

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING



October 23, 2024

IN THE MATTER OF THE)
PROPOSED SOURCE MATERIAL) STATEMENT OF PRINCIPAL
PROGRAM RULES ADOPTION) REASONS (SOPR) FOR ADOPTION
LAND QUALITY DIVISION)

DOCKET #: 24-4103

Source Material Program Rules and Regulations, Chapters 1 through 9

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Introduction to Rule Package

Under the direction of the Legislature and the Governor, the state of Wyoming is establishing a Source Material Program (SMP) within the Department of Environmental Quality / Land Quality Division (DEQ LQD). The proposal is to amend the existing agreement with the U.S. Nuclear Regulatory Commission (NRC) to include the regulation of source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content. The DEQ LQD would thereby assume regulatory authority from the NRC for the above mentioned source material. In order to amend the agreement with the NRC, Wyoming must have rules and regulations in place that meet NRC expectations to ensure safety of human health 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 framework 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 Inspections, Enforcement, and Penalties- Grants authority to inspect uranium recovery operations. Allows the Source Material Program to enforce and assess violations to its regulated community for non-compliance. In essence it extends those enforcement rights held by DEQ to the SMP.

Chapter 3 Radiation Protection Standards- Incorporates the applicable 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 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 applicable portions of reclamation standards presented in 10 C.F.R Part 40 and Part 150 by reference.

Chapter 5 Notices, Instructions, and Reports to Workers- Incorporates applicable portions of 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 Requirements- 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, except for the ability to self-bond.

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

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

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

Summary of Advisory Board Meetings

The LQD introduced and presented draft proposed Source Material Program rules at three separate LQD Advisory Board meetings. These scoping meetings were held on September 21, 2023, December 14, 2023 and March 21, 2024. No written comments were received on the proposed rules during these three meetings. The regulations moved through the Land Quality Advisory Board with a few questions clarifying the Source Material Program and comments on compatibility from the NRC which were revised in the draft rules prior to the final Advisory Board meeting. Chapters 1 through 9 of the final draft Source Material Programs rules were presented to the LQD Advisory Board on June 20, 2024. Again, the LQD did not receive any written comments on the draft rules. The Land Quality Advisory Board unanimously recommended Chapters 1 through 9 for the Source Material Program proceed to formal rulemaking before the Environmental Quality Council.

Stringency Statement

The proposed nine chapters of rules for the new Source Material Program are no more stringent than the corresponding NRC 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).

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 the processing of source material and extraction of mineral resources other than Uranium or Thorium. as defined in 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, Source Material 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 Source Material Program 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 Source Material Program 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.

Environmental Quality Council