



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

September 16, 2024

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

SUBJECT: WYOMING PROPOSED SOURCE MATERIALS PROGRAM REGULATIONS

Dear Kyle Wendtland:

We have reviewed the proposed Wyoming Source Materials Program regulations received by our office on May 24, 2024. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules in Title 10 of the *Code of Federal Regulations* (10 CFR). We discussed our review of the regulations with Brandi O'Brien on July 11, 2024.

As a result of our review, we have 18 comments and 6 editorial suggestions that have been identified in the Enclosure 1. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that the Wyoming regulations meet the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final Wyoming regulations. However, we have determined that if your proposed regulations were adopted, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the final changes and provide a copy to Division of Materials Safety, Security, State, and Tribal Programs, NMSS.

The SRS Data Sheet in Enclosure 2 summarizes our knowledge of the status of other Wyoming regulations, as indicated. Please let us know if you note any inaccuracies or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on: <https://www.nrc.gov/agreement-states>.

If you have any questions regarding the review, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact my staff at AgreementStateRegs.Resource@nrc.gov.

Sincerely,



Signed by Giantelli, Adelaide
on 09/16/24

Adelaide S. Giantelli, Chief
State Agreement and Liaison Programs Branch
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. Wyoming SRS Data Sheet

COMPATIBILITY COMMENTS ON WYOMING'S PROPOSED REGULATIONS

STATE SECTION	NRC SECTION	CATEGORY	SUBJECT and COMMENTS
1	Chapter 1 Section 5	20.1003	<p>A</p> <p>Definitions – Background Radiation</p> <p>In the definition of “background radiation,” the language should state that “[b]ackground radiation from source, byproduct, or special nuclear materials regulated by the Commission [or the Department.]”</p> <p>Wyoming has not included the “or the Department” language in the definition for “background radiation” in Chapter 1, Section 5(o)(iv).</p> <p>Therefore, Wyoming needs to add “or the Department” language to account for Wyoming’s limited authority to regulate special nuclear material and limited byproduct authority.</p> <p>Definitions – Sanitary sewerage</p> <p>In the definition of “sanitary sewerage” the language should state “owned or operated by the licensee.”</p> <p>In Wyoming’s definition of “sanitary sewerage” in Chapter 1, Section 5(cx) the language states “owned and operated by the licensee.”</p> <p>Therefore, Wyoming needs to revise the language in the definition of “sanitary sewerage” to “owned or operated by the licensee.”</p>
2	Chapter 1 Section 6 & Chapter 3 Section 4	20.1004(b)	<p>A</p> <p>Units of radiation dose</p> <p>Wyoming incorporates by reference the requirement in 20.1004(b) in Chapter 3 Section 4 and adopts the same requirement in Chapter 1 Section 6(c).</p> <p>To correct this duplication, Wyoming needs to do one of the following:</p> <ol style="list-style-type: none"> 1. Delete paragraph (c) in Chapter 1 Section 6, including Table 1, or

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				<p>2. Include 20.1004(b) in the list of requirements excluded from incorporation by reference in Chapter 3 Section 4(b).</p> <p>Note: If Option 2 is selected, Wyoming will additionally need to add language to reconcile the reference in 20.1004(c) [which is also incorporated by reference] to 20.1004(b).</p> <p>Wyoming needs to make this change to avoid creating duplication and conflict in its rules.</p>
3	<p>Chapter 1 Section 9</p> <p>Chapter 4 Section 4</p>	40.10	C	<p>Deliberate misconduct</p> <p>Wyoming needs to revise the deliberate misconduct requirement in Chapter 1, Section 9:</p> <ol style="list-style-type: none"> 1. Revise paragraph (a) to read “Any licensee, applicant for a license, employee of a licensee or applicant; or any contractor (including a supplier or consultant), subcontractor, employee of a contractor or subcontractor of any licensee or applicant for a license, who knowingly provides to any licensee, applicant, contractor, or subcontractor, any components, equipment, materials, or other goods or services that relate to a licensee's or applicant's activities in this part, may not:” 2. In subparagraph (a)(i), replace the term “this Chapter” with the term “these rules.” 3. Paragraph (a)(ii) should state “Deliberately submit to the Department, a licensee, an applicant, or a licensee's or applicant's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the Department.” 4. Redesignate the current paragraph (a)(ii) as paragraph (b). Subparagraphs (a)(ii)(A)&(B) would then be redesignated to (b)(i)&(ii), respectively. 5. Redesignate the current paragraph (b)

