



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

July 19, 2018

Ms. Talia T. Martin  
Director of Tribal/DOE-AIP  
Shoshone-Bannock Tribes  
Tribal Department of Energy  
P.O. Box 306  
Fort Hall, ID 83203

Dear Ms. Martin:

Thank you for your July 13, 2018, request for an extension to the public comment period regarding the proposed Agreement with the State of Wyoming. The U.S. Nuclear Regulatory Commission (NRC) first published the proposed Wyoming Agreement for public comment in the *Federal Register* on June 26, 2018, with the public comment period ending on July 26, 2018. You requested up to an additional 30 days (until August 26, 2018) to review and comment on the documentation associated with the Wyoming Agreement application due to several Tribal and Federal holidays, participation in Tribal ceremonies, the exercising of salmon fishing treaty rights, and the need for coordination with Tribal departments and Council meetings.

After careful consideration, we decided not to extend the public comment period. Although the NRC is not extending the public comment period, we recognize the factors detailed in your extension request and are interested in your comments regarding the Wyoming Agreement. As stated in the *Federal Register* notice (FRN), the NRC will consider late comments if it is practical to do so. The NRC staff will make every effort to provide those comments, along with the NRC staff's responses to those comments, to the Commission for its consideration. In accordance with the schedule for this project, the NRC staff anticipates delivering its final analysis and recommendations related to the Wyoming Agreement, including consideration of public comments received, to the Commission for its deliberation by the end of August 2018.

The NRC staff has provided the Shoshone-Bannock Tribes with appropriate information regarding the Wyoming Agreement process beginning in April 2017. Specifically, the staff notified the Tribes of the public availability of the State of Wyoming's draft and final Agreement State applications seeking to assume regulatory authority over the management and disposal of byproduct materials as defined in Section 11e.(2) of the Atomic Energy Act (mill tailings) and a subcategory of source material associated with uranium or thorium milling within the State. The NRC staff first contacted via letter Chairman Blaine Edmo of the Shoshone-Bannock Tribes about the Wyoming Agreement on April 26, 2017. That correspondence (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17026A397) contained information on the status of Wyoming's draft application, a Fact Sheet about the Agreement State Program, and Frequently Asked Questions on the Agreement State Program. The April 26, 2017, letter also contained a link (<https://scp.nrc.gov/rulemaking.html#WY>) to the NRC's initial comments on the State of Wyoming's proposed regulations and legislation for its uranium recovery program.

More recently on March 21, 2018, the NRC staff contacted via letter Chairman Nathan Small of the Shoshone-Bannock Tribes about the Wyoming Agreement application. That correspondence (ADAMS Accession No. ML18033A970) included a link to the NRC's Wyoming Agreement Web page (<https://www.nrc.gov/about-nrc/state-tribal/agreement-states/wyoming.html>), which contains links to Wyoming's draft and final applications and related NRC documents. Through those links, the NRC made pertinent Wyoming Agreement-related documents available to the Shoshone-Bannock Tribes three months before the start of the 30-day public comment period. The NRC also sent a letter dated June 27, 2018, to Chairman Nathan Small informing him of the publication of the FRN (ADAMS Accession No. ML18158A294).

Although the NRC would discontinue its role as the regulator of activities involving uranium recovery and the management and disposal of 11e.(2) byproduct materials in the State of Wyoming upon the effective date of an Agreement, the NRC would oversee the State's implementation of its regulatory program through the Integrated Materials Performance Evaluation Program (IMPEP). Through the IMPEP process, the NRC periodically reviews the implementation of an Agreement State's regulatory program. The resulting IMPEP reports are publicly available, and the public can observe or listen in on the Management Review Board meetings related to those reviews. Details about the IMPEP process can be found at the following Web page: <https://scp.nrc.gov/impeptoolbox/impep.html>.

We look forward to receiving your comments. If you have any further questions regarding this matter, please contact Paul Michalak of my staff at [Paul.Michalak@nrc.gov](mailto:Paul.Michalak@nrc.gov), or (301) 415-5804.

Sincerely,

*/RA/*

Marc L. Dapas, Director  
Office of Nuclear Material Safety  
and Safeguards

SUBJECT: 07/19/2018 IN REPOSE TO SHOSHONE-BANNOCK TRIBE'S REQUEST FOR EXTENSION TO WYOMING AGREEMENT STATE COMMENT PERIOD

**ML18197A215**

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<b>NAME</b>	DWhite	PMichalak	TCampbell	SAtack for DCollins	MDapas
<b>DATE</b>	7/16/18	7/16/18	7/17/18	7/18 /18	7/19/18

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