



Mark Gordon, Governor

Department of Environmental Quality

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



Todd Parfitt, Director

MEMORANDUM

TO: Nicole Budine, Assistant Attorney General

FROM: Kyle Wendtland, Administrator, Land Quality Division *KW*

DATE: April ¹³~~8~~, 2022

PRIORITY: HIGH – Deadline for response is April ¹⁷~~10~~, 2022

SUBJECT: Request for review of proposed rules for statutory authority

Ms. Budine:

The Department of Environmental Quality, Land Quality Division (LQD) is proposing to promulgate revisions to the LQD's Uranium Recovery Program Chapters 3 – Radiation Protection Standards, 4 – Licensing Requirements for Source and Byproduct Material, 5 – Notices, Instructions, and Reports to Workers, and 9 – Transportation of Radioactive Material. The proposed revisions are intended to update the incorporation by reference dates, correct regulatory citations and make minor grammatical corrections. The LQD Advisory Board reviewed the rules during a meeting held on March 22, 2022. The Board recommended the rules proceed to formal rulemaking before the Environmental Quality Council. The LQD is seeking a review of the proposed rules for statutory authority prior to submitting the rules to the Governor's Office for permission to proceed to formal rulemaking.

Attached you will find a copy of the draft rules, the takings analysis and a draft memo to the Governor seeking permission to proceed to formal rulemaking. If you have any questions or need additional information regarding the proposed rules please do not hesitate to contact me.

Attorney General's Response Options:

Proposed Rules are within the Division's statutory authority, Division may seek permission to proceed from the Governor's Office.

Proposed rules exceed statutory authority, delay proceeding with rulemaking

Nicole Budine
 Signature: Nicole Budine, Assistant Attorney General Date: 4/14/2022