

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY

LAND QUALITY DIVISION ADVISORY BOARD

ADVISORY BOARD MEETING TO PRESENT FINAL DRAFTS OF THE NEW SOURCE
MATERIAL PROGRAM RULES, CHAPTERS 1 – 9

TRANSCRIPT OF MEETING PROCEEDINGS

Transcript of Meeting Proceedings in the above – entitled matter before the Department of Environmental Quality, Land Quality Division, commencing on the 20th day of June, 2024 at 10:00 a.m. (MST), in Room 211, 200 West 17th Street, Cheyenne, Wyoming. Chairman Jim Gampetro presiding, with Board Members Ms. Dawn Kolkman, Mr. Matt Avery, Mr. Bryan Cook, and Ms. Natalia Macker also attending via video conference.

In attendance from the Land Quality Division (LQD) are Kyle Wendtland – Administrator LQD, Ms. Brandi O’Brien – LQD Source Material and Uranium Recovery Programs Manager, Ms. Carol Stark – LQD Source Material and Uranium Recovery Programs, Mr. Monte Buchanan – Source Material and Uranium Recovery Programs, Mr. Craig Hults – LQD, and Mr. Cole Castle – LQD. Also, in attendance via video conference from the Wyoming Attorney General’s Office are Mr. Gregory Weisz and Ms. Alysia Goldman. And interested public participants via video conference included Mr. Duncan White – Nuclear Regulatory Commission, and Mr. Ryan Schierman – UR-Energy.

BOARD MEMBER MACKER: Good morning, everyone.

MR HULTS: Good morning, Natalia. Mr. Chairman, we have, our full board online, so we can start the meeting at any time.

CHAIRMAN GAMPETRO: Okay. Let's assume that the meeting is now in session, and, let's go through with introductions. Please indicate name and, whether you're a public, uh, industrial, AG, or political representative, and we can get started. I'm Jim Gampetro, a public representative from Buffalo, Wyoming.

BOARD MEMBER MACKER: Mr. Chairman, Natalia Macker, a public representative in Teton County.

BOARD MEMBER AVERY: Mr. Chairman, I'm Matt Avery, representing AG from Rosette, Wyoming.

1 BOARD MEMBER COOK: Mr. Chairman, this is Bryan Cook. I am the, elected official,
2 representing, Cheyenne- Cheyenne City Council.
3

4 MR. SCHIERMAN: Mr. Chairman, this is Ryan Schierman with- representing Ur-Energy.
5

6 ADMINISTRATOR WENDTLAND: Mr. Chairman, this is Kyle Wendtland. I'm the
7 Administrator of Land Quality.
8

9 MR. HULTS: Hey, Mr. Chairman. This is Craig Hults here in Cheyenne with LQD.
10

11 MR. BUCHANAN: Mr. Chairman, this is Monty Buchanan, part of the Land Quality Source
12 Material Program.
13

14 MS. STARK: Mr. Chairman, this is Carol Stark, WY, DEQ Source Material Program.
15

16 MS. O'BRIEN: Mr. Chairman, this is Brandi O'Brien, the source material and Uranium
17 Recovery Program Manager.
18

19 MR. CASTLE: Uh, Mr. Chairman, this is Cole Castle, Land Quality Division.
20

21 BOARD MEMBER KOLKMAN: Mr. Chairman, this is Dawn Kolkman. Um, industry
22 representative for the advisory board. Sorry, just getting my computer to work.
23

24 MS. GOLDMAN: Alicia Goldman with the Attorney General's Office representing the advisory
25 board.
26

27 MR. WEISZ: Good morning, Mr. Chairman. Greg Weisz, I'm with the Attorney General's Office
28 representing the Land Quality Division.
29

30 MR. HULTS: Mr. Chairman, I believe that's everybody on the line.
31

32 ADMINISTRATOR WENDTLAND: No, I think you have Duncan on.
33

34 MR. HULTS: Oh, and I'm sorry. Uh, Duncan White.
35

36 MR. WHITE: Yes, Mr. Chairman, this is Duncan White from the Nuclear Regulatory
37 Commission.
38

39 CHAIRMAN GAMPETRO: Is that everybody now?
40

41 ADMINISTRATOR WENDTLAND: Two. There's two others that...
42

43 CHAIRMAN GAMPETRO: Okay. Um, if someone wants to make a motion to approve the
44 meeting minutes from September 21st, 2023, December 14th, 2023, and March 21st, 2024, um, I
45 think we can do them all in one shot if we get a motion.
46

