



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

August 1, 2018

Mr. Clint Wagon
Eastern Shoshone Business Council
P.O. Box 538
Fort Washakie, Wyoming 82514

SUBJECT: REQUEST TO AMEND THE GAS HILLS URANIUM
RECOVERY PROJECT PROGRAMMATIC AGREEMENT

Dear Mr. Wagon:

This letter is to notify you that the U.S. Nuclear Regulatory Commission (NRC) requested that the U.S. Bureau of Land Management (BLM) seek to amend the Gas Hillis Uranium Recovery Project Programmatic Agreement (PA). On July 27, 2018, the NRC sent a letter to BLM (Agencywide Documents Access and Management System Accession No. ML18205A251) requesting that the NRC be removed from the PA because the State of Wyoming submitted a final application to assume regulatory authority over source material associated with uranium and thorium milling (also known as uranium recovery) and the management and disposal of 11e.(2) byproduct material (mill tailings) under the NRC's Agreement State program. The Commission recently approved the proposed Agreement for public comment in the *Federal Register* on June 26, 2018 (83 FR 29828). If the Commission approves the Agreement State application, the NRC will discontinue and the State of Wyoming will assume regulatory authority over all uranium recovery activities in the State, including the Gas Hills Uranium Recovery Project license.

During the initial licensing of the Gas Hills Uranium Recovery Project, the NRC negotiated a Programmatic Agreement (PA) with BLM and other parties to mitigate adverse effects on historic properties in accordance with Section 106 of the National Historic Preservation Act (NHPA). In 2012, the Signatories amended the PA to designate BLM as the lead federal agency responsible for fulfilling the Section 106 requirements.

This letter is to inform you that the NRC will be unable to continue participation in the PA after the effective date of an Agreement with the State of Wyoming. The State of Wyoming has requested the effective date for the Agreement to be September 30, 2018. The NRC's schedule currently anticipates meeting this request. Therefore, the NRC sent a letter to BLM requesting an amendment to remove the NRC from the PA and notified the Signatories so they can consult on the NRC's amendment request.

Even though the NRC will be unable to participate in the PA, the PA could remain in effect after the transfer of regulatory authority under the Agreement. The PA is a license condition on the Gas Hills Uranium Recovery Project license that will be transferred to the State of Wyoming. The remaining Signatories could agree to have the PA continue with BLM as the lead federal agency on the PA and responsible for fulfilling NHPA Section 106 requirements for the Gas Hills Uranium Recovery Project Site.

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 PA, 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/

Daniel S. Collins, Director
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

cc:

Ryan Schierman, WYDEQ
Cy Lee, Wind River Development Fund
Lynette Bell, THPO, Shoshone Tribe of the
Wind River Reservation
Devin B. Oldman, THPO, Northern
Arapaho Tribe
William Big Day, THPO, Crow Tribe of Montana
Mary Hopkins, Wyoming State Historic Preservation Office
Larry Reimann, Cameco Resources
Wyoming Attorney General's Office
Sarah Stokely, Advisory Council on Historical Preservation
Kelly Fanizzo, Advisory Council on Historic Preservation
Mary Jo Rugwell, Bureau of Land Management



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August 1, 2018

Mr. Roy B. Brown, Chairman
Northern Arapaho Business Council
PO Box 396
Ft. Washakie, WY 82514

SUBJECT: REQUEST TO AMEND THE GAS HILLS URANIUM
RECOVERY PROJECT PROGRAMMATIC AGREEMENT

Dear Chairman Brown:

This letter is to notify you that the U.S. Nuclear Regulatory Commission (NRC) requested that the U.S. Bureau of Land Management (BLM) seek to amend the Gas Hillis Uranium Recovery Project Programmatic Agreement (PA). On July 27, 2018, the NRC sent a letter to BLM (Agencywide Documents Access and Management System Accession No. ML18205A251) requesting that the NRC be removed from the PA because the State of Wyoming submitted a final application to assume regulatory authority over source material associated with uranium and thorium milling (also known as uranium recovery) and the management and disposal of 11e.(2) byproduct material (mill tailings) under the NRC's Agreement State program. The Commission recently approved the proposed Agreement for public comment in the *Federal Register* on June 26, 2018 (83 FR 29828). If the Commission approves the Agreement State application, the NRC will discontinue and the State of Wyoming will assume regulatory authority over all uranium recovery activities in the State, including the Gas Hills Uranium Recovery Project license.

