

## **The Wyoming Environmental Quality Council Notice of Intent to Adopt Rules**

The Wyoming Environmental Quality Council (EQC) will consider proposed changes to the Wyoming Department of Environmental Quality (WDEQ), Land Quality Division (LQD) regulations for the LQD Coal, Uranium Recovery, and Source Material Programs at a public hearing to be held at 9:00 a.m. (MST) on October 23, 2024, at the Hathaway Building, Room 127, 2300 Capitol Ave., Cheyenne, Wyoming 82001. Individuals interested in attending the video conference may contact Joe Girardin at (307) 777-7710 or [joe.girardin@wyo.gov](mailto:joe.girardin@wyo.gov) for assistance.

The proposed rulemaking Docket #24-4101 revises LQD Coal Chapter 14 – Exploration for Coal by Drilling. The proposed revisions to Chapter 14 were drafted in response to an Office of Surface Mining Reclamation and Enforcement (OSMRE) concern letter regarding a previously submitted coal program formal amendment. Additional revisions were made as suggested in a July 2021 email from OSMRE. The revisions correct several typographical and punctuation errors and clarifies references to the LQD within the rules.

The proposed rulemaking Docket #24-4102 revises LQD Uranium Recovery Program, Chapter 4 – Licensing Requirements for Source and Byproduct Material. The proposed revision was drafted in response to a request from the Wyoming Mining Association to increase the term length from a maximum of ten years to a maximum of twenty years. The revision is consistent with the Nuclear Regulatory Commission (NRC) rules and regulations. No other changes to Chapter 4 are proposed.

The proposed rulemaking Docket #24-4103 contains nine chapters of rules for the new LQD Source Material Program. The nine new chapters include: 1 – General Provisions; 2 – Inspections, Enforcement, and Penalties; 3 – Radiation Protection Standards; 4 – Licensing Requirements for Source Material; 5 – Notices, Instructions, and Reports to Workers; 6 – Financial Assurance Requirements; 7 – Fees; 8 – Risk Informed, Performance Based Licensing and Inspection; and 9 – Transportation of Radioactive Material. The new rules were drafted in response to 2023 Wyoming House Bill 0061 which granted WDEQ authority to promulgate regulations to become and agreement state with the NRC for the regulation of source material.

All proposed rules in Docket #s 24-4101, 24-4102, and 24-4103 meet minimum substantive state statutory requirements per Wyoming Statute (W.S.) § 16-3-103(a)(i)(G). The agency has complied with the requirements of W.S. § 9-5-304 and completed a taking checklist for each docket.

Comments on the proposed revisions contained in Docket #s 24-4101, 24-4102, and 24-4103 may be submitted beginning at 8:00 a.m. (MST) on September 1, 2024 and ending at 5:00 p.m. (MST) on October 16, 2024. Written comments should be submitted to: Administrator, Land Quality Division, 200 West 17<sup>th</sup> Street, Suite 10, Cheyenne, Wyoming 82002; or submitted via the Division's electronic public comment portal, found at <https://lq.wyomingdeq.commentinput.com/>. Copies of the public notice, proposed rules, and supporting documents are available at the following web address: <https://deq.wyoming.gov/land->

quality/proposed-rules-and-regulations/. If you have any questions regarding the proposed rules please contact Craig Hults, LQD, at (307) 777-7066. The LQD will file an Analysis of Comments with the EQC prior to the October 23, 2024 public hearing. The proposed rule, comments submitted and the LQD response to comments will be posted on the EQCs website under the above referenced docket numbers at: <https://eqc.wyo.gov/Public/Dockets.aspx>.

The EQC will consider the proposed rulemakings, written and electronically filed comments, and the LQDs Analysis of Comments, along with any modification proposed by the LQD to the draft rules. At the public hearing, oral statements that focus on the previously received comments, the LQDs Analysis of Comments, and issues raised by the analysis, will be accepted. The EQC will determine if the record will remain open beyond the close of the scheduled hearing. If the comment period is extended, the extensions will be posted on the LQDs website, as well as the EQCs website. The EQC, however, may close the record and make a final decision regarding the rulemaking prior to concluding the hearing.

Any person wishing to use a digital presentation during their testimony before the EQC must provide a digital copy to the EQC no less than three (3) days prior to the hearing unless they contact the EQC and request an extension for good cause. Failure to submit a digital copy in a timely manner will result in the person not being allowed to use the presentation during their testimony.

**Para español, visite [deq.wyoming.gov](http://deq.wyoming.gov). *Americans with Disabilities Act: special assistance or alternative formats will be made available upon request for individuals with disabilities. Please provide at least fourteen (14) days before the close of public comment period for such requests.***