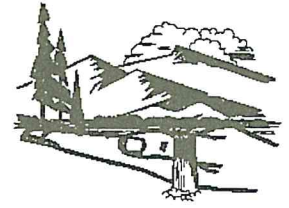




Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor



Todd Parfitt, Director

December 19, 2018

Andrea Koch, Director
U.S. Nuclear Regulatory Commission
Division of Material Safety, State, Tribal and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards

Two White Flint North
11545 Rockville Pike
Rockville, MD, 20852-2738

RE: Revision of Wyoming Statute §35-11-2004(c)

Dear Ms. Koch:

In the approval of the Wyoming application to become an Agreement State the NRC approved the application with the condition that Wyoming change W.S. §35-11-2004(c) to conform with the Atomic Energy Act § 83b.(1)(A). The final Agreement states in Article VIII(A)(1) "This Agreement will terminate without further NRC action if the State does not amend Wyoming Statute Section 35-11-2004(c) to be compatible with Section 83b.(1)(A) of the Act by the end of the 2019 Wyoming legislative session. Upon passage of a revised Wyoming Statute Section 35-11-2004(c) that the NRC finds compatible with Section 83b.(1)(A) of the Act, this paragraph expires and is no longer part of the Agreement."

To comply with this part of the Agreement, the Wyoming Department of Environmental Quality is providing a draft copy of House Bill No. HB0011 that details the changes to W.S. §35-11-2004(c) (Attachment 1). The bill will be presented in the 2019 legislative session. This language is being sent to the NRC for regulatory concurrence. The legislative session begins on January 8th, 2018, the WDEQ is requesting that the NRC review the proposed language to ensure that the language is compatible with Section 83b.(1)(A) of the Atomic Energy Act.

Due to the short time frame, the WDEQ requests that the NRC responds to this letter as quickly as possible. If no response is received prior to the commencement of the legislative session, the WDEQ will assume that the language is compatible with Section 83.b.(1)(A). The WDEQ expresses appreciation for the quick turn around on this matter.

Sincerely


Ryan Schierman

Uranium Recovery Program Manager

Attachment 1

HOUSE BILL NO. HB0011

Nuclear regulatory agreement-conforming amendment.

Sponsored by: Joint Minerals, Business & Economic Development
Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; amending the
2 nuclear regulatory agreement to conform to federal regulation
3 requirements for termination of byproduct material licenses;
4 and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 35-11-2004(c)(ii) is amended to read:

9

10 **35-11-2004. License conditions; termination of**
11 **licenses.**

12

13 (c) Prior to terminating a byproduct material license
14 the department shall ensure the ownership of a disposal site

1 and the byproduct material resulting from licensed activity
2 are transferred to:

3

4 (ii) The federal government if the state declines
5 to acquire ~~the site, the byproduct material, or~~ both the site
6 and the byproduct material.

7

8 **Section 2.** This act is effective July 1, 2019.

9

10

(END)