

From: "Bill Sinclair" <BSINCLAI@deq.state.ut.us>
To: <DMS4@nrc.gov>
Date: 4/19/02 2:21PM
Subject: Fwd: R313-24

Dennis, here is the "uranium recovery" rule - to help guide you through it, we have attached a compatability summary. On Wednesday of next week, we will file three other rule changes dealing with uranium recovery - minor changes needed to some of our rules. We will send you that as soon as is filed. This will be the last of the needed rulemaking. This rule (R313-24) will be published May 15th for 30-day public comment period which will end on June 15th as well as the other three rules that will have the minor changes. Therefore the review deadline is June 15, 2002. We would appreciate your help in getting us comments back before the comment period ends so we may file our final application shortly after. If you have questions, call me.

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From: "Susan Giddings" <SGIDDING@deq.state.ut.us>
To: "Bill Sinclair" <BSINCLAI.EQRAD.EQDOMAIN@deq.state.ut.us>
Date: 4/19/02 1:51PM
Subject: R313-24

Bill,

I have just filed Rule R313-24 with the Administrative Rules Division. Attached is a copy of the rule and also Compatibility Categories and Equivalent Rules for 10 CFR 40.

R313. Environmental Quality, Radiation Control.**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 recovery operations such as milling, in-situ leaching, heap-leaching, and ion exchange facilities and in processing of ores containing source material for extraction of metals other than uranium or thorium. The rule includes requirements for the possession of byproduct waste material (tailings) from source material recovery operations, as well as, possession and maintenance of a facility in standby mode. In addition, requirements are prescribed for the receipt of byproduct material, as defined in Section 19-3-102, from other persons for possession and disposal. The rule also prescribes requirements for receipt of byproduct material, as defined in Section 19-3-102, from other persons for possession and disposal incidental to the uranium waste tailings generated by the licensee's milling operations.

(2) The rules set forth herein are adopted pursuant to the provisions of Subsections 19-3-104(4) and 19-3-104(8).

(3) The requirements of Rule R313-24 are in addition to, and not substitution for, the other requirements of these rules.

R313-24-2. Scope.

(1) The requirements in Rule R313-24 apply to uranium mills, uranium mill tailings, and source material disposal facilities.

R313-24-3. Environmental Analysis.

(1) Each new license application, renewal, or major amendment shall contain an environmental report describing the proposed action, a statement of its purposes, and the environment affected. The environmental report shall present a discussion of the following:

(a) An assessment of the radiological and nonradiological impacts to the public health from the activities to be conducted pursuant to the license or amendment;

(b) An assessment of any impact on waterways and groundwater resulting from the activities conducted pursuant to the license or amendment;

(c) Consideration of alternatives, including alternative sites and engineering methods, to the activities to be conducted pursuant to the license or amendment; and

(d) Consideration of the long-term impacts including decommissioning, decontamination, and reclamation impacts, associated with activities to be conducted pursuant to the license or amendment.

(2) Commencement of construction prior to issuance of the license or amendment shall be grounds for denial of the license or amendment.

R313-24-4. 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); 40.41(c); 40.42(k) (3) (i); 40.61(a) and (b); 40.65; and Appendix A to Part 40(2002) 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)"; and

(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."

(2) The substitution of the following:

(a) "Board" for reference to "Commission" in the definition of "compliance period," in paragraph four of the introduction to Appendix A, and in Criterion 5A(3) of Appendix A;

(b) "Executive Secretary" 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, 40.41(c), 40.61, 40.65, in the definition of "closure plan", in paragraph five of the introduction to Appendix A, in Criterion 6(2), 6(4), 6(6), 6A(2), 6A(3), 9, 10, 11A through 11E, and 12 of Appendix A;

(c) "10 CFR 40" for reference to "this part";

(d) "Rules R313-19, R313-21, or R313-22" for "Section 62 of the Act";

(e) "Rules R313-21 or R313-22" for reference to "the regulations in this part" in 10 CFR 40.41(c);

(f) "Section R313-19-100" for reference to "part 71 of this chapter";

(g) "Executive Secretary" 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", or 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" or for reference to "appropriate NRC regional office as indicated in Criterion 8A";

(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) "uranium milling" for reference to "uranium milling, in production of uranium hexafluoride, or in a uranium enrichment facility";

(j) "Utah Administrative Code, Rule R317-6, Ground Water Quality Protection" for reference to "Environmental Protection Agency in 40 CFR part 192, subparts D and E" or "Environmental Protection Agency in 40 CFR part 192, subparts D and E (48 FR 45926; October 7, 1983)";

(k) "require the licensee to" for reference to "require to" in 10 CFR 40.65(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";

(ii) "license issued by the Executive Secretary" for reference to "Commission license";

(iii) "Executive Secretary" for reference to "NRC" in Criterion 4(d);

(iv) "representatives of the Executive Secretary" for reference to "NRC staff" in Criterion 6(6);

(v) "Executive Secretary-approved" for reference to "Commission-approved" in Criterion 6a(1) and Criterion 9;

(vi) "Executive Secretary" for reference to "the Commission or the State regulatory agency"; and

(vii) "general or specific" for the reference to "NRC general or specific."