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				<p>as paragraph (c). 6. Delete the current paragraph (c).</p> <p>Additionally, Wyoming also adopts the deliberate misconduct requirements in Chapter 4, Section 4. Wyoming needs to delete one of these sections to avoid duplication.</p> <p>Wyoming needs to make these changes to meet the Compatibility Category C designation of 10 CFR 40.10.</p>
4	<p>Chapter 1 Section 10(b)</p> <p>Chapter 4 Section 6(g)</p>	40.11	B	<p>Persons using source material under certain DOE and NRC contracts</p> <p>In Chapter 1, Section 10(b) and in Ch 4 Sec 6(g), Wyoming has duplicative language to address 10 CFR 40.11. To avoid duplication and keep all regulatory exemptions together in the same section, please delete Chapter 1, Section 10(b).</p>
5	<p>Chapter 1 Section 10(c)</p> <p>Chapter 4 Section 6(f)</p>	40.12(a)	B	<p>Carriers</p> <p>Previously, the NRC provided a comment on Chapter 1, Section 10, stating, "Unless this is covered in another chapter, Wyoming needs to incorporate the exemption for carriers in 10 CFR 40.12(a) to meet the Compatibility B designation."</p> <p>In response, Wyoming added Chapter 1, Section 10(c), which states "The Department fully adopts and hereby incorporates by reference the exemption in 10 C.F.R. 40.12(a) for common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service."</p> <p>However, Wyoming already has a compatible regulation on the exemption in 40.12(a) in Chapter 4, Section 6(f).</p> <p>To avoid duplication, please delete Chapter 1, Section 10(c).</p>

STATE SECTION		NRC SECTION	CATEGORY	SUBJECT and COMMENTS
6	Chapter 1 Section 10(d) Chapter 4 Section 6(a)-(d)	40.13		<p>Unimportant quantities of source material</p> <p>Previously, the NRC provided a comment on Chapter 1, Section 10, stating, “Unless this is covered in another chapter, Wyoming needs to incorporate requirements for unimportant quantities of source material in 10 CFR 40.13, with the exclusion of 40.13(c)(5)(iv), to meet the Compatibility B designation.”</p> <p>In response, Wyoming added Chapter 1, Section 10(d), which states “<u>The Department fully adopts and hereby incorporates by reference the requirements for unimportant quantities of source material in 10 C.F.R. 40.13, along with the exclusion of 40.13(c)(5)(iv).</u>”</p> <p>However, Wyoming already has regulations equivalent to 10 CFR 40.13(a)-(d) (with the appropriate exclusion of 40.13(c)(5)(iv) in Chapter 4, Section 6(a)-(d).</p> <p>To avoid duplication, please delete Chapter 1, Section 10(d).</p>
7	Chapter 3 Section 4(e)	Part 20	NA	<p>10 CFR Part 30 is not applicable to Wyoming’s Source Material Program.</p> <p>Revise paragraph (e) of Chapter 3 Section 4 to add 10 CFR Part 30 to the list of federal rules that are not adopted under the incorporation of 10 CFR Part 20.</p>
8	Chapter 3 Section 4	Part 20	NA	<p>Reconciliation of Incorporation by Reference</p> <p>The NRC reviewed the Parts of 10 CFR that Wyoming proposes to incorporate by reference and there are multiple instances where additional reconciliation language is needed to ensure that areas outside of Wyoming’s authority are not inappropriately incorporated, and that reference to NRC or NRC regulations are not inadvertently read out of the regulatory text, as incorporated. This additional reconciliation language is also needed to provide additional clarity and avoid confusion.</p>

