



# 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 *MW 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 promulgate nine new chapters of rules for the Source Material Program. The proposed rules were drafted in response to 2023 House Bill 0061 which granted the DEQ authority to promulgate regulations to become an agreement state with the Nuclear Regulatory Commission for the regulation of source material. The LQD Advisory Board reviewed Chapters 1 through 9 at four separate Board meetings held on 9/21/2023, 12/14/2023, 3/21/2024, and 6/20/2024. The Board recommended the rules proceed to formal rulemaking before the Environmental Quality Council at the 6/20/2024 LQD Advisory Board 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

*[Signature]*  
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 Signature: Wyoming Attorney General's Office

*8/16/24*  
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 Date