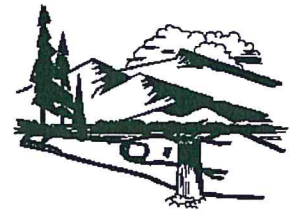




Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor



Todd Parfitt, Director

June 8th, 2017

Paul Michalak, Chief Agreement State Program
U.S. Nuclear Regulatory Commission
Two White Flint North
11545 Rockville Pike
Rockville, Maryland 20852-2738

Dear Mr. Michalak

The Nuclear Regulatory Commission (NRC) provided comments on Wyoming's draft application for a limited Agreement for source material involved in uranium and thorium milling and the associated 11e.(2) byproduct material on April 20, 2017. In the following comment the NRC raised a concern with general licenses as governed by Chapter 10 of the Uranium Recovery Program's (URP) rules:

On page 412 of 1080, Chapter 10, Section 2(a), it states, [T]he Department full adopts and hereby incorporates by reference 10 CFR §§ 40.20, 40.21, 40.22, and 40.26, revised as of January 1, 2016, unless expressly provided otherwise in these rules. These rules do not include any later amendments or editions of the incorporated matter. The NRC review team notes that 10 CFR 40.20 includes references to 10 CFR 40.27 and 10 CFR 40.28, which Wyoming is not adopting. Wyoming is not requesting to assume regulatory authority over all types of facilities referenced in 10 CFR 40.22. Please revise the sentence to delete reference to 10 CFR 40.20 and make the appropriate revisions regarding 10 CFR 40.22

After multiple discussions on this comment, the NRC and URP agreed that Wyoming will not assume regulatory authority over general licenses and the NRC will maintain the regulatory authority over general licenses. This will prevent dual regulation and provide a clearer regulatory process. As such, Wyoming will remove Chapter 10, in its entirety, from the URP rules. The division of regulatory authority over general licenses will be further clarified, as necessary, in the Final Agreement between the NRC and Wyoming.

Please confirm that deleting Chapter 10 of the URP rules, in its entirety, is acceptable to the NRC, resolves the concerns identified in NRC's comment above, and does not create any compatibility issues (i.e. 10 C.F.R. 40.22, Compatibility B).

Sincerely,

Kyle Wendtland
Administrator, Wyoming Land Quality Division