



## **POLICY ISSUE** **(Notation Vote)**

April 2, 2026

SECY-26-0045

**FOR:** The Commissioners

**FROM:** Michael F. King  
Executive Director for Operations

**SUBJECT:** AMENDMENT TO THE SECTION 274b. AGREEMENT WITH THE  
STATE OF WYOMING

**PURPOSE:**

To request Commission approval of the amended Agreement with the State of Wyoming (Wyoming or State).

**SUMMARY:**

The U.S. Nuclear Regulatory Commission (NRC) staff recommends that the Commission approve the amended Agreement with the State of Wyoming under Section 274 of the Atomic Energy Act of 1954, as amended (AEA). The NRC staff concludes that the Wyoming program is compatible with the Commission's program and provides reasonable assurance of adequate protection of public health and the environment with respect to the materials covered by the amended Agreement.

**BACKGROUND:**

On August 5, 2025, Wyoming Governor Mark Gordon requested that the Commission amend the Agreement with the State under Section 274b. of the Act (Agencywide Documents Access and Management System (ADAMS) Accession No. [ML25227A232](#)). In SECY-25-0096, "Proposed Amended Agreement Between the State of Wyoming and the Commission Pursuant to Section 274 of the Atomic Energy Act of 1954, As Amended" ([ML25237A058](#)), the NRC staff

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presented a draft of its assessment of the proposed Wyoming program for the regulation of agreement materials in the amended Agreement.

The Commission approved the staff's recommendation to proceed with processing Wyoming's application in a Staff Requirements Memorandum dated January 26, 2026, titled "Staff Requirements - SECY-25-0096 - Proposed Amended Agreement Between the State of Wyoming and the Commission Pursuant to Section 274 of the Atomic Energy Act of 1954, As Amended"<sup>1</sup> ([ML26026A310](#)).

As required by Section 274e. of the Act, the NRC staff published the proposed amended Agreement for public comment in the *Federal Register* on January 30, 2026 ([91 FR 4114](#)), February 6, 2026 ([91 FR 5521](#)), February 13, 2026 ([91 FR 6907](#)), and February 20, 2026 ([91 FR 8278](#)). The comment period ended on March 2, 2026. The NRC also made the full-text of the draft staff assessment available in ADAMS and the Public Electronic Reading Room.

The amended Agreement (Enclosure 1) will allow the State of Wyoming to assume regulatory authority over source material recovered from any mineral resources processed primarily for purposes other than its uranium or thorium content. Since 2018, Wyoming's existing Agreement allows the State to assume regulatory authority over byproduct materials as defined in Section 11e.(2) of the AEA, and source materials involved in the extraction or concentration of uranium or thorium in source material and ores at milling facilities.

#### DISCUSSION:

##### *Staff Assessment*

Based on the staff's final assessment (Enclosure 2) of the Wyoming Agreement State program, the staff concluded that the State satisfies the Commission's policy statement<sup>2</sup> and therefore meets the requirements of Section 274 of the Act.

##### *Public Comments*

In the *Federal Register* notice, the NRC staff requested comments regarding (1) the proposed Agreement and its effect on public health and safety; (2) the staff's draft assessment of the Wyoming Agreement State program; (3) the adequacy of the State's source material program; and (4) adequacy of the staffing of the State's program. In addition to the *Federal Register* notice, the staff sent letters requesting comments to Wyoming Tribes ([ML26035A382](#)), Federal agencies ([ML26016A609](#)) and all Agreement States and the State Liaison Officers ([ML26008A156](#)).

The NRC received two anonymous comment documents from members of the public ([ML26064A043](#) and [ML26064A044](#)). The first document contained one out of scope comment opposing the proposed amended Agreement due to the planned nuclear projects for AI data centers. The second commentor opposed the proposed amended Agreement for several reasons, including that amended Agreement is for a subcategory of source material which is not

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<sup>1</sup> The Commission also approved the staff to revise Management Directive 5.8, "Proposed Section 274b. Agreements with States" after the final approval of the amended Wyoming Agreement to require future amendments of any Agreement to be done in their entirety.

<sup>2</sup> "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement," published January 23, 1981 ([46 FR 7540](#)), correction published July 16, 1981 ([46 FR 36969](#)), and a revision of criterion 9 published July 21, 1983 ([48 FR 33376](#)).

readily distinguishable and will cause jurisdictional issues. The staff analysis of the public comments is set forth in Enclosure 3. No changes in the proposed Agreement or the staff's conclusions in the draft staff assessment of the State's program were made in response to the comments.

#### *Transfer of Licenses*

Under the amended Agreement, the NRC would transfer one specific license to the State of Wyoming. The NRC staff is working closely with Wyoming's staff to ensure a smooth transition of current and pending licensing, inspection, and enforcement activities involving the license to be transferred. The NRC staff is working to ensure that any major licensing actions are completed before the transfer. In the event a major licensing action is not completed before the transfer, the NRC staff will ensure the transfer to the State of Wyoming will occur in an orderly fashion.

#### *Actions Pending Against Licensees*

At the current time, there are no escalated enforcement actions pending against the licensee being transferred to the State of Wyoming. Additionally, there are no outstanding orders, confirmatory action letters, or Title 10 of the *Code of Federal Regulations* (10 CFR) 2.206 petitions associated with that license. If any enforcement action arises between now and the effective date of the amended Agreement, and the action is not resolved by the effective date of the amended Agreement, the enforcement action would be retained by the NRC, and the NRC would coordinate with the State of Wyoming regarding the resolution of this action.

