

DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION

House Bill No.

Source material associated with rare earth 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 resources processed
5 primarily for purposes other than obtaining the source material content; for the
6 purposes of this legislation and agreement, the term "mineral resources" means
7 any host rock, ore, material, or waste associated with mining or milling that
8 contains a recoverable mineral; authorizing the governor to negotiate and enter
9 into a final agreement with the nuclear regulatory
10 commission; providing definitions; providing for the
11 department of environmental quality to administer the
12 agreement; providing rulemaking authority; requiring the
13 department of environmental quality to adopt fees as
14 specified; making conforming amendments; providing an

1 appropriation; authorizing positions; and providing for an
2 effective date.

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4 Be It Enacted by the Legislature of the State of Wyoming:

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6 **Section 1.** W.S. 35-11-2001(a), (b), (c), (e) and by
7 creating a new subsection (f), 35-11-2002(a) and 35-11-
8 2003(a), (d), and (f) are amended to read:

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10 **35-11-2001. Authorization to negotiate transfer of**
11 **certain nuclear functions to the state; scope of**
12 **regulated material.**

13 (a) The governor, on behalf of the state, is authorized to contact the
14 nuclear regulatory commission to express the intent of the state of Wyoming to
15 enter into an agreement under section 274 of the Atomic Energy Act of 1954, 42
16 U.S.C. § 2021, as amended, with the nuclear regulatory commission providing
17 for the assumption by the state of regulatory authority over source material
18 involved in uranium or thorium recovery or milling and byproduct material, as
19 defined in section 11e.(2) of the Atomic Energy Act of 1954, 42 U.S.C. §
20 2014(e)(2), as amended. The governor, on behalf of the state, is also authorized
21 to contact the nuclear regulatory commission to express the intent of the state of
22 Wyoming to enter into an agreement under section 274 of the Atomic Energy
23 Act of 1954, 42 U.S.C. § 2021, as amended, with the nuclear regulatory
24 commission providing for the assumption by the state of source material
25 recovered from any mineral resources processed primarily for purposes other
26 than obtaining the source material content. For the purposes of this legislation
27 and agreement, the term “mineral resources” means any host rock, ore,
28 material, or waste associated with mining or milling that contains a recoverable
29 mineral. The nuclear regulatory commission shall maintain regulatory authority
30 over all other source material, section 11e.(1), (3) and (4) byproduct material
31 and special nuclear material as defined in the Atomic Energy Act of 1954, 42
32 U.S.C. § 2014, as amended, and the activities reserved under section 274 of the
33 Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended.

34 (b) The department shall serve as the lead agency for
35 the regulation of (1) source material involved in uranium or
36 thorium recovery or milling and the associated byproduct
37 material, and (2) source material recovered from any mineral resources
38 processed primarily for purposes other than obtaining the source material

1 content. The department is
2 authorized to enforce the requirements of Atomic Energy
3 Act of 1954, 42 U.S.C. § 2011 et seq., as amended, under
4 the agreement reached between the state and the
5 nuclear regulatory commission as provided
6 in section 274 of the
7 Atomic Energy Act of 1954, 42 U.S.C. § 2021, as amended.
8

9 (c) The governor, through the department is
10 authorized to negotiate all aspects of ~~a potential~~ the
11 agreement under this section between the state
12 of Wyoming and the nuclear regulatory commission. The
13 governor is authorized to enter into a final agreement
14 with the nuclear regulatory commission for the
15 regulation of (1) source material involved in uranium or
16 thorium recovery or milling and the associated byproduct
17 material, and (2) source material recovered from any mineral resources
18 processed primarily for purposes other than obtaining the source material
19 content.
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21 (e) The categories of materials governed by this
22 article, as agreed upon by the nuclear regulatory
23 commission and the state, are (1) source material involved in
24 uranium or thorium recovery or milling and the associated
25 byproduct material, as defined in section 11e.(2), of the
26 Atomic Energy Act of 1954, 42 U.S.C. § 2014 (e) (2), as
27 Amended, and (2) source material, as defined in
28 section 11z. of the Atomic Energy Act of 1954, 42 U.S.C. §
29 2014 (z), recovered from any mineral resources processed primarily for
30 purposes other than obtaining the source material content. This article does not
31 govern independent or

1 commercial laboratory facilities that possess, use or
2 accept source material and/or byproduct material. The nuclear regulatory
3 commission shall retain regulatory authority over
4 independent or commercial laboratory facilities.