1 BOARD MEMBER KOLKMAN: Mr. Chairman, this is Dawn Kolkman and I make a motion to
2 approve those minutes.
3
4 CHAIRMAN GAMPETRO: Thank you.
5
6 BOARD MEMBER COOK: Mr. Chairman, this is Brian Cook, and I would second that.
7
8 CHAIRMAN GAMPETRO: Okay. All of those in favor of approving the minutes indicated,
9 please signify by saying aye.
10
11 BOARD MEMBER KOLKMAN: Aye.
12
13 BOARD MEMBER AVERY: Aye.
14
15 BOARD MEMBER COOK: Aye.
16
17 BOARD MEMBER MACKER: Aye.
18
19 CHAIRMAN GAMPETRO: Are there any opposed? Seeing that the, minutes have been moved
20 and seconded to be approved, um, they are now approved. Now, we need to get into the final
21 presentation of all nine chapters of the source material program. So, my understanding is that,
22 Carol and Monty are going to be the ones doing that, so I'm going to turn this over to them.
23
24 MR. BUCHANAN: Thank you, Mr. Chairman. This is Monte Buchanan of the Source Material
25 Program, and, what I'd like to do is, just do a brief overview of where we're at now in our, um-
26 our status with the rules. And this would be the final presentation, representing all nine chapters.
27 And, then Carol's going to walk you through chapters one through nine, uh, the changes that we
28 had made after the- to address, the NRC compatibility requirements. When they reviewed those
29 rules, that were presented to the advisory board in groups of three, we made changes to address,
30 deficiencies and outstanding comments and compatibility requirements. So, let's see how I can
31 make this work.
32
33 MR. HULTS: I just... I would say stop sharing and redo it, but do the entire window, entire
34 screen.
35
36 MR. BUCHANAN: Window?
37
38 MR. HULTS: No, the entire screen.
39
40 MS. STARK: Entire screen.
41
42 MR. BUCHANAN: Okay. Gotcha.
43
44 MR. HULTS: If you go to the edge, you'll be there.
45
46 MR. BUCHANAN: Okay. Sorry, we're just setting up, uh, this slide here. And you, I believe

1 Craig had sent those slides to you guys, to the board members. Um, so what we're going to do is
2 just kind of walk through this real quickly and be brief. And if you have any questions, please
3 feel free to- to pause and, ask us some questions regarding this, but this information should be
4 familiar to you. Um, so, what we're doing here is setting up the source material program, and
5 we're setting up the rules, and it's going to, assume regulatory authority over source material
6 recovered from any mineral resources process, primarily for purposes other than the uranium and
7 thorium content, and the authority must be granted by the Nuclear Regulatory Commission.

8
9 Where we're sitting at now, as I mentioned before, we mentioned, we submitted the rules in
10 groups of three. And, all the proposed rules in the package was, we incorporated and changes to
11 those rules since you last saw them. And this would be the final presentation for a vote. And I'll
12 skim through some of the material or the slides here. And, so Carol is... I'm going to hand it over
13 to Carol for her to, present to you the changes, uh, chapters one through nine.

14
15 MS. STARK: Okay, Mr. Chairman, this is Carol Stark. And, simultaneously as we were going
16 through those three groups with you, and at the same time, we got done with the group of three
17 rules, we sent those to the NRC for review, and they made their comments based on adequacy
18 and compatibility. And the NRC adequacy and compatibility requirements, we've discussed with
19 you before, but there are different categories we have to, um, comply with. We either have to be
20 essentially identical to their standards, all the way down to health and safety requirements, which
21 are required, but not a compatibility requirement. So, they made their comments based on those
22 and based on NRC's management directive that's listed at the bottom.

23
24 So, in Chapter 1, we talked about general provisions, and these, as I said, these are the NRC
25 comments. Uh, and we revised several definitions to meet NRC compatibility requirements,
26 things like phrases regarding deliberate misconduct. I won't read them all, but skipping down
27 changes in compatibility from nuclear power plants. We added exemptions so we would meet
28 compatibility B. And you might not remember that from the previous side, but compatibility B is
29 A and B, and that's- that is required. So, then they also gave us things like editorial suggestions.
30 So, those were misspelled definitions, corrected some equations. Um, they deleted some
31 references. They deleted definitions, repeated- that were repeated in other chapters. So, they-
32 they cleaned them up quite a bit.

33
34 And then on Chapter 2, um, inspections, violations and penalties, there were, comments made by
35 NRC on Chapter 2. There was a comment that referred to Chapter 3, but actually, the comment
36 was on Chapter 3. Um, in Chapter 3, there were revisions, like updating 10 CFR Part 20
37 exclusions. Uh, they had a- not an IBR, revision, but they asked us to- that the state will inform,
38 regulated entities and we actually put, are going to do that under guidance.

