



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

February 28, 2018

Mr. Kyle Wendtland, Administrator
Wyoming Department of Environmental Quality
Land Quality Division
200 W. 17th Street
Cheyenne, WY 82002

Dear Mr. Wendtland:

On April 20, 2017, NRC transmitted the results of our completeness review (ADAMS Accession No. ML17062A962) on Wyoming's draft application package (draft application) (ADAMS Accession No. ML16300A294) for a limited 274b. Agreement to assume regulatory authority over source material involved in uranium and thorium milling and associated 11e.(2) byproduct material dated October 28, 2016.¹ In our letter, we identified 107 comments.

Since our April 20, 2017, letter, we have received four e-mails from Wyoming Department of Environmental Quality dated June 22, 2017 (ADAMS Accession No. ML17278A667), July 17, 2017 (ADAMS Accession No. ML17278A525), August 16, 2017 (ADAMS Accession No. ML17241A115), December 20, 2017 (ADAMS Accession No. ML18019A031), January 8, 2018 (ADAMS Accession No. ML18023A743), and a letter from the Office of the Attorney General dated January 30, 2018 (ADAMS Accession No. ML18032A466)² with responses to our comments. These e-mail submissions were supplemented by additional conference calls with Wyoming Department of Environmental Quality (DEQ) staff to discuss our comments and their proposed resolution.

We reviewed Wyoming's responses to our April 20, 2017 comments and the additional information Wyoming provided regarding Subsections 4.1 "Legal Elements" and 4.2 "Regulatory Requirements Program Elements" and with regard to procedures related to Subsection 4.3, "Licensing Program Elements", Subsection 4.4, "Inspection Program Elements", Subsection 4.5, "Enforcement Program Elements", Subsection 4.6, "Technical Staffing and Training Program Elements", and Subsection 4.7, "Event and Allegation Response Program Elements". A draft set of the NRC's comments on this information were provided in an e-mail to Wyoming dated December 7, 2017 (ADAMS Accession No. ML18019B207).

¹ Section 274b. of the Atomic Energy Act of 1954, 42 U.S.C. § 42 USC 2021(b), as amended, authorizes the NRC to enter into 274b. Agreements that allow the NRC to discontinue and States to assume regulated authority over specified radioactive materials and activities. Article 20 "Nuclear Regulatory Agreement" of the Environmental Quality Act, Wyo. Stat. §§ 35-11-2001 to 35-11-2005 authorizes Wyoming to enter into a 274b. Agreement to assume regulatory authority over source material involved in uranium and thorium milling and associated 11e.(2) byproduct material.

² This letter responded to the January 12, 2018 letter from Mary B. Spencer, Assistant General Counsel for the Reactor and Materials Rulemaking Division, the Office of General Counsel for the Nuclear Regulatory Commission (ADAMS Accession No. ML18036A916) requesting further information on Wyoming statutes that are applicable to the State's Uranium Recovery Program.

Prior to receiving the NRC's draft comments in the December 7, 2017 e-mail, Wyoming submitted their final application package requesting a 274b. Agreement on November 16, 2017 (ADAMS Accession No. ML17319A921. Wyoming's also sent e-mails December 20, 2017 and January 8, 2018 to respond to the draft comments in the NRC's December 7, 2017 e-mail.

We have reviewed Wyoming's prior responses to the NRC's comments, the final application, Wyoming's December 20, 2017 and the January 8, 2018 e-mail, the January 30, 2018 letter from the Office of the Attorney General and held subsequent discussions with Wyoming to develop this letter's enclosure. The enclosure contains an update on the status of the outstanding comments on material in the draft application package, additional information Wyoming provided to the NRC for review, and any new comments generated by the final application package. Resolution of the outstanding comments can be in the form of revisions or addendums to the final Agreement State Application.

If you have any questions, please contact me or Stephen Poy at (301) 415-7135 (Stephen.Poy@nrc.gov).

Sincerely,

/RA/

Paul Michalak, Chief
Agreement State Programs Branch
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosure:
Additional Comments on the Final
Wyoming Application for a Limited
Agreement

SUBJECT: LETTER TO WYOMING DEQ RE: FINAL AGREEMENT STATE APPLICATION
FEBRUARY 28, 2018

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