



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

July 18, 2017

Kyle Wendtland, Administrator
Wyoming Department of Environmental Quality
Land Quality Division
200 W. 17th Street
Cheyenne, WY 82002

Dear Mr. Wendtland:

We have reviewed the proposed regulations on general licensing in Chapter 10 of Wyoming's Uranium Recovery Program Rules, received by our office on May 3, 2017. Wyoming submitted the proposed regulations in response to Comment No. 57 in the NRC's April 20, 2017 letter evaluating the Wyoming draft application package for a limited 274b. Agreement for source material involved in uranium or thorium milling or recovery, and associated 11e.(2) byproduct material (Agencywide Document Access and Management System Accession No. ML17062A962). The proposed regulations were reviewed by comparison to the criteria in Section 4.1.1 of the Office of Nuclear Material Safety and Safeguards (NMSS) procedure SA-700 and Handbook, "*Processing an Agreement*" (<https://scp.nrc.gov/procedures/sa700.pdf>). We discussed our comments of the proposed regulations with Ryan Schierman on May 25, 2017. As a result of our discussions, the U.S. Nuclear Regulatory Commission (NRC) and the Wyoming Uranium Recovery Program agree that Wyoming does not need to adopt the regulatory provisions relating to the issuance of general licenses that are normally needed for compatibility because of the scope of the limited agreement approved by the Commission in SRM 16-0084.

Under the terms of the Agreement, Wyoming will only obtain regulatory authority over source material involved in uranium or thorium milling or recovery and 11e.(2) byproduct material. The on-site laboratories associated with these activities would be covered under the facility's specific Wyoming license. Since Wyoming is not adopting general licensing regulations, Wyoming would issue a specific license for any situations that would normally be covered under these general license provisions. The NRC will retain regulatory authority over off-site independent or commercial laboratories in the State

As a result of our review, correspondence and subsequent discussions, we have the following comment:

- Please delete Chapter 10 in its entirety from Wyoming's Uranium Recovery Rules. In addition, please remove any language from Wyoming's Uranium Recovery Rules that indicates that Wyoming will incorporate by reference 10 CFR §§ 40.20, 40.21, 40.22, and 40.26.

Normally, Agreement States are required to adopt the following regulatory provisions: 10 CFR §§ 40.20, Types of license, 40.21, General license to receive title to source or byproduct material, 40.22, Small quantities of source material, and 40.26, General license for possession

and storage of byproduct material as defined in this part. The NRC has reviewed these regulations with regard to the scope of the limited Agreement approved by the Commission in SECY 16-0084, and determined Wyoming not adopting these regulatory provisions to issue general licenses, will not create a conflict, gap or duplication with regard to the regulation of agreement materials on a nationwide basis.

If you have any questions, please contact Michelle Beardsley, State Regulation Review Coordinator at (267) 884-2305 (Michelle.Beardsley@nrc.gov), or Stephen Poy at (301) 415-7135 (Stephen.Poy@nrc.gov).

Sincerely,

/RA Paul Michalak for/

Kevin Williams, Deputy Director
Division of Material Safety, State, Tribal
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards