

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING



October 23, 2024

IN THE MATTER OF THE)
PROPOSED REVISION OF THE) STATEMENT OF PRINCIPAL
LAND QUALITY DIVISION) REASONS (SOPR) FOR ADOPTION
URANIUM RECOVERY)
PROGRAM RULES) DOCKET #: 24-4102

Uranium Recovery Program Rules
Chapter 4 – Licensing Requirements for Source and Byproduct Material

Table of Contents

Introduction to Rule Package i
Summary of Proposed Rule Change ii
Summary of Advisory Board Meetings ii
Stringency Statement..... ii
Uranium Recovery Program Chapter 4 Proposed Changes..... iii
Attachment A: URP Chapter 4, Strike & Underline A-1
Attachment B: URP Chapter 4, Clean Version B-1

Introduction to Rule Package

The Department of Environmental Quality (DEQ), Land Quality Division (LQD) is proposing to revise Uranium Recovery Program (URP) rules in Chapter 4 – Licensing Requirements for Source Material and Byproduct Material. The propose revision was drafted in response to a request from the Wyoming Mining Association (WMA) to amend the term of URP licenses from a maximum of ten years to twenty years. The LQD received the WMA request on October 30, 2023. The WMA outlined numerous benefits to making the requested change including: compatibility with the Nuclear Regulatory Commission’s (NRC) 2017 decision, consistency with non-NRC agreement states, reduction in the cost of URP licenses, and a reduction in LQD URP workload.

The LQD relied primarily on the NRC vote to extend license terms from ten to twenty years

following the issuance of a “SECY” to grant WMA’s request to initiate rulemaking. SECY are NRC papers, which are written issue papers submitted by the NRC staff to the Commission. SECY papers are the NRC’s primary decision-making tool and inform the Chairman and Commissioners about issues or technical developments related to agency policy, rulemaking, and adjudicatory matters. The NRC voted on SECY Paper 17-0086 on November 9, 2017.

The proposed revision to URP Chapter 4, Section 11 increases the maximum term of a URP license from ten years to twenty years but also reserves the right to issue a license for a shorter term less than twenty years. The LQD retained this flexibility in order to recognize one commissioner’s concern regarding the SECY that the NRC should be able to issue licenses for terms shorter than 20 years in the event that new technologies or items that have not been traditionally reviewed by NRC arise in the future. The proposed rule change is both compatible with NRC guidance and recognizes the industry’s request.

Summary of Proposed Rule Change

The LQD has proposed only one change to URP Chapter 4, Section 11(a). The proposed revision changes the term for a specific license for a fixed term “not to exceed twenty (20)” years. The current rules limit the term for a specific license to for a fixed term not to exceed ten (10) years. The rest of the chapter was left untouched.

Summary of Advisory Board Meeting

The LQD presented the proposed revision the URP Chapter 4 at a March 21, 2024 LQD Advisory Board meeting. The LQD did not receive any written comments on the proposed rule change. The LQD Advisory Board unanimously recommended the proposed rules proceed to the Environmental Quality Council for formal rulemaking.

Stringency Statement

The proposed revisions to URP Chapter 4 are no more stringent than the corresponding NRC federal regulations and are at least as effective as those regulations.

The authority to amend these rules is provided by Wyoming Statute (W.S.) §§ 35-11-112(a)(i), 35-11-114(b), 35-11-2001 and 35-11-2002(b).

Chapter 4

Licensing Requirements for Source and Byproduct Material

...

No changes are proposed for Sections 1 through 10.

Section 11 Expiration and Termination of Licenses.

(a) The term of the specific license is for a fixed term not to exceed ~~ten (10)~~twenty (20) years.

Chapter 4, Section 11(a) was revised to increase the maximum term of a Uranium Recovery Program (URP) license from ten years to a maximum of twenty years. The proposed revision was made in response to an October 30, 2023 Wyoming Mining Association request. The Nuclear Regulatory Commission published SECY-17-0086, in which the Commission approved the staff recommendation to implement a maximum license term of twenty years for new applications and license renewals. The proposed revision is consistent with the Commission's decision. No other changes are proposed for the remainder to URP Chapter 4.

CONCLUSION

The Environmental Quality Council, in accordance with the authority granted to it by W.S. § 35-11-112 As Amended, and having complied with the provisions of the Wyoming Administrative Procedures Act, find as follows:

1. These rules provide for the regulation of source material involved in the extraction and concentration of uranium and thorium milling and the management and disposal of byproduct material as defined in 11e.(2) of the Atomic Energy Act of 1954, as amended, in accordance with the requirements of W.S. § 35-11-2001 and 2002.
2. These rules and regulations are as effective as those promulgated by the Nuclear Regulatory Commission pursuant to P.L. 83-703, as amended.
3. The Department of Environmental Quality, Land Quality Division, Uranium Recovery Rules and Regulations are necessary and appropriate to preserve and exercise the primary responsibilities and right of the State of Wyoming; to retain for the State the control over its air, land, and water resources and secure cooperation between agencies of the State and Federal Government in carrying out the policy and purposes of the Environmental Quality Act.
4. These Land Quality Division Coal Rules and Regulations are reasonable and necessary for the effectuation of the Wyoming Environmental Quality Act, W.S. § 35-11-101 through W.S. § 35-11-2004, as amended.
5. These Land Quality Division Uranium Recovery Rules and Regulations are necessary and appropriate to protect the public health, safety, welfare, and environment of the State of Wyoming.

Dated this _____ day of _____, 2024.

Hearing Examiner, Wyoming Environmental Quality Council