



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

April 20, 2017

Ms. Naomi Ollie, President
Wyoming Association of Professional
Archaeologists
1000 E. University Avenue, Dept. 3431
Laramie, WY 82071

Dear Ms. Ollie:

Thank you for providing an email copy of your letter of March 13, 2017, concerning the State of Wyoming's uranium recovery program proposed rules, to U.S. Nuclear Regulatory Commissioner Stephen Burns. In your letter, you quoted the following language from the preamble of the Advisory Council for Historic Preservation's (ACHP) revisions to 36 CFR part 800:

"Nevertheless, it is the opinion of the ACHP that the Federal agency approval and/or funding of such State delegated programs does require Section 106 compliance by the Federal agency, as such programs are "undertakings" receiving Federal approval and/or Federal funding. Accordingly, Federal agencies need to comply with their Section 106 responsibilities regarding such programs before an approval and/or funding decision on them. Agencies that are approaching a renewal or periodic assessment of such programs may want to do this at such time."

I would like to note that Section 274b. of the Atomic Energy Act, as amended, authorizes the U.S. Nuclear Regulatory Commission (NRC) to enter into agreements with States so that the NRC discontinues, and the State assumes, regulatory authority over the radioactive material and activities specified in the agreement. The NRC's approval of a Section 247b. Agreement does not fall within the above definition of an undertaking, because the NRC discontinues its regulatory authority over the specified radioactive materials and activities in the 274b. Agreement. The NRC's discontinuance of federal regulatory authority over the radioactive materials and activities specified in a 274b. Agreement is unique in the federal government. Other federal agencies delegate or authorize a State to implement their programs. In those situations, the federal agency still maintains regulatory authority over the program in the delegated or authorized State. In comparison, by discontinuing its regulatory authority as specified in the 274b. Agreement, the NRC has no jurisdiction over the State licensees in the Agreement State.

N. Ollie

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If you would like more information on the NRC's Agreement State Program, please contact the Branch Chief of the NRC's Agreement State Programs, Paul Michalak, (301) 415-5804, Paul.Michalak@nrc.gov.

Sincerely,

/RA/

Daniel S. Collins, Director
Office of Nuclear Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

SUBJECT: LTR-17-0116 Naomi Ollie, President, Wyoming Association of Professional Archaeologists, Letter re: Uranium Recovery Program Proposed Rules (April 20, 2017)

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DATE	4/03/17	4/03/17	4/11/17	4/04/17	4/13/17	4/20/17

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