39
40 And then the third one we added... Uh, like I said, this isn't all of them, but it- it's been the- the
41 gist. Uh, we added clarifying language, stating that any references to the federal rules are not
42 adopted under IBR, um, for those areas that are reserved for NRC. So, editorial, suggestions in
43 this, under Chapter 3, where we clarified language in three and five, regarding purpose and
44 scope, that's specific to licenses. And we had IBR language that, and that's incorporation by
45 reference, that was added to incorporate those limits to individuals of the public because it's not,
46 applicable to the scope of these rules. So, they had us, correct that.

1 Next slide. Uh, Chapter 4, licensing requirements. We revised some IBR language to correct
2 consistency, provide clarity, eliminate conflicting and duplicative language. They deleted
3 sections that were already adopted in Chapter 3. That was already defined in Chapter 1. And we
4 revised or replaced language concerning deliberate conduct and regarding DOE and NRC
5 contracts.

6
7 In Chapter 5, which is notices of instructions and reports to workers, they added- we added
8 language, that they requested us to regarding requirements for forms, provisions, and employee
9 protections that are actually reserved for NRC. We revised portions of violations and criminal
10 penalties, which had created conflict in Chapter 2. And we added language to clarify that any
11 reference to the Atomic Energy Act of 1954, and that's kind of a long, the dot, dot dot, it's kind
12 of a long [laughs] reference, does not refer to Wyoming statute.

13
14 In Chapter 6, which is financial assurance requirements, we clarified language regarding records,
15 NRC's authority and IBR references. We incorporated financial assurance languages for record
16 language, for record keeping, added language regarding decommissioning. And we corrected
17 CFR language, a code of federal regulations. Chapters 7 and 8, are fees and risk-informed, even
18 though we had made, a small change in the fees. Uh, they had no comments on seven and eight.
19 And Chapter 9, transportation. We added clarification about NRC's authority. We removed
20 certain IBR language from exclusion. We replaced certain exclusions and we deleted areas
21 already covered in Chapter 5. And there were some editorial suggestions like adding radiography
22 devices to the list of exclusions from our roles.

23
24 So, based on, you know, that's chapters one through nine, the types of questions we- or
25 comments we received from NRC, and, uh, we've sent this entire package back to NRC to make
26 sure that we made the correct revisions.

27
28 ADMINISTRATOR WENDTLAND: So, Carol, I have a couple of questions for you.

29
30 MS. STARK: Okay.

31
32 ADMINISTRATOR WENDTLAND: Did we receive any- any, uh, input questions or comments
33 from the public to date?

34
35 MS. STARK: Not to my knowledge ...

36
37 ADMINSTRATOR WENDTLAND: Okay.

38
39 MS. STARK: ... and Craig's.

40
41 ADMINISTRATOR WENDTLAND: Okay. And then the same question. Did we receive any
42 comments or input additional from the industry?

43
44 MS. STARK: Not to my knowledge. I hadn't seen anything and neither has Craig.

45
46 ADMINISTRATOR WENDTLAND: Okay. Thank you.

1
2 MS. STARK: Does anyone have any questions?
3
4 CHAIRMAN GAMPETRO: Any...
5
6 MS. STARK: Or yes, sir.
7
8 CHAIRMAN GAMPETRO: Any- any questions or comments? Well, seeing none, I think we
9 need to, vote to whether to make a, recommendation here to proceed to formal rulemaking, uh,
10 for the nine chapters. So I would entertain a, uh... Are we ready to do that?
11
12 BOARD MEMBER KOLKMAN: Mr. Chairman, do... Is there anything that we are waiting on
13 to hear back from the NRC for in order to proceed?
14
15 CHAIRMAN GAMPETRO: I'm not aware of that, but that doesn't mean that, uh, it couldn't be.
16 Um, Craig, do- are you aware of anything we're waiting on?
17
18 MR. HULTS: Uh, Mr. Chairman, I would defer to source material folks. Um, that is an important
19 question because we need to finalize these rules that you would be recommending we move
20 forward with prior to...
21
22 CHAIRMAN GAMPETRO: That's...
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24 MR. HULTS: ...getting them to the EQC.
25
26 CHAIRMAN GAMPETRO: That's my understanding.
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28 MS. O'BRIEN: Um, Mr. Chairman...
29
30 CHAIRMAN GAMPETRO: We'd be- we'd be making a, recommendation, based on this
31 information, to move forward.
32
33 MS. O'BRIEN: Um, Mr. Chairman, this is Brandi O'Brien with the, source material program. I
34 would ask Duncan White if there are any comments at this time. We have shared the changes,
35 with his group. And so, Mr. White, do you have any comments?
36
37 MR. WHITE: Um, well, right now we are reviewing the- the- the complete packages to see what
38 change- to see how you incorporate the changes uh, but to answer the, Chairman's particular
39 question, we don't have any, issue with the, packages moving forward. Um, again- again, there
40 would be other opportunities down the road, to, if we find one or two things that need to be,
41 corrected, which probably would be very minor. We would imagine that can be done before they
42 are finalized. So, I don't... Again, that's kind of how we're going view it. We had our- we looked
43 at everything. I think, we had, you know, some comments and I think they- looks like they've
44 been addressed satisfactorily.
45
46 MS. O'BRIEN: So, Mr. Chairman, Duncan, it sounds like there are no substantial, um-

