

## 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 involved in the incidental  
5 recovery of uranium or thorium from mining and processing  
6 operations; authorizing the governor to negotiate and enter  
7 into a final agreement with the nuclear regulatory  
8 commission; providing definitions; providing for the  
9 department of environmental quality to administer the  
10 agreement; providing rulemaking authority; requiring the  
11 department of environmental quality to adopt fees as  
12 specified; making conforming amendments; providing an  
13 appropriation; authorizing positions; and providing for an  
14 effective date.

15

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

2

3       **Section 1.** W.S. 35-11-2001(b), (c), (e) and by  
4 creating a new subsection (f), 35-11-2002(a) and  
5 35-11-2003(a), (d) and (f) are amended to 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       (b) The department shall serve as the lead agency for  
12 the regulation of source material involved in uranium or  
13 thorium recovery or milling, ~~and~~ the associated byproduct  
14 material and the incidental recovery of uranium or thorium  
15 from rare earth mining or processing. The department is  
16 authorized to enforce the requirements of the Atomic Energy  
17 Act of 1954, 42 U.S.C. § 2011 et seq., as amended, under  
18 the ~~agreement~~ agreements reached between the state and the  
19 nuclear regulatory commission as provided in subsections  
20 (a) and (f) of this section and in section 274 of the  
21 Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended.

22

1           (c) The governor, through the department, is  
2 authorized to negotiate all aspects of ~~a~~—potential  
3 ~~agreement~~—agreements under this section between the state  
4 of Wyoming and the nuclear regulatory commission. The  
5 governor is authorized to enter into ~~a~~—final agreement  
6 agreements with the nuclear regulatory commission for the  
7 regulation of source material involved in uranium or  
8 thorium recovery or milling, ~~and~~—the associated byproduct  
9 material and the incidental recovery of uranium or thorium  
10 from rare earth mining or processing.

11

12           (e) The categories of materials governed by this  
13 article, as agreed upon by the nuclear regulatory  
14 commission and the state, are source material involved in  
15 uranium or thorium recovery or milling ~~and~~—the associated  
16 byproduct material, ~~as~~ defined in section 11e.(2) of the  
17 Atomic Energy Act of 1954, 42 U.S.C. § 2014(e)(2), as  
18 amended and the incidental source material as defined in  
19 section 11z. of the Atomic Energy Act of 1954, 42 U.S.C. §  
20 2014(z). This article does not govern independent or  
21 commercial laboratory facilities that possess, use or  
22 accept byproduct material. The nuclear regulatory

1 commission shall retain regulatory authority over  
2 independent or commercial laboratory facilities.

3  
4 (f) The governor, on behalf of the state, is  
5 authorized to contact the nuclear regulatory commission to  
6 express the intent of the state of Wyoming to amend the  
7 agreement authorized by subsection (a) of this section or  
8 enter into an additional agreement under section 274 of the  
9 Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended,  
10 with the nuclear regulatory commission providing for the  
11 assumption by the state of regulatory authority over source  
12 material involved in incidental uranium or thorium  
13 recovery, as defined by 42 U.S.C. § 2014(e)(2), that is  
14 produced by rare earth mining or processing operations. The  
15 nuclear regulatory commission shall maintain regulatory  
16 authority over all other source material not specified in  
17 this section, including byproduct material as defined by 42  
18 U.S.C. § 2014(e)(1), (3) and (4), special nuclear material  
19 as defined by 42 U.S.C. § 2014(aa) and the activities  
20 reserved under section 274 of the Atomic Energy Act of  
21 1954, 42 U.S.C. 2021, as amended.

22

1           **35-11-2002. Authority of department to enforce**  
2 **article; rulemaking.**

3  
4           (a) Except as provided in this act, no person shall  
5 acquire, own, possess, transfer, offer or receive for  
6 transport or use any source material involved in uranium or  
7 thorium recovery or milling, ~~and~~ the associated byproduct  
8 material and the incidental recovery of uranium or thorium  
9 from rare earth mining or processing without having been  
10 granted a license therefore from the department or the  
11 nuclear regulatory commission. The department is authorized  
12 to regulate and penalize any unlicensed activities  
13 involving source material involved in uranium or thorium  
14 recovery or milling, ~~and~~ the associated byproduct material  
15 and the incidental recovery of uranium or thorium from rare  
16 earth mining or processing.

