
Rule Updates to Clarify the Environmental Assessment (EA) Process

Thursday, May 9, 2024
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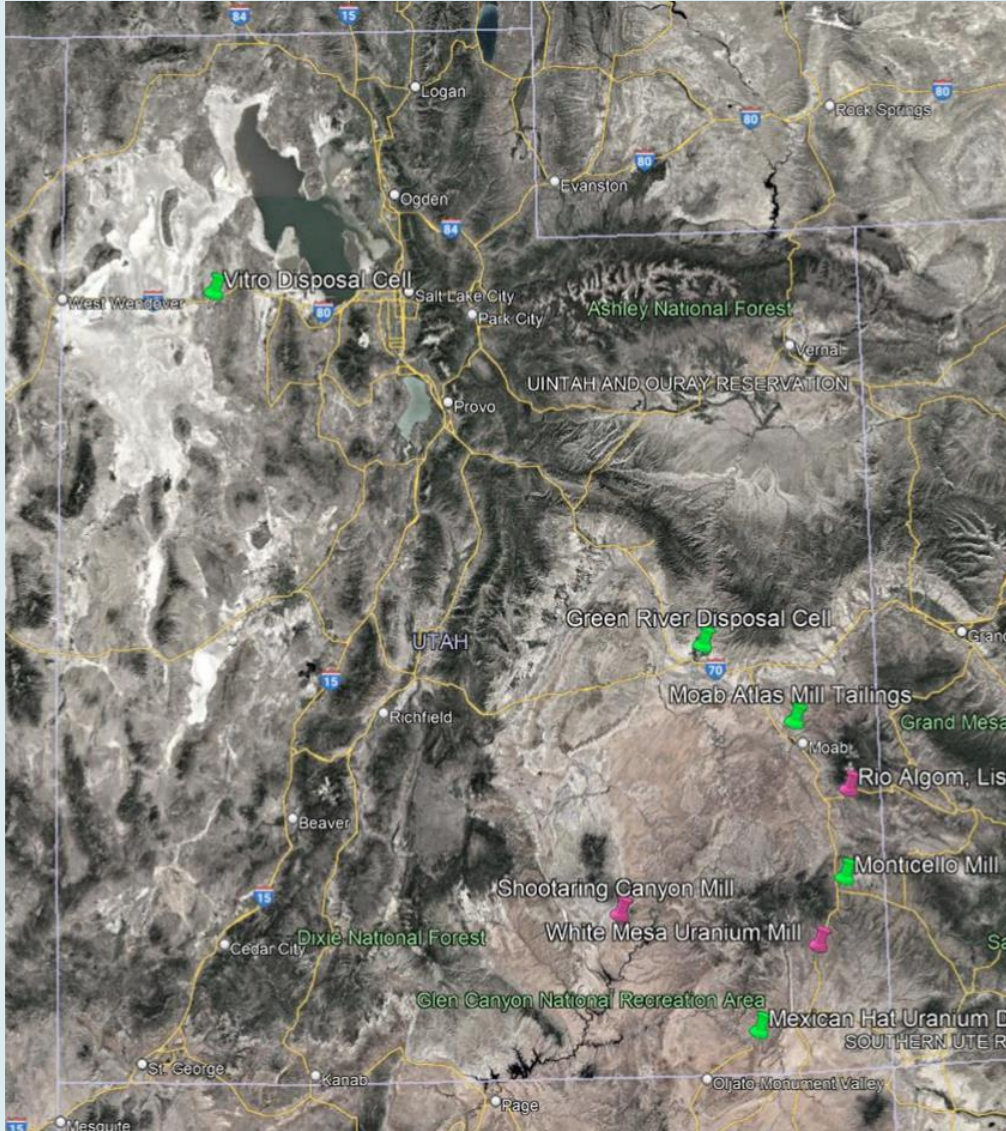
UTAH DEPARTMENT of
ENVIRONMENTAL QUALITY
**WASTE MANAGEMENT
& RADIATION CONTROL**

Utah as an Agreement State with the Nuclear Regulatory Commission (NRC)

- 1984 - Utah became an Agreement State and assumed regulatory responsibility for the control of radioactive materials.
- 2004 - Utah was authorized by the NRC to administer the Uranium Recovery Program

Agreement State Status requires a program that is adequate to protect public health and safety and compatible with the NRC's program.