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6 **35-11-2002. Authority of department to enforce**7 **Article; rulemaking.**

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9 (a) Except as provided in this act, no person shall
10 acquire, own, possess, transfer, offer or receive for
11 transport or use any (1) source material involved in uranium or
12 thorium recovery or milling and the associated byproduct
13 material, or (2) source material recovered from any mineral resources
14 processed primarily for purposes other than obtaining the source material
15 content without having been
16 granted a license therefore from the department or the
17 nuclear regulatory commission. The department is authorized
18 to regulate and penalize any unlicensed activities
19 involving (1) source material involved in uranium or thorium
20 recovery or milling and the associated byproduct material, and (2)
21 source material recovered from any mineral resources processed primarily for
22 purposes other than obtaining the source material content.

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24 **35-11-2003. Licensure; license requirements;**25 **enforcement actions.**

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27 (a) The director is authorized to issue licenses to
28 implement the requirements of the Atomic Energy Act of

1 1954. 42 U.S.C § 2011 et. seq., as amended. Licenses
2 issued under this section shall also authorize the
3 possession and use of (1) source materials involved in uranium
4 or thorium recovery or milling and the associated
5 byproduct material, and/or (2) source material recovered from any mineral
6 resources processed primarily for purposes other than obtaining the source
7 material content as provided
8 in this article. The director is further authorized to
9 enforce license provisions in accordance with this article.
10 The department shall recognize existing and effective
11 licenses issued by the nuclear regulatory commission. The
12 department shall also recognize licenses issued by other
13 agreement states only for (1) source material involved in
14 uranium or thorium recovery or milling and the associated
15 byproduct material, and (2) source material recovered from any mineral
16 resources processed primarily for purposes other than obtaining the source
17 material content.

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

1 permittees and applicants for a license or permit shall
2 obtain and grant the department access to inspect their
3 facilities, source material involved in uranium or thorium
4 recovery or milling and the associated byproduct material, and /or source
5 material recovered from any mineral resources processed primarily for purposes
6 other than obtaining the source material content
7 at such times and frequencies as
8 determined necessary by the department to protect public
9 health and safety.

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

1 suspend or revoke a license for repeated or continued
2 noncompliance with program requirements to its
3 rules and regulations and this article. The director is
4 also authorized to seek injunctive relief and impose civil
5 or administrative monetary penalties as provided by law.

6

7 **Section 2.**

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9 (a) Upon commencement or negotiations as authorized in

10 W.S. 35-11-2001(f), as created by section 1 of this act,

11 the department of environmental quality shall adopt a fee

12 structure for licenses for

13 source material recovered from any mineral resources processed primarily for
14 purposes other than obtaining the source material content, in accordance with
15 W.S. 35-11-

16 2005.

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18 (b) The environmental quality council, upon

19 recommendation from the director, shall promulgate rules

20 and regulations for the regulation of source material recovered from any mineral
21 resources processed primarily for purposes other than obtaining the source
22 material content.

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

Section 4. there is appropriated one million eight hundred forty thousand dollars (\$1,840,000.00) from the general fund to the department of environmental quality for the period beginning with the effective date of this act and ending June 30, 2027, to be expended only for purposes of entering into an agreement with the nuclear regulatory commission as authorized by W.S. 35-11-2001(f), as created by section 1 of this act, and for establishing a program to assume regulatory authority over

source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content. This appropriation shall not be

transferred or expended for any other purposes and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30,

1 2027. It is the intent of the legislature that this
2 appropriation be included in the standard budget of the
3 department of environmental quality for the immediately
4 succeeding fiscal biennium.

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

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11 [END]