

HOUSE BILL NO. HB0061

Source material associated with mining-agreement.

Sponsored by: Joint Minerals, Business & Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; authorizing the
2 governor to begin negotiations with the nuclear regulatory
3 commission to seek an agreement for the state to assume
4 regulation of source material recovered from any mineral
5 resources processed primarily for purposes other than
6 obtaining the source material content; authorizing the
7 governor to negotiate and enter into a final agreement with
8 the nuclear regulatory commission; providing definitions;
9 providing for the department of environmental quality to
10 administer the agreement; providing rulemaking authority;
11 requiring the department of environmental quality to adopt
12 fees as specified; making conforming amendments; providing
13 an appropriation; authorizing positions; and providing for
14 an effective date.

15

1 *Be It Enacted by the Legislature of the State of Wyoming:*

2

3 **Section 1.** W.S. 35-11-2001(a) through (c) and (e),
4 35-11-2002(a) and 35-11-2003(a), (d) and (f) are amended to
5 read:

6

7 **35-11-2001. Authorization to negotiate transfer of**
8 **certain nuclear regulatory functions to the state; scope of**
9 **regulated material.**

10

11 (a) The governor, on behalf of the state, is
12 authorized to contact the nuclear regulatory commission to
13 express the intent of the state of Wyoming to enter into an
14 agreement under section 274 of the Atomic Energy Act of
15 1954, 42 U.S.C. § 2021, as amended, with the nuclear
16 regulatory commission providing for the assumption by the
17 state of regulatory authority over source material involved
18 in uranium or thorium recovery or milling and byproduct
19 material, as defined in section 11e.(2) of the Atomic
20 Energy Act of 1954, 42 U.S.C. § 2014(e)(2), as amended. The
21 governor, on behalf of the state, is also authorized to
22 contact the nuclear regulatory commission to express the
23 intent of the state of Wyoming to enter into an agreement

1 under section 274 of the Atomic Energy Act of 1954, 42
2 U.S.C. § 2021, as amended, with the nuclear regulatory
3 commission providing for the assumption by the state of
4 source material recovered from any mineral resources
5 processed primarily for purposes other than obtaining the
6 source material content. For the purposes of this
7 agreement, the term "mineral resources" means any host
8 rock, ore, material or waste associated with mining or
9 milling that contains a recoverable mineral. The nuclear
10 regulatory commission shall maintain regulatory authority
11 over all other source material, section 11e.(1), (3) and
12 (4) byproduct material and special nuclear material as
13 defined in the Atomic Energy Act of 1954, 42 U.S.C. § 2014,
14 as amended, and the activities reserved under section 274
15 of the Atomic Energy Act of 1954, 42 U.S.C. § 2021, as
16 amended.

17

18 (b) The department shall serve as the lead agency for
19 the regulation of (1) source material involved in uranium
20 or thorium recovery or milling and the associated byproduct
21 material and (2) the source material recovered from any
22 mineral resources processed primarily for purposes other
23 than obtaining the source material content. The department

1 is authorized to enforce the requirements of the Atomic
2 Energy Act of 1954, 42 U.S.C. § 2011 et seq., as amended,
3 under the agreement reached between the state and the
4 nuclear regulatory commission as provided in subsection (a)
5 of this section and in section 274 of the Atomic Energy Act
6 of 1954, 42 U.S.C. § 2021, as amended.

7
8 (c) The governor, through the department, is
9 authorized to negotiate all aspects of ~~a potential~~the
10 agreement under this section between the state of Wyoming
11 and the nuclear regulatory commission. The governor is
12 authorized to enter into a final agreement with the nuclear
13 regulatory commission for the regulation of (1) source
14 material involved in uranium or thorium recovery or milling
15 and the associated byproduct material and (2) the source
16 material recovered from any mineral resources processed
17 primarily for purposes other than obtaining the source
18 material content.

19
20 (e) The categories of materials governed by this
21 article, as agreed upon by the nuclear regulatory
22 commission and the state, are (1) source material involved
23 in uranium or thorium recovery or milling and the

1 associated byproduct material, as defined in section
2 11e.(2) of the Atomic Energy Act of 1954, 42 U.S.C. §
3 2014(e)(2), as amended and (2) source material as defined
4 in section 11z. of the Atomic Energy Act of 1954, 42 U.S.C.
5 § 2014(z) recovered from any mineral resources processed
6 primarily for purposes other than obtaining the source
7 material content. This article does not govern independent
8 or commercial laboratory facilities that possess, use or
9 accept source material or byproduct material. The nuclear
10 regulatory commission shall retain regulatory authority
11 over independent or commercial laboratory facilities.