#### *Effective Date of the Amended Agreement*

The Governor of Wyoming requested that the amended Agreement go into effect by the end of March 2026. Due to the lapse in government funding in October and November 2025, the effective date was moved to April 30, 2026. To accommodate this request, the staff requests that the Commission reach a decision on the staff's recommendations by April 13, 2026, to allow adequate time for preparation of the amended Agreement for signature, the orderly transfer of files, and the assumption of authority by the State. The NRC staff seeks to finalize and issue the amended Agreement by April 30, 2026.

See Enclosure 4 for a schedule of the remaining steps for processing the amended Agreement.

#### IMPLEMENTATION:

Following the effective date of the amended Agreement, the NRC staff will continue to interact with Wyoming. This interaction will include the exchange of regulatory information, notices of NRC training courses, and periodic onsite reviews of the State's program for the regulation of agreement materials. The regulatory information exchange includes reports of incidents; significant enforcement actions; and amendments to policies, regulations, or guidance.

The Wyoming Agreement State program has been reviewed under the Integrated Materials Performance Evaluation Program (IMPEP) twice since becoming an Agreement State in 2018. The State's last IMPEP review was conducted June 24–27, 2024, and the program was found to provide reasonable assurance of adequate protection of public health and the environment and compatible with the NRC's program ([ML24285A150](#)). Typically, an IMPEP is conducted

approximately 18 months after an Agreement becomes effective. However, since the additional subcategory of source material authorized under the amended Agreement is of comparable regulatory oversight and to the State's current regulatory authority and the size of the program will only increase by one license, NRC Staff do not plan to modify Wyoming's IMPEP schedule to have a review within 18 months of the effective date of the amended Agreement. The next routine IMPEP review of Wyoming's program is scheduled to occur in June 2028 and will occur in accordance with the guidance in Management Directive 5.6, "Integrated Materials Performance Evaluation Program (IMPEP)" ([ML19213A024](#)). Prior to the next routine IMPEP review, dependent upon the State's amended Agreement, a periodic meeting is scheduled to be held virtually on June 24, 2026, which will cover both the uranium recovery and source material programs. A periodic meeting is a meeting to help the Agreement States and the NRC remain knowledgeable of the others' respective radiation control programs in between IMPEP reviews and to plan for future IMPEP reviews.

#### RESOURCES:

In Enclosure 3 to SECY-25-0096, which is not publicly available, the NRC staff provided resources estimates. Those resource estimates have not changed and continue to sufficiently address activities discussed in this SECY paper.

#### CONCLUSION:

The NRC staff concludes that the State of Wyoming satisfies the criteria in the Commission's policy statement "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement," (46 FR 7540; January 23, 1981), and thus that the amended Agreement meets the requirements of Section 274 of the AEA.

Wyoming's program to regulate materials under the amended Agreement is 1) compatible with the Commission's program, and 2) adequate to protect the public health and safety with respect to the materials covered by the amended Agreement.

#### RECOMMENDATIONS:

The staff recommends that the Commission:

1. Find:

(a) That the Wyoming program to assume regulatory authority over source material recovered from any mineral resources processed primarily for purposes other than its uranium or thorium content, is compatible with the Commission's program for the regulation of that material; and

(b) That the Wyoming program provides reasonable assurance of adequate protection of public health and the environment within the State with respect to the material and uses covered by the proposed amended Agreement.

2. Approve:

- (a) The amended Agreement between the State of Wyoming and the NRC pursuant to Section 274 of the AEA, as set forth in Enclosure 1, by April 13, 2026, to provide adequate time for the signing of the Agreement, the orderly transfer of license files, and the assumption of regulatory authority by the State of Wyoming on April 30, 2026.

3. Note:

- (a) The Governor of Wyoming has requested a formal signing ceremony. Upon approval of the amended Agreement by the Commission, the NRC staff will prepare the formal documents for the Chairman's and Governor's signatures.
- (b) Pursuant to the AEA, the Small Business Regulatory Enforcement and Fairness Act of 1996, and Commission guidance, the staff will inform the Speaker of the House of Representatives, the President of the Senate, the Wyoming Congressional delegation, and the Director of the Government Accountability Office of the Commission's decision.
- (c) The NRC Office of Public Affairs will issue a press release.
- (d) The agency will publish the text of the amended Agreement in the *Federal Register*, as required by Section 274e. of the AEA, within 30 days after the amended Agreement is signed (Enclosure 5).

COORDINATION:

In developing this paper, the staff fully considered all views expressed during the decision-making process. Where differing perspectives were presented, those views were either incorporated into the paper's analysis and recommendation or were carefully evaluated and not adopted based on their merits. The recommendation set forth in this paper reflects the staff's considered and final judgment on the issues under review.

This paper has been coordinated with the Office of the General Counsel, which has no legal objection. The Office of the Chief Financial Officer has reviewed this paper for resource implications and has no objection.



Michael F. King  
Executive Director  
for Operations

Enclosures:

1. An Amended Agreement between the NRC and the State of Wyoming
2. Staff Assessment of the Wyoming Program as Described in the Request for an amended Agreement
3. Responses to Public Comments State of Wyoming: NRC Staff Assessment of a Proposed Amendment to the Agreement Between the Nuclear Regulatory Commission and the State of Wyoming
4. Processing Schedule for Amended Wyoming Agreement
5. Final Wyoming Agreement  
*Federal Register* Notice (nonpublic)

SUBJECT: AMENDMENT TO THE SECTION 274b. AGREEMENT WITH THE STATE OF  
WYOMING DATED: April 2, 2026

**ADAMS Accession No.: ML26051A287 (PKG); ML26051A286 (SECYP)  
ML26051A289(ECL1); ML26051A290(ECL2); ML26051A291(ECL3); ML26051A288(ECL4);  
ML26051A292(ECL5)  
ML26083A132(SCD-Non-public)  
Concurrence 20260220-50016**