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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.

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Sincerely,

/RA/

Daniel S. Collins, Director
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
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Lynette Bell, THPO, Shoshone Tribe of the
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Devin B. Oldman, THPO, Northern
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William Big Day, THPO, Crow Tribe of Montana
Mary Hopkins, Wyoming State Historic Preservation Office
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Mary Jo Rugwell, Bureau of Land Management



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August 1, 2018

Chairman Luke Duncan
Ute Indian Tribe of the Uintah & Ouray
Reservation
P.O. Box 190
Ft. Duchesne, UT 84026

SUBJECT: REQUEST TO AMEND THE GAS HILLS URANIUM
RECOVERY PROJECT PROGRAMMATIC AGREEMENT

Dear Chairman Duncan:

This letter is to notify you that the U.S. Nuclear Regulatory Commission (NRC) requested that the U.S. Bureau of Land Management (BLM) seek to amend the Gas Hillis Uranium Recovery Project Programmatic Agreement (PA). On July 27, 2018, the NRC sent a letter to BLM (Agencywide Documents Access and Management System Accession No. ML18205A251) requesting that the NRC be removed from the PA because the State of Wyoming submitted a final application to assume regulatory authority over source material associated with uranium and thorium milling (also known as uranium recovery) and the management and disposal of 11e.(2) byproduct material (mill tailings) under the NRC's Agreement State program. The Commission recently approved the proposed Agreement for public comment in the *Federal Register* on June 26, 2018 (83 FR 29828). If the Commission approves the Agreement State application, the NRC will discontinue and the State of Wyoming will assume regulatory authority over all uranium recovery activities in the State, including the Gas Hills Uranium Recovery Project license.

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Sincerely,

/RA/

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August 1, 2018

Chairman Alvin Not Afraid Jr.
Crow Tribe of Montana
P.O. Box 159
Crow Agency, MT 59022

SUBJECT: REQUEST TO AMEND THE GAS HILLS URANIUM
RECOVERY PROJECT PROGRAMMATIC AGREEMENT

Dear Chairman Not Afraid Jr:

This letter is to notify you that the U.S. Nuclear Regulatory Commission (NRC) requested that the U.S. Bureau of Land Management (BLM) seek to amend the Gas Hillis Uranium Recovery Project Programmatic Agreement (PA). On July 27, 2018, the NRC sent a letter to BLM (Agencywide Documents Access and Management System Accession No. ML18205A251) requesting that the NRC be removed from the PA because the State of Wyoming submitted a final application to assume regulatory authority over source material associated with uranium and thorium milling (also known as uranium recovery) and the management and disposal of 11e.(2) byproduct material (mill tailings) under the NRC's Agreement State program. The Commission recently approved the proposed Agreement for public comment in the *Federal Register* on June 26, 2018 (83 FR 29828). If the Commission approves the Agreement State application, the NRC will discontinue and the State of Wyoming will assume regulatory authority over all uranium recovery activities in the State, including the Gas Hills Uranium Recovery Project license.

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Mary Jo Rugwell, Bureau of Land Management

SUBJECT: REQUEST TO AMEND THE GAS HILLS URANIUM RECOVERY PROJECT
PROGRAMMATIC AGREEMENT
DATED: AUGUST 1, 2018

DISTRIBUTION:

C. Einberg, NMSS
C. Roman-Cuevas, NMSS
J. Park, NMSS

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OFC	NMSS/MSST	NMSS/MSST	OGC	NMSS/MSST
NAME	SPoy	PMichalak	Via e-mail TCampbell	DCollins
DATE	7/24/18	7/27/18	7/24/18	8/1/18

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