the environment from the activities to be conducted pursuant to the proposed action;

(b) any impact on waterways and groundwater resulting from the activities to be conducted pursuant to the proposed action;

(c) alternatives to the activities to be conducted pursuant to the proposed action; and

(d) the long-term impacts of the proposed action, 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.

(5) Examples of specific types of proposed actions where the environmental report would be expected to include detailed supporting data and analysis include:

(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.



(6) Prior to accepting the applicant's environmental report submitted under Section R313-24-4 and performing environmental analysis under Section R313-24-5, the director may, in the director's discretion, conduct a preliminary public comment process regarding matters addressed in the environment report, as provided in Subsection R313-24-4.

(a) Formal publication via newspaper is not required. Notice of the opportunity to submit comments published on the public notice page of the Division of Waste Management and Radiation Control website shall be acceptable. However, the director shall make reasonable efforts to provide actual notice to identifiable stakeholders who may have an interest in the matters addressed in the environmental report, including Native American Tribes, businesses, local, state, and federal governmental agencies, citizen and community groups, or any other person who has requested a notice;

(b) the notice and comment opportunity shall be limited to the matters addressed in the environmental report available at that time;

(c) as part of the director's environmental analysis under Section R313-24-5, the director shall include a written response to any comments received during the preliminary public process regarding the environmental report;

(d) the submission of comments on the environmental report shall not be required. The failure to submit preliminary comments shall be without prejudice to any person's right to submit comments during the general public comment process described in subsection (e); and

(e) any person shall have the right to submit comments regarding the proposed action, including the environmental report and the director's environmental analysis, in connection with the formal public notice, hearing, and comment process described in Subsection R313-24-5(4).

R313-24-5. Director's Environmental Analysis.

(1) For each new license application, application for renewal, or other licensing action for which an environmental report is required, the director shall perform an independent analysis and prepare a written environmental analysis that includes the following elements, including consideration of environmental impact mitigation measures, as applicable:

(a) an assessment of the radiological and non-radiological impacts to the public health and the environment 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 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 environmental analysis, the director may rely upon and incorporate by reference the environmental report 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 the applicant, or by any federal, state, or local agencies, to the extent the agencies have jurisdiction over the matters.

(3) The environmental analysis, or any part of the environmental analysis, shall be prepared directly by or under supervision of the director.

(4) 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 or prepared under Sections R313-24-4 and R313-24-5, including any environmental analysis that the director has relied upon or incorporated by reference under R313-24-5(2). 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 all such information or analysis performed under Sections R313-24-4 and R313-24-5 at least 60 days before the date for the hearing.

(5) Following any public comment period and question and answer hearing associated with licensing actions subject to Rule R313-24, the director shall, after reviewing the public comments received, issue a written final decision.

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, R313-24-1, 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.