STATE SECTION	NRC SECTION	CATEGORY	SUBJECT and COMMENTS
			<p>To address this issue, please add new paragraph(s) in Chapter 3, Section 4 stating the following:</p> <ol style="list-style-type: none"> 1. Reports and notifications referenced in 10 CFR 20.2201-20.2207 (except as excluded in paragraph (b) of this Section), shall be directed to the Department [Note: consider providing contact information here]. 2. In 10 CFR 20.1201, references to "20.1206" are not incorporated by reference. 3. In 10 CFR 20.1401(a) a reference to "this subpart" means "10 CFR 20.1401-1405." 4. In 10 CFR 20.1401(a) a reference to "facilities licensed under part 40" means "facilities licensed under these rules." 5. In 10 CFR 20.1403(d) and 20.1404(a)(4) the reference to "40.42(d)" means "Chapter 4 Section 16(a)-(c) of these Rules." 6. In 10 CFR 20.1501(b) the phrase "§§ 30.35(g), 40.36(f), 50.75(g), 70.25(g), or 72.30(d)" means "[insert applicable section of Chapter 6]." 7. In 20.1906 references to "§ 71" and "part 71 of this chapter" mean the specified section in "10 CFR 71", as incorporated by reference in Chapter 9 of these rules. 8. The notifications required by 10 CFR 20.1906(d) and 20.2201(a)(2) must be made to [insert department info]. 9. In 10 CFR 20.2108 "§§ 30.51, 40.61, 70.51, and 72.80" means "10 CFR 40.61," as incorporated by reference in Chapter 1 Section 11(c) of these rules. 10. In 10 CFR 20.2205, the reference to "20.2204" is not incorporated. 11. References regarding Parts 30, 50, 52, 54, 60, 61, 63, and 72 and any sections within those parts, are not incorporated by reference. <p>Wyoming needs to make these changes to</p>

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				<p>reconcile differences created due to incorporation by reference.</p> <p>Additionally, we recommend that Wyoming add 10 CFR 20.1403(c)(2) to the list of regulations not incorporated by reference as this regulation is specific to Part 30, which is outside the scope of Wyoming’s program.</p>
9	Chapter 4 Section 3	Part 40	NA	<p>Reconciliation of Incorporation by Reference</p> <p>The NRC reviewed the Parts of 10 CFR that Wyoming proposes to incorporate by reference and there are multiple instances where additional reconciliation language is needed to ensure that areas outside of Wyoming’s authority are not inappropriately incorporated, and that reference to NRC or NRC regulations are not inadvertently read out of the regulatory text, as incorporated. This additional reconciliation language is also needed to provide additional clarity and avoid confusion.</p> <p>To address this issue, please add new paragraph (d) in Chapter 3, Section 3 stating:</p> <p>To reconcile differences due to incorporation of 10 CFR Part 40 by reference in paragraph (a), the following substitutions and clarifications must be made:</p> <ol style="list-style-type: none"> 1. A reference to “the Act” or “the act” means “[appropriate State Statutes]”, except in 10 CFR 40.51(b)(2). 2. A reference to “NRC”, “Commission”, or “Atomic Energy Commission” means the “Department”, except in 10 CFR 40.51(b)(2). 3. A reference to “Commission or an Agreement State”; “Commission or with an Agreement State”, “Commission or the licensing agency of an Agreement State” means the “Department, NRC, or Agreement State”. 4. Communications and reports referenced in 10 CFR 40.22(b)(4) and (c) and 40.55(d)(1), shall be directed to the Department.

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				<p>5. In 40.22(a), the word “Federal” is not incorporated.</p> <p>6. In 40.22(b)(3), reference to “§§ 40.1 through 40.10, 40.41(a) through (e), 40.46, 40.51, 40.56, 40.60 through 40.63, 40.71, and 40.81” is substituted with “10 CFR 40.41(a)-(c), 40.51, and 40.61; Chapter 2 Section 3; and Chapter 4 Sections 2(b), 4, 8(e), 10(c), and 14.”</p> <p>7. In 40.22(b)(5) a reference to “part 110 of this chapter” means “10 CFR part 110”.</p> <p>8. In 40.22(d), a reference to “parts 19, 20, and 21 of this chapter” means “Chapters 3 and 5 of these rules”.</p> <p>9. In 40.51(b)(3) a reference to “regulations in this part” means “regulations in this Chapter and Chapter 6”.</p> <p>10. In 40.54(a) a reference to “§ 40.32” means “Section 8 of this Chapter”.</p> <p>11. In 40.55(d)(2) a reference to “Agreement State” means “NRC or Agreement State”.</p> <p>Note: Item 5 above may differ depending on how Wyoming resolves the comments regarding the duplication of 10 CFR 40.10 and 40.62. Specifically, “Chapter 2 Section 3” may become “Chapter 4 Section 8(j)” [this is the equivalent to 40.62] and “Chapter 4 Section 4” may become “Chapter 1 Section 9” [this is the equivalent to 40.10].</p> <p>Wyoming needs to make these changes to reconcile differences created due to incorporation by reference.</p>
10	Chapter 4 Section 3	Part 150	NA	<p>Reconciliation of Incorporation by Reference</p> <p>The NRC reviewed the Parts of 10 CFR that Wyoming proposes to incorporate by reference and there are multiple instances where additional reconciliation language is needed to ensure that areas outside of Wyoming’s</p>

