



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

June 28, 2018

Chairman Clinton Wagon
Eastern Shoshone Tribe of the
Wind River Reservation
P.O. Box 538
Fort Washakie, WY 82514

SUBJECT: MEMORANDUM OF AGREEMENT FOR THE NICHOLS RANCH IN-SITU
RECOVERY PROJECT

Dear Chairman Wagon:

In letters dated April 25, 2017, and March 21, 2018, the U.S. Nuclear Regulatory Commission (NRC) informed you that the State of Wyoming submitted a draft and final application to assume regulatory authority for activities related to uranium and thorium milling (also known as uranium recovery) under the NRC's Agreement State program. The State's application is currently under review by the NRC. If the Agreement State application is approved, the Nichols Ranch In-Situ Recovery Project license will be transferred to the State of Wyoming, and the NRC will no longer have any approval or regulatory authority over the Project. After the effective date of the Agreement, the licensee would be subject to the State of Wyoming's environmental, and historic and cultural resource requirements.

During the initial licensing of the Nichols Ranch In-Situ Recovery Project, the NRC negotiated a Memorandum of Agreement (MOA) to mitigate adverse effects on historic properties in accordance with Section 106 of the National Historic Preservation Act. Several parties signed the MOA, including the Eastern Shoshone Tribe of the Wind River Reservation. If the State of Wyoming becomes an Agreement State, the NRC cannot continue to participate in the MOA. The State of Wyoming has requested the effective date for the Agreement to be September 30, 2018. Consistent with Stipulation H.1 of the MOA, this letter is to inform you that the NRC is initiating the termination process documented in the MOA. The NRC is initiating termination 60 business days prior to September 30, 2018 (July 6, 2018).

Under Stipulation H.1. "Termination":

Any Signatory to this MOA may initiate termination by providing written notice to the other parties of their intent. After notification by the initiating Signatory, the remaining Signatories shall have 60 business days to consult to seek agreement on amendments or any other actions that would address the issues and avoid termination. If such consultation fails, the termination will go into effect at the end of the 60 day period unless all the Signatories agree to a longer period.

Additional information on the Wyoming Agreement process and links to the documents mentioned in this letter can be found on our Web site at: <https://www.nrc.gov/about-nrc/state-tribal/agreement-states/wyoming.html>. We periodically update this Web site at each milestone in the Agreement process and provide links to documents related to the Agreement.

If you have any questions about the Wyoming Agreement or the NRC's role in the MOA, please contact me or Stephen Poy of my staff at (301) 415-7135 or at his e-mail at Stephen.Poy@nrc.gov.

Sincerely,

/RA/

Andrea L. Kock, Acting Director
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

cc:

Ryan Schierman, WYDEQ
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Wind River Reservation
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DISTRIBUTION:

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