The Utah Uranium Recovery Program Includes Three Uranium Mills + an 11e. (2) Disposal Cell



1. Former Lisbon Valley Mill, Rio Algom
2. Shootaring Canyon Mill, Anfield Resources Holding
3. White Mesa Mill, Energy Fuels Resources (USA) Inc. (EFRI)

11e.(2) Disposal Cell, Energy *Solutions*

Agreement State Program Element Compatibility

- A = Should be essentially identical to those of the NRC
 - Basic radiation protection standards and scientific terms
- B = Should be essentially identical to those of the NRC
 - Have a particular impact on public health and safety
- C = Essential objectives must be met.
 - Important for orderly pattern of regulation on a nationwide basis.
- D = Not required for purposes of compatibility.

Uranium Recovery (UR) Program Compatibility

Program Element	State Requirement	Compatibility Category
Uranium or Thorium Mill Licensing	Uranium/thorium mill and tailings program description and procedures	C

- UR requirements are under 10 CFR, Part 40, Appendix A.
- Conference of Radiation Control Program Directors(CRCPD)
Suggested State Regulations (SSR), Part U

The Current EA Rule Needs to be Updated to Account for Improvements Outlined in the Updated [CRCPD SSR's](#)

Main Objective of the Rulemaking

To provide clarity around the EA process for regulated entities and associated stakeholders.

→ Increase efficacy of the EA process.

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.

EA Rulemaking Timeline

01. — January & February, 2023

Announced the proposed rule change on DWMRC's website and sent a letter to regulated entities and associated stakeholders.

02. — March, 2023

Held the first of numerous stakeholder meetings as part of the preliminary comment process.

12

Stakeholder Meetings Held

03. — June, 2023

Provided the first updated draft rule language that incorporated appropriate stakeholder feedback.

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Written, Preliminary Comments Received & Considered

EA Rulemaking Timeline

04. ——— March, 2024

Submitted the proposed rule change language to the NRC for preliminary review.

05. ——— April, 2024

Received the NRC's assessment of Utah's proposed rule changes. No comments.

06. ——— May, 2024

Presenting the proposed rule change to the Board and requesting to initiate formal rulemaking and public comment.

The 2004-Era EA Rule Under [Utah Admin. Code \(UAC\) R313-24](#)

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.

(3) The Director shall provide a written analysis of the environmental report which shall be available for public notice and comment pursuant to R313-17-2

Applicant's Environmental Report

Current Language

(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.

Proposed Language

See R313-24-4 in proposed rule.

For example, “(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...”

Director's Environmental Analysis

Current Language

(3) The Director shall provide a written analysis of the environmental report which shall be available for public notice and comment pursuant to R313-17-2

Proposed Language

See R313-24-5 in proposed rule.

For example, "...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..."

"...The director shall make available to the public, in connection with any public notice and comment period... any information or analysis provided or prepared... including any environmental analysis..."

Construction Requirements

Current Language

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

Proposed Language

See R313-24-3 in proposed rule.

For example, “...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 shall be... accompanied by the environmental report required by Section R313-24-4.

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

R313-17 - Identifies Major Licensing Actions, which Trigger the EA Process

(F) [A] a change in engineering design, construction, or process controls that ~~[will more than]~~ is likely to:

(I) significantly impact public health, public safety or the environment as compared to impacts previously evaluated; or

(J) a licensing action that would allow for possession or use of any matter, other than natural or native ore, that will be processed primarily for its source material content in a licensed uranium or thorium mill; or

(3) Public notice shall allow at least 30 days for public comment. The director may extend the public comment period for good cause. Notice of extensions shall be provided as set forth in Subsection R313-17-2(5)(b).

Questions?

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