



Department of Environmental Quality

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



Mark Gordon, Governor



Todd Parfitt, Director

MEMORANDUM

TO: David Dewald, Deputy Attorney General

FROM: Kyle Wendtland, Administrator, Land Quality Division *KW 8/2/24*

DATE: August 2, 2024

PRIORITY: HIGH – Deadline for response is August 16, 2024

SUBJECT: Request for review of proposed rules for statutory authority

Mr. Dewald:

The Department of Environmental Quality, Land Quality Division (LQD) is proposing to amend the Uranium Recovery Program's (URP), Chapter 4 – Licensing Requirements for Source and Byproduct Material. The proposed rules were drafted in to an October 23, 2023 request from the Wyoming Mining Association to change the URP license terms from a maximum of ten years to twenty years. The proposed change aligns with the Nuclear Regulatory Commission's guidance in the November 9, 2017 SECY Paper 17-0086. The LQD Advisory Board reviewed the change to URP Chapter 4 at a March 21, 2024 meeting. The Board recommended the rules proceed to formal rulemaking before the Environmental Quality Council at the 3/21/2024 meeting. 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

[Handwritten Signature]

Signature: Wyoming Attorney General's Office

8/16/24
Date