12

13 **35-11-2002. Authority of department to enforce**
14 **article; rulemaking.**

15

16 (a) Except as provided in this act, no person shall
17 acquire, own, possess, transfer, offer or receive for
18 transport or use any (1) source material involved in
19 uranium or thorium recovery or milling and the associated
20 byproduct material or (2) source material recovered from
21 any mineral resources processed primarily for purposes
22 other than obtaining the source material content without
23 having been granted a license therefore from the department

1 or the nuclear regulatory commission. The department is
2 authorized to regulate and penalize any unlicensed
3 activities involving (1) source material involved in
4 uranium or thorium recovery or milling and the associated
5 byproduct material or (2) source material recovered from
6 any mineral resources processed primarily for purposes
7 other than obtaining the source material content.

8

9 **35-11-2003. Licensure; license requirements;**
10 **enforcement actions.**

11

12 (a) The director is authorized to issue licenses to
13 implement the requirements of the Atomic Energy Act of
14 1954, 42 U.S.C. § 2011 et seq., as amended. Licenses
15 issued under this section shall also authorize the
16 possession and use of (1) source materials involved in
17 uranium or thorium recovery or milling and the associated
18 byproduct material or (2) source material recovered from
19 any mineral resources primarily for purposes other than
20 obtaining the source material content as provided in this
21 article. The director is further authorized to enforce
22 license provisions in accordance with this article. The
23 department shall recognize existing and effective licenses

1 issued by the nuclear regulatory commission. The department
2 shall also recognize licenses issued by other agreement
3 states only for (1) source material involved in uranium or
4 thorium recovery or milling or the associated byproduct
5 material or (2) the source material recovered from any
6 mineral resources primarily for purposes other than
7 obtaining the source material content.

8
9 (d) The department shall inspect a licensee's
10 operation to ensure compliance with license conditions, as
11 determined necessary by the administrator of the land
12 quality division to protect public health and safety. The
13 department shall also inspect proposed facilities and
14 proposed expansion of existing facilities to ensure that
15 unauthorized construction is not occurring. Licensees,
16 permittees and applicants for a license or permit shall
17 obtain and grant the department access to inspect their
18 facilities, source material involved in uranium or thorium
19 recovery or milling and the associated byproduct material
20 or the source material recovered from any mineral resources
21 processed primarily for purposes other than obtaining the
22 source material content at such times and frequencies as

1 determined necessary by the department to protect public
2 health and safety.

3

4 (f) The director is authorized to suspend licenses,
5 impound (1) source material involved in uranium or thorium
6 recovery or milling and the associated byproduct material
7 and (2) the source material recovered from any mineral
8 resources processed primarily for purposes other than
9 obtaining the source material content and conduct
10 enforcement actions in accordance with this article,
11 article 9 of this chapter and rules and regulations
12 promulgated under this act. The director is authorized to
13 suspend licenses and conduct enforcement actions in
14 accordance with department rules and regulations and this
15 article. In cases of an imminent threat to public health
16 and safety, the director is authorized to issue an
17 emergency order immediately suspending a license and any
18 associated activity as provided in W.S. 35-11-115. The
19 director is authorized to suspend or revoke a license for
20 repeated or continued noncompliance with program
21 requirements pursuant to its rules and regulations and this
22 article. The director is also authorized to seek injunctive

1 relief and impose civil or administrative monetary
2 penalties as provided by law.

3

4 **Section 2.**

5

6 (a) Upon commencement of negotiations as authorized
7 in W.S. 35-11-2001(a) as provided in section 1 of this act,
8 the department of environmental quality shall adopt a fee
9 structure for licenses for source material recovered from
10 any mineral resources processed primarily for purposes
11 other than obtaining the source material content in
12 accordance with W.S. 35-11-2005.

13

14 (b) The environmental quality council, upon
15 recommendation from the director, shall promulgate rules
16 and regulations for the regulation of source material
17 recovered from any mineral resources processed primarily
18 for purposes other than obtaining the source material
19 content.

20

21 **Section 3.** The department of environmental quality is
22 authorized up to two (2) additional full-time positions for
23 purposes of implementing this act. It is the intent of the

1 legislature that the department of environmental quality
2 include these full-time positions in its 2026-2027 standard
3 budget request.

4

5 **Section 4.** There is appropriated one million eight
6 hundred forty thousand dollars (\$1,840,000.00) from the
7 general fund to the department of environmental quality for
8 the period beginning with the effective date of this act
9 and ending June 30, 2027 to be expended only for purposes
10 of entering into an agreement with the nuclear regulatory
11 commission as authorized by W.S. 35-11-2001(a), as provided
12 by section 1 of this act, and for establishing a program to
13 assume regulatory authority over source material recovered
14 from any mineral resources processed for purposes other
15 than obtaining the source material content. This
16 appropriation shall not be transferred or expended for any
17 other purpose and any unexpended, unobligated funds
18 remaining from this appropriation shall revert as provided
19 by law on June 30, 2027. It is the intent of the
20 legislature that this appropriation be included in the
21 standard budget of the department of environmental quality
22 for the immediately succeeding fiscal biennium.

23

1 **Section 5.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)