



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

June 26, 2018

Chairman Mark Fox  
Three Affiliated Tribes of the Fort  
Berthold Reservation  
404 Frontage Road  
New Town, ND 58763

SUBJECT: NOTICE OF A PROPOSED AGREEMENT WITH THE STATE OF WYOMING

Dear Chairman Fox:

Governor Matthew Mead, on behalf of the State of Wyoming, has submitted a request that the U.S. Nuclear Regulatory Commission (NRC) enter into an Agreement with the State under Section 274 of the Atomic Energy Act of 1954 (AEA). Under the proposed Agreement, the Commission would discontinue, and the State of Wyoming would assume, regulatory authority within the State over the management and disposal of byproduct materials as defined in Section 11e.(2) of the AEA and a subcategory of source material associated with uranium or thorium milling. These regulatory responsibilities would be transferred to the State of Wyoming and the State of Wyoming's environmental and historic and cultural resource requirements would apply instead of the National Environmental Policy and National Historic Preservation Act requirements. The NRC would continue to retain regulatory authority over other AEA radioactive materials in the State.

Enclosed for your information is the *Federal Register* Notice (FRN) published on June 26, 2018. The FRN requests public comment on the proposed Wyoming Agreement and the NRC staff draft assessment of the State of Wyoming's formal application. The comment period ends July 26, 2018.

The enclosed FRN provides the process to submit comments. If you have any questions, you may contact Paul Michalak at (301) 415-5804 ([Paul.Michalak@nrc.gov](mailto:Paul.Michalak@nrc.gov)).

We will inform you when the Commission has completed its consideration of the proposed Agreement.

Sincerely,

*/RA/*

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

Enclosure: *Federal Register* Notice

cc: Elgin Crows Breast, THPO  
Tribal Historic Preservation Office  
404 Frontage Road  
New Town, ND 58763

Ryan Schierman,  
Wyoming Department of Environmental  
Quality

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DATED: JUNE 26, 2018.

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