

**From:** [Talley, Sandra](#)  
**To:** [Erik Hein](#)  
**Cc:** [Einberg, Christian](#); [Michalak, Paul](#); [White, Duncan](#)  
**Subject:** RE: Application by Wyoming to join the NRC's Agreement State Program  
**Date:** Wednesday, March 15, 2017 10:46:18 AM

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Hello, Erik.

I am following up on the email below, as the State of Wyoming has extended the date for public comments on rules that will govern its proposed Uranium Recovery Program that may be established if the NRC approves the State's application to join the NRC Agreement State Program. The Wyoming Department of Environmental Quality recently announced the following:

Comments on the proposed rules may be submitted until 5:00 p.m. (MST) on **May 1, 2017**. Written comments should be sent to the Wyoming Department of Environmental Quality, Land Quality Division, 200 W. 17th Street, Suite 10, Cheyenne, WY 82002 or faxed to (307) 635-1784. Electronic comments may only be submitted through and accepted by the DEQ comment portal provided at: <http://lq.wyomingdeq.commentinput.com>. The LQD will file an Analysis of Comments with the EQC prior to the May 24, 2017 public hearing. The proposed rules, comments submitted, and the response to comments will be posted on the Council's website at: <https://eqc.wyo.gov/Public/Dockets.aspx> under Docket #17-4101.

Best regards,  
Sandy

**Sandra T. Talley**

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**From:** Talley, Sandra  
**Sent:** Thursday, February 23, 2017 8:33 AM  
**To:** Erik Hein <hein@ncshpo.org>  
**Cc:** Einberg, Christian <Christian.Einberg@nrc.gov>; Michalak, Paul <Paul.Michalak@nrc.gov>; White, Duncan <Duncan.White@nrc.gov>  
**Subject:** Application by Wyoming to join the NRC's Agreement State Program

Good morning, Erik.

I am writing to provide information on the status of the application by the State of Wyoming to become an Agreement State in accordance with Section 274b. of the Atomic Energy Act of 1954 as amended (AEA). Under this section of the AEA, the Nuclear Regulatory Commission (NRC) would discontinue and the State of Wyoming would assume regulatory authority over the regulation of uranium and thorium milling facilities in the States. After

review and approval of the State's proposed Agreement program, this transfer of regulatory authority would impact the NRC's consultation with Tribes under the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA). If the State of Wyoming's application is approved and regulatory authority is transferred, the NRC would no longer consult with Tribes in Wyoming and the surrounding region under NHPA and NEPA on uranium and thorium recovery activities in Wyoming. However, the NRC would continue to retain regulatory authority over other types of source, byproduct, and special nuclear materials in the State and continue to consult with these Tribes, as appropriate on these other regulatory activities.

The NRC is reviewing the State of Wyoming's draft application that was received on October 26, 2016. On January 28, 2017, the State of Wyoming published draft regulations for its regulatory program for public comment at <http://deq.wyoming.gov/lqd/resources/proposed-rules-regs/> and is accepting comments until March 13, 2017 at <http://lq.wyomingdeq.commentinput.com/>. The State of Wyoming projects that its final application will be submitted in June 2017.

If you are interested, staff in the NRC's Tribal and Agreement State Programs are available meet with you by teleconference or in person to provide more information on NRC's outreach to Tribes and the change in consultation practices and to answer any questions on the Agreement State process and the proposed transfer of authority to the State of Wyoming. The best dates for NRC would be after March 21, 2017. Please let us know if you are interested in meeting and some dates that would work for you.

Best regards,  
Sandy

**Sandra T. Talley**

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