17  
18           **35-11-2003. Licensure; license requirements;**  
19 **enforcement actions.**

20  
21           (a) The director is authorized to issue licenses to  
22 implement the requirements of the Atomic Energy Act of  
23 1954, 42 U.S.C. § 2011 et seq., as amended. Licenses

1 issued under this section shall also authorize the  
2 possession and use of source materials involved in uranium  
3 or thorium recovery or milling, ~~and~~ the associated  
4 byproduct material and the incidental recovery of uranium  
5 or thorium from rare earth mining or processing as provided  
6 in this article. The director is further authorized to  
7 enforce license provisions in accordance with this article.  
8 The department shall recognize existing and effective  
9 licenses issued by the nuclear regulatory commission. The  
10 department shall also recognize licenses issued by other  
11 agreement states only for source material involved in  
12 uranium or thorium recovery or milling, ~~or~~ the associated  
13 byproduct material or the incidental recovery of uranium or  
14 thorium from rare earth mining or processing.

15  
16 (d) The department shall inspect a licensee's  
17 operation to ensure compliance with license conditions, as  
18 determined necessary by the administrator of the land  
19 quality division to protect public health and safety. The  
20 department shall also inspect proposed facilities and  
21 proposed expansion of existing facilities to ensure that  
22 unauthorized construction is not occurring. Licensees,  
23 permittees and applicants for a license or permit shall

1 obtain and grant the department access to inspect their  
2 facilities, source material involved in uranium or thorium  
3 recovery or milling, ~~and~~ the associated byproduct material  
4 and the incidental recovery of uranium or thorium from rare  
5 earth mining or processing at such times and frequencies as  
6 determined necessary by the department to protect public  
7 health and safety.

8  
9 (f) The director is authorized to suspend licenses,  
10 impound source material involved in uranium or thorium  
11 recovery or milling, ~~and~~ the associated byproduct material  
12 and the incidental recovery of uranium or thorium from rare  
13 earth mining or processing and conduct enforcement actions  
14 in accordance with this article, article 9 of this chapter  
15 and rules and regulations promulgated under this act. The  
16 director is authorized to suspend licenses and conduct  
17 enforcement actions in accordance with department rules and  
18 regulations and this article. In cases of an imminent  
19 threat to public health and safety, the director is  
20 authorized to issue an emergency order immediately  
21 suspending a license and any associated activity as  
22 provided in W.S. 35-11-115. The director is authorized to  
23 suspend or revoke a license for repeated or continued

1 noncompliance with program requirements pursuant to its  
2 rules and regulations and this article. The director is  
3 also authorized to seek injunctive relief and impose civil  
4 or administrative monetary penalties as provided by law.

5

6 **Section 2.**

7

8 (a) Upon commencement of negotiations as authorized  
9 in W.S. 35-11-2001(f), as created by section 1 of this act,  
10 the department of environmental quality shall adopt a fee  
11 structure for licenses for source material involved in  
12 incidental uranium or thorium recovery, as defined by 42  
13 U.S.C. § 2014(e)(2), that is produced by rare earth mining  
14 and processing operations in accordance with W.S.  
15 35-11-2005.

16

17 (b) The environmental quality council, upon  
18 recommendation from the director, shall promulgate rules  
19 and regulations for the regulation of source material  
20 involved in incidental uranium or thorium recovery, as  
21 defined by 42 U.S.C. § 2014(e)(2), that is produced by rare  
22 earth mining and processing operations.

23



1           **Section 3.** The department of environmental quality is  
2 authorized up to two (2) additional full-time positions for  
3 purposes of implementing this act. It is the intent of the  
4 legislature that the department of environmental quality  
5 include these full-time positions in its 2025-2026 standard  
6 budget request.

7

8           **Section 4.** There is appropriated one million eight  
9 hundred forty thousand dollars (\$1,840,000.00) from the  
10 general fund to the department of environmental quality for  
11 the period beginning with the effective date of this act  
12 and ending June 30, 2027 to be expended only for purposes  
13 of entering into an agreement with the nuclear regulatory  
14 commission as authorized by W.S. 35-11-2001(f), as created  
15 by section 1 of this act, and for establishing a program to  
16 assume regulatory authority of source material involved in  
17 incidental uranium or thorium recovery, as defined by 42  
18 U.S.C. § 2014(e)(2), that is produced by rare earth mining  
19 and processing operations. This appropriation shall not be  
20 transferred or expended for any other purpose and any  
21 unexpended, unobligated funds remaining from this  
22 appropriation shall revert as provided by law on June 30,  
23 2027. It is the intent of the legislature that this

1 appropriation be included in the standard budget of the  
2 department of environmental quality for the immediately  
3 succeeding fiscal biennium.

4

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

9

10

(END)