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			<p>authority are not inappropriately incorporated, and that reference to NRC or NRC regulations are not inadvertently read out of the regulatory text, as incorporated. This additional reconciliation language is also needed to provide additional clarity and avoid confusion.</p> <p>To address this issue, please add new paragraph (e) in Chapter 4, Section 3 stating:</p> <p>To reconcile differences due to incorporation of 10 CFR Part 150.20 by reference in paragraph (c), the following substitutions and clarifications must be made:</p> <ol style="list-style-type: none"> 1. Where the words: <ol style="list-style-type: none"> a. “non-agreement states”, “areas of exclusive federal jurisdiction within agreement states”, or “offshore waters” are used in (a)(1)(i), (ii), (iii), (b), (b)(3), and (b)(4), substitute the words “the State of Wyoming”, b. “agreement state license” are used, substitute “agreement state license or Nuclear Regulatory Commission license”, c. “license issued by an agreement state” are used, substitute “license issued by an agreement state or the Nuclear Regulatory Commission”, and d. “license from an agreement state” are used, substitute “license from an agreement state or the Nuclear Regulatory Commission.” 2. In 150.20(b) reference to “the Act” means “[appropriate State Statutes]”. 3. A reference to “NRC”, “Commission”, “Nuclear Regulatory Commission”, “United States Nuclear Regulatory Commission” or “Administrator of the appropriate Regional Office” means the Department”. 4. Notifications and reports in 10 CFR 150.20 concerning regulations adopted pursuant to section [applicable State

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				<p>statute] and applications filed in response to such regulations shall be addressed to the [State agency address].</p> <p>5. Instructions in 10 CFR 150.20 to use forms of the NRC means to use forms of the Department, which will be available on [State website] or available upon request from the [State agency address].</p> <p>Wyoming needs to make these changes to reconcile differences created due to incorporation by reference.</p>
11	Chapter 4 Section 8	40.41(c)	C	<p>Terms and conditions of licenses</p> <p>Wyoming only partially adopts 10 CFR 40.41(c). Specifically, Section 8(f) of Chapter 4 only contains the first sentence of 10 CFR 40.41(c). Section 8(f) should be revised to read as follows:</p> <p><u>“Each licensee pursuant to these rules shall confine use and possession of licensed material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to these rules shall carry with it the right to receive, possess, and use source or byproduct material. Preparation for shipment and transport of source or byproduct material shall be in accordance with the provisions of Chapter 9 of these rules.”</u></p> <p>Wyoming needs to make these changes to meet the Compatibility Category C designation of 10 CFR 40.41(c).</p>
12	Chapter 4 Section 8 Chapter 2 Section 3	40.62	D	<p>Inspections</p> <p>In Chapter 4 Section 8(j), Wyoming adopts language similar to 10 CFR 40.62. However, Wyoming also adopts 10 CFR 40.62 in Chapter 2 Section 3 “Inspections and Testing.” Wyoming needs to delete one of the</p>

