

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING



March 22, 2017

IN THE MATTER OF THE)
PROPOSED REVISION OF)
LAND QUALITY DIVISION)
RULES RELATED TO THE)
REGULATION OF)
URANIUM RECOVERY)

STATEMENT OF PRINCIPAL
REASONS (SOPR) FOR ADOPTION

DOCKET #: 17-4101

New Uranium Recovery Rules and Regulations, Chapters 1 through 10

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Introduction to Rule Package

Under the direction of the Legislature and the Governor the state of Wyoming is establishing a Uranium Recovery Program within the Department of Environmental Quality / Land Quality Division, to assume primacy from the Federal Nuclear Regulatory Commission (NRC) as it pertains to uranium and thorium milling activities, and the management and disposal of the resulting byproduct material as defined in Section 11e.(2) of the Atomic Energy Act of 1954, as amended. In order to enter into agreement with the NRC, Wyoming must have rules and regulations in place that meet NRC expectations to ensure safety of the public and the environment. This rule package is intended to meet those federal requirements. Where applicable the rules were incorporated by reference, but in some instances the Chapters were revised to fit State needs.

Summary of Proposed New Chapters

Chapter 1 General Provisions- Set the frame work in which the program will operate. It defines terms that are unique to the regulated community, sets standards on units to be used through the rules and correspondence, and provides for required exemptions from the program's regulatory authority.

Chapter 2 Inspection- Violations- Grants authority to inspect uranium recovery operations. Allows the Uranium Recovery Program to enforce and assess violations to its regulated community for non-compliance. In essence it extends those enforcement rights held by DEQ to our program as well.

Chapter 3 Radiation Protection Standards- Incorporates the federal requirements in 10 C.F.R Part 20 by reference. The federal requirements set forth the radiological standards that are to be adopted by each Agreement State.

Chapter 4 Licensing Requirements for Source and Byproduct Material- Establishes the requirements necessary for an application for a Source Material License to be deemed acceptable by the program. Additionally this Chapter incorporates the reclamation standards presented in 10 C.F.R Part 40 Appendix A by reference.

Chapter 5 Notices, Instructions, and Reports to Workers- Incorporates the federal requirements in 10 C.F.R Part 19 by reference. The federal requirements outline the responsibilities of employers and the rights of radiation workers.

Chapter 6 Financial Assurance- Establishes the mechanisms to ensure that liabilities for operations are covered financially; such that if the State was to assume liability they would have the financial abilities to finish reclamation and remove the liability. In essence this chapter extends all those mechanisms that are allowed under current State statute W.S. §§ 35-11-417 through 418 (2016), except for the ability to self-bond.

Chapter 7 Fees- Sets forth the fee framework on how the program can or will be 100% funded.

Chapter 8 Risked Informed Performance Based Licensing- Details the philosophy the program will try to maintain as it performs inspection and reviews license applications and amendments.

Chapter 9 Transportation- Incorporates the federal requirements in 10 C.F.R Part 71 by reference. The federal requirements outline the transportation requirements of licensees.

Chapter 10 General Licenses- Incorporates the federal requirements in 10 C.F.R Part 40.20, 40.21, 40.22, and 40.26. These federal regulations establish the requirements for general licenses.

Summary of Advisory Board Meetings

The regulations moved through the Land Quality Advisory Board with minor comments on formatting and grammatical items. The items that were discussed the most in detail were clarifying questions regarding adopted fee structure and how the chapters preserved public participation.

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).

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 provision 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 rights 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 Uranium Recovery 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 _____, 2017.

Environmental Quality Council