KEY: environmental analysis, uranium mills, tailings, monitoring
2002 19-3-104

19-3-108

COMPATIBILITY CATEGORIES AND EQUIVALENT RULES

10 CFR	Utah Rule	Compatibility Category
40.1	R313-24-1	D
40.2	R313-24-2	D
40.2a	R313-24-4	A
40.3	R313-24-4	C
40.4	R313-24-4	A through D
40.10	R313-19-5	C
40.11	R313-12-55	B
40.12	R313-24-4	B
40.13	R313-19-13	B
40.14	R313-12-55	D
40.20	R313-19-20	C & D
40.21	R313-21-21(4)	C
40.22	R313-21-21(1)-(3)	B
40.25	R313-21-21(5)	C
40.26	R313-24-4	C
40.31	R313-22-32	D & D/H&S
40.32	R313-22-34	D & D/H&S
40.34	R313-22-75(11)	B & D
40.35	R313-22-75(11)(d)	B, C, & D
40.36	R313-22-35	D & D/H&S
40.41	R313-19-34	C, D, & D/H&S
40.42	R313-22-36	D & D/H&S
40.43	R313-22-37	D
40.44	R313-22-38	D
40.45	R313-22-39	D
40.46	R313-19-34(2)	C
40.51	R313-19-41	C
40.60	R313-19-50	C & D
40.61	R313-12-51	C, D, & D/H&S
40.62	R313-12-52	D
40.63	R313-12-53	D
40.65	R313-24-4	C
40.71	R313-19-61	D
40.81	R313-14	D
40 Appendix A	R313-24-4	C

From: "Bill Sinclair" <BSINCLAI@deq.state.ut.us>
To: <DMS4@nrc.gov>
Date: 4/24/02 9:48AM
Subject: Final set of rules for uranium recovery

Yesterday, the Radiation Control Board approved the attached rules for filing. These rules will go out to public comment on May 15th and the public comment period will conclude June 14th. We appreciate your cooperation in early review and comment of the attached rules.

CC: "Susan Giddings" <SGIDDING.EQRAD.EQDOMAIN@deq.state.ut.us>,
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R313. Environmental Quality, Radiation Control.**Rule R313-22. Specific Licenses.****R313-22-39. Executive Secretary Action on Applications to Renew or Amend.**

In considering an application by a licensee to renew or amend the license, the Executive Secretary will use the criteria set forth in Sections R313-22-33, R313-22-50, and R313-22-75 and in Rules R313-24, R313-25, R313-32, R313-34, R313-36, or R313-38, as applicable.

KEY

specific licenses, decommissioning, broad scope, radioactive material

~~[September 14, 2001]~~ 2002

19-3-104

Notice of Continuation October 10, 2001

19-3-108

R313. Environmental Quality, Radiation Control.**Rule R313-19. Requirements of General Applicability to Licensing of Radioactive Material.****R313-19-2. General.**

(1) A person shall not receive, possess, use, transfer, own or acquire radioactive material except as authorized in a specific or general license issued pursuant to Rules R313-21 or R313-22 or as otherwise provided in Rule R313-19.

(2) In addition to the requirements of Rules R313-19, R313-21 or R313-22, all licensees are subject to the requirements of Rules R313-12, R313-15, and R313-18. Licensees authorized to use sealed sources containing radioactive materials in panoramic irradiators with dry or wet storage of radioactive sealed sources, underwater irradiators, or irradiators with high dose rates from radioactive sealed sources are subject to the requirements of Rule R313-34, licensees engaged in industrial radiographic operations are subject to the requirements of Rule R313-36, licensees using radionuclides in the healing arts are subject to the requirements of Rule R313-32, licensees engaged in land disposal of radioactive material are subject to the requirements of Rule R313-25, licensees engaged in wireline and subsurface tracer studies are subject to the requirements of Rule R313-38. Licensees engaged in uranium mill recovery operations, authorized to possess byproduct waste material (tailings) from source material recovery operations, authorized to possess and maintain a facility in standby mode, authorized to receive byproduct material from other persons for disposal, or authorized to possess and dispose of source material waste tailings generated by milling operations are subject to the requirements of R313-24.

KEY: license, reciprocity, transportation, exemptions

[~~January 26, 2001~~] 2002

19-3-104

Notice of Continuation October 10, 2001

19-3-108

R313. Environmental Quality, Radiation Control.**Rule R313-15. Standards for Protection Against Radiation. R313-15-1001. Waste Disposal - General Requirements.**

(1) A licensee or registrant shall dispose of licensed or registered material only:

(a) By transfer to an authorized recipient as provided in Section R313-15-1006 or in Rules R313-21, R313-22, R313-24, or R313-25, or to the U.S. Department of Energy; or

(b) By decay in storage; or

(c) By release in effluents within the limits in Section R313-15-301; or

(d) As authorized pursuant to Sections R313-15-1002, R313-15-1003, R313-15-1004, or R313-15-1005.

(2) A person shall be specifically licensed or registered to receive waste containing licensed or registered material from other persons for:

(a) Treatment prior to disposal; or

(b) Treatment or disposal by incineration; or

(c) Decay in storage; or

(d) Disposal at a land disposal facility licensed pursuant to Rule R313-25; or

(e) Storage until transferred to a storage or disposal facility authorized to receive the waste.

KEY: radioactive material, contamination, waste disposal, safety

~~November 9, 2001~~ 2002

19-3-104

Notice of Continuation April 30, 1998

19-3-108