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				<p>duplicative requirements.</p> <p>Note – The language in Chapter 4 Section 8(j) is slightly different than that in Chapter 2 Section 3(a) and Wyoming may incorporate some or all of that language into Chapter 2 Section 3.</p>
13	Chapter 4 Section 9	NA	NA	<p>Paragraphs (g) and (h) of Chapter 4 Section 9 are specific to uranium recovery. Wyoming should remove these paragraphs since they are not relevant to the source material program to avoid creating conflict or confusion.</p>
14	Chapter 4 Section 17	40.42(g)(5)	H&S	<p>Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas</p> <p>Wyoming has adopted the requirement of 40.42(g)(5) in Chapter 4 Section 17(a). Additionally, Wyoming incorporates by reference 40.42(g)(5). Wyoming needs to fix this duplication by deleting 40.42(g)(5) from the list of requirements incorporated by reference in Chapter 4 Section 3(a).</p>
15	Chapter 5 Section 3	Part 19	NA	<p>Reconciliation of Incorporation by Reference</p> <p>The NRC reviewed the Parts of 10 CFR that Wyoming proposes to incorporate by reference and there are multiple instances where additional reconciliation language is needed to ensure that areas outside of Wyoming's authority are not inappropriately incorporated, and that reference to NRC or NRC regulations are not inadvertently read out of the regulatory text, as incorporated. This additional reconciliation language is also needed to provide additional clarity and avoid confusion.</p> <p>To address this issue, please add new paragraphs in Chapter 5, Section 3 stating:</p> <ol style="list-style-type: none"> 1. The statement required by 10 CFR 19.13 is revised to "This report is furnished to you under the provisions of

STATE SECTION		NRC SECTION	CATEGORY	SUBJECT and COMMENTS
				<p>Chapter 5 of Wyoming’s Rare Earth Program. You should preserve this report for further reference.”</p> <ol style="list-style-type: none"> 2. In 10 CFR 19.13(c)(1)(i) references to “20.1502” and “20.2106” mean “10 CFR 20.1502” and “10 CFR 20.2106,” as incorporated by reference in Chapter 3 of these rules. 3. In 10 CFR 19.13(d) a reference to “20.2202, 20.2203 or 20.2204 of this chapter” means “10 CFR 20.2202 and 20.2203,” as incorporated by reference in Chapter 3 of these rules. 4. In 10 CFR 19.17(a) the complainant may obtain review of the determination by submitting a written statement of position to [State Department’s Address]. 5. In 10 CFR 19.20 the references to “holder of a certificate of compliance issued under part 76 of this chapter” are not incorporated by reference. 6. In 10 CFR 19.20 the reference to “19.2(a)” means “Section 2 of this Chapter”. 7. In 10 CFR 19.20 the reference to “this part or parts 30, 40, 50, 52, 54, 60, 61, 63, 70, 72, 76, or 150 of this chapter” means “these rules”.
16	Chapter 6 Section 2	20.1401-1405	NA	<p>Incorporation by Reference of 10 CFR 20.1401-1405</p> <p>Chapter 6 Section 2(b), Wyoming states that “Licenses shall comply with the requirements of 10 Code of Federal Regulations (C.F.R.) Sections 20.1401-1405.”</p> <p>In Chapter 3, Section 4, Wyoming already incorporates by reference 20.1401 through 20.1405. To avoid duplications and enhance clarity, please revise Chapter 6, Section 2(b) as follows:</p> <p>“Licenses shall comply with the requirements of 10 Code of Federal Regulations (C.F.R.) Sections 20.1401-1405, as incorporated by reference in Chapter 3, Section 4 of these</p>

STATE SECTION		NRC SECTION	CATEGORY	SUBJECT and COMMENTS
				rules.”
17	Chapter 6	NA	NA	<p>Reconciliation of Incorporation by Reference</p> <p>Wyoming incorporates by reference 10 CFR 40.36 (d)(1)(ii) and (iii), 40.36(d)(2)(i)-(viii), and 40.36(f)(1)-(3). Wyoming needs to reconcile differences due to this incorporation by reference.</p> <p>For instance, 40.36(d)(1)(iii) references “paragraph (e) of this section” however, Wyoming did not incorporate paragraph (e) by reference and would need to create a substitution to direct readers to the correct location.</p> <p>Conversely, Wyoming may directly adopt the language from 10 CFR 40.36 (d)(1)(ii) and (iii), 40.36(d)(2)(i)-(viii), and 40.36(f)(1)-(3) substituting in the correct references.</p>
18	Chapter 9 Section 3	71.4	B	<p>Definitions</p> <p>In paragraph (d)(ii) of Chapter 9 Section 3, Wyoming needs to correct the reference to “71.12” to “71.4”. Paragraph (d)(ii) of Chapter 9 Section 3 states that the definitions of “Certificate holder” and “Certificate of Compliance (CoC)” are in 10 CFR 71.12. Wyoming needs to correct this reference to “71.12” because the definitions for “Certificate holder” and “Certificate of Compliance (CoC)” are in 10 CFR. 71.4, not 10 CFR 71.12.</p>