1 substantial comments at this time, and, it would be minor editorial changes, if any are needed.
2
3 MR. WHITE: Right. That's correct.
4
5 CHAIRMAN GAMPETRO: So, do we need a vote now or not?
6
7 ADMINISTRATOR WENDTLAND: We need a vote. Mr. Chairman, we do need a motion and
8 we do need a vote on these in order to move forward.
9
10 BOARD MEMBER KOLKMAN: Mr. Chairman, this...
11
12 CHAIRMAN GAMPETRO: Okay.
13
14 BOARD MEMBER KOLKMAN: Mr. Chairman, this is Dawn Kolkman, and I make a motion
15 that we vote, um, to pass these and move them forward.
16
17 CHAIRMAN GAMPETRO: I'm not hearing a second yet.
18
19 BOARD MEMBER MACKER: Second from Natalia.
20
21 CHAIRMAN GAMPETRO: So, it's been moved and seconded. All those in favor, please
22 indicate by saying aye.
23
24 ADMINISTRATOR WENDTLAND: Mr. Chairman...
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26 BOARD MEMBER AVERY: Aye.
27
28 ADMINISTRATOR WENDTLAND: Mr. Chairman, I'm- I'm sorry to interrupt, but, if there's
29 any discussion or any public discussion, maybe before you vote.
30
31 CHAIRMAN GAMPETRO: That's fine. We'll entertain any discussion or questions or
32 comments. Well, not hearing any, then we'll go back to... we have a- a motion that's been moved
33 and seconded. All those in favor please signify by saying aye.
34
35 BOARD MEMBER KOLKMAN: Aye.
36
37 BOARD MEMBER AVERY: Aye.
38
39 BOARD MEMBER MACKER: Aye.
40
41 BOARD MEMBER COOK: Aye.
42
43 CHAIRMAN GAMPETRO: Any opposed, please indicate. It's been moved and seconded and
44 voted upon. And so there it is. The next item on the agenda is scheduling, of the next Land
45 Quality Board meeting.
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1 MR. HULTS: Mr. Chairman, this is Craig Hults. Typically, our third quarter meetings are held in
2 September. Um, and let me just pull up the calendar. Typically, the third week in September,
3 which would put us, if we stay with our usual Thursdays, that would be Thursday, September
4 19th, if that would be acceptable to the board at this point.
5
6 CHAIRMAN GAMPETRO: Speak up anybody that have a different idea about when we should
7 do the next meeting.
8
9 BOARD MEMBER MACKER: Sounds good.
10
11 BOARD MEMBER KOLKMAN: Works for me.
12
13 BOARD MEMBER COOK: Works for me.
14
15 BOARD MEMBER AVERY: Works for me too.
16
17 CHAIRMAN GAMPETRO: Sounds like you got it.
18
19 MR. HULTS: All right. Mr. Chairman, we'll plan on that and, uh, we'll send out a calendar
20 reminder to you all.
21
22 CHAIRMAN GAMPETRO: That's always very helpful. Um, any other items for discussion?
23
24 ADMINISTRATOR WENDTLAND: Mr. Chairman, this is Kyle Wetland. Um, I would just say
25 in the September meeting, we might be looking at some rules related to non-coal blasting and
26 we'll have some other things coming forward. So, uh, we- we'll probably have a- a fairly solid
27 meeting on in September as well.
28
29 CHAIRMAN GAMPETRO: Sounds like a plan. No other, I... If there are no other items for
30 discussion, this meeting is over.
31
32 MR. HULTS: Thank you, Mr. Chairman and board members.
33
34 BOARD MEMBER MACKER: Thank you.
35
36 ADMINISTRATOR WENDTLAND: Thank you, everyone.
37
38 BOARD MEMBER KOLKMAN: Thank you.
39
40 BOARD MEMBER AVERY: Thank you.
41
42 CHAIRMAN GAMPETRO: Thank you, all.
43
44 [END]