EDITORIAL SUGGESTIONS ON WYOMING’S PROPOSED REGULATIONS

STATE SECTION		NRC SECTION	SUBJECT and COMMENTS
1	Chapter 1 Chapter 4, Section 7	NA	<p>Definitions</p> <p><u>Pre-Licensing Construction</u> Wyoming should consider deleting the definition “Commencement of Construction” and Chapter 4, Section 7, “Pre-Licensing Construction.” This section on Pre-licensing Construction has the corresponding definitions for “Construction” and “Commencement of Construction” are applicable only to uranium recovery activities. Wyoming already removed the definition of “Construction” consistent with NRC’s previous editorial comment. Similarly, Wyoming should consider deleting the definition for “Commencement of Construction” and Chapter 4, Section 4.</p> <p><u>Nonstochastic Effect</u> In the definition of “nonstochastic effect,” the last sentence stating, “deterministic effects are equivalent terms” should be revised to state that “deterministic effect is an equivalent term.”</p> <p>Wyoming should make this change to clarify that deterministic effect, as one term written in the singular tense, is an equivalent term for the purposes of these rules.</p> <p><u>Person</u> For clarity, in the definition of “person” Wyoming should consider replacing the term “commission” with “association.”</p>
2	Chapter 1	Section 9	In a previous comment, the NRC suggested that Wyoming change the numbering of paragraph “9(a)(ii)” to “9(c). This was a typo. Wyoming should change “9(c)” back to “9(a)(ii).”
3	Chapter 3 Section 4	Part 20	<p>Incorporation by Reference</p> <p>Wyoming should consider not incorporating by reference the following part 20 requirements, as they are not applicable to Wyoming’s Agreement.</p> <ul style="list-style-type: none"> • 20.2008 • 20.2201(a)(2)(i)&(b)(2)(i) • 20.2201(c)&(d)(1)
	Chapter 3	20.2106(d)	Privacy Protection

STATE SECTION		NRC SECTION	SUBJECT and COMMENTS
	Section 4		<p>Wyoming incorporates by reference the <i>Privacy protection</i> requirement in 20.2106(d). The public law mentioned in 20.2106(d) is not applicable to State Agencies and therefore this requirement should not be adopted.</p> <p>Wyoming needs to add 20.2106(d) to list of requirements that are not incorporated by reference in paragraph (b) of Chapter 3 Section 4.</p>
4	Chapter 4 Section 3	40.2a	<p>Coverage of inactive tailings sites</p> <p>In Chapter 4 Section 3(a), Wyoming incorporates by reference 40.2a which is specific to Uranium Recovery. Wyoming should delete 40.2(a) from the list of requirements incorporated from reference in Chapter 4 Section 3(a).</p>
5	Chapter 4 Section 8	NA	<p>In Chapter 4 Section 8(e), consider revising the first sentence as follows: “No license or authorization to possess or utilize licensed material can be transferred...” Suggested revisions for clarity.</p>
6	Chapter 5 Section 3	NA	<p>In Section 3(b), the incorporation by reference of 10 CFR 19 is not in numerical order. Specifically, “19.8” is after “19.11”.</p>

STATE REGULATION STATUS

State: Wyoming

**Tracking Ticket Number: 24-26
Date: September 16, 2024**

[Amendment(s) reviewed identified by a * at the beginning of the equivalent NRC requirement.]

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
NA	Wyoming Enabling Legislation Wyoming House Bill HB0027	NA	Proposed ML15225A439 Revised Proposed ML15324A391 Revised Proposed ML17319A925 Revised Proposed ML19004A444 Final Agreement ML18267A261 09/30/2018	Comments 9/28/2015 ML15225A433 Comments 09/26/2016 ML15324A388 Comments 02/28/2018 ML18032A380 No Comments 01/23/2019 ML19004A436	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
NA	Wyoming DEQ Regulations to 10 CFR Part 20 Chapter 1: General Provisions Chapter 3: Radiation Protection Standards	NA	Proposed ML16014A133 Revised Proposed ML16097A348 Final ML17319A925	Comments 03/15/2016 ML16014A131 Comments 10/03/2016 ML16097A339 No Comments 02/18/2018 ML18032A380	
NA	Wyoming DEQ Regulations to 10 CFR Parts 19 and 71 Chapter 1: General Provisions Chapter 5: Notice, Instructions and Reports to Workers Chapter 9: Transportation of Licensed Material Chapter 10: Risk-Informed and Performance Based Licensing and Inspection	NA	Proposed ML16095A093 Final ML17319A925	Comments 07/25/2016 ML16095A091 No Comments 02/18/2018 ML18032A380	
NA	Wyoming DEQ Regulations to 10 CFR Parts 40 and 150 Chapter 1: General Provisions Chapter 4: Licensing Requirements for Source and Byproduct Material Chapter 6: Financial Assurance Chapter 10: General Licenses	NA	Proposed ML16194A168 Final ML17319A925	Comments 10/13/2016 ML16194A048 No Comments 02/18/2018 ML18032A380	
2018-2	Miscellaneous Corrections – Organizational Changes 10 CFR Parts 37, 40, 70 and 71	12/21/2021	ML19030B773	ML19030B770 01/30/2019	This rulemaking does not contain provisions applicable to Wyoming's program.

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
2018-3	Miscellaneous Corrections Parts 1, 2, 34, 37, 50, 71, 73, and 140	07/30/2022			
2019-1	Miscellaneous Corrections Parts 2, 21, 37, 50, 52, 73, and 110	12/18/2022			
2019-2	Organizational Changes and Conforming Amendments Parts 1, 2, 37, 40, 50, 51, 52, 55, 71, 72, 73, 74, 100, 140, and 150	12/30/2022			
2020-1	Individual Monitoring Devices 10 CFR Parts 34, 36, and 39	06/16/2023			
2020-2	Social Security Number Fraud Prevention 10 CFR Parts 9 and 35	08/17/2023			
2020-3	Miscellaneous Corrections 10 CFR Parts 1, 2, 19, 20, 21, 30, 34, 35, 40, 50, 51, 52, 60, 61, 62, 63, 70, 71, 72, 73, 74, 75, 76, 110, and 140	11/16/2023			
2021-1	Miscellaneous Corrections 10 CFR Parts 2, 11, 20, 25, 32, 35, 37, 50, 52, 55, 70, 72, 73, 95, and 110	09/08/2024			
2021-2	Miscellaneous Corrections 10 CFR Parts 9, 37, 40, 50, 51, 52, 55, 71, 73, and 110	12/30/2024			
2022-1	Miscellaneous Corrections 10 CFR 1, 2, 20, 30, 40, 50, 55, 70, 73, and 170	none			Provisions are not required for compatibility.

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2022-2	Miscellaneous Corrections 10 CFR Parts 20, 35, 50, 51, 52, 72, 73, 110, and 150	none			Provisions are not required for compatibility.
2023-1	Miscellaneous Corrections 10 CFR PARTS 1, 2, 26, 32, 40, 50, 51, 52, 72, and 73	09/25/2026			
NA	Legislation, Articles 15 and 21	NA	ML21194A144	Comments 08/31/2021 ML21194A077	
NA	Proposed Legislation	NA	ML22364A006	No Comments 01/04/2023 ML22364A003	
NA	Final Legislation	NA	ML23059A393	No Comments 03/03/2023 ML23059A385	
NA	Wyoming DEQ Regulations to 10 CFR Parts 19 and 20 Chapter 1: General Provisions Chapter 3: Radiation Protection Standards Chapter 5: Notice, Instructions and Reports to Workers	NA	Proposed ML23290A062	Comments 01/03/2024 ML23285A135	
NA	Wyoming DEQ Regulations to Part 71 and Misc Chapter 1: General Provisions Chapter 6: Financial Assurance Chapter 9: Transportation of Licensed Material	NA	Proposed ML23355A017	Comments 02/29/2024 ML23355A015	

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
NA	Wyoming DEQ Regulations to Part 40 and Misc. Chapter 4: Chapter 7: Chapter 8:	NA	Proposed ML24060A151	Comments 05/08/2024 ML24060A149	
*NA	Wyoming Proposed Source Materials Program Regulations Chapters 1-9:	NA	Proposed ML24151A150	Comments 09/16/2024 ML24151A144	

WYOMING PROPOSED SOURCE MATERIALS PROGRAM REGULATIONS DATE September 17, 2024

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