

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY/LAND QUALITY
URANIUM RECOVERY PROGRAM
CHAPTER 9
TRANSPORTATION OF LICENSED MATERIAL

Section 1. Purpose.

(a) This Chapter establishes requirements for packaging, preparation for shipment, and transportation of licensed material.

(b) The packaging and transport of licensed material are also subject to the Wyoming Environmental Quality Act, W.S. 35-11-2001 *et seq* (2015)., the applicable rules and regulations of the Uranium Recovery Program, and to the regulations of other federal agencies (such as the U.S. Department of Transportation, the U.S. Postal Service, and the Commission) having jurisdiction over means of transport. The requirements of this Chapter are in addition to, and not in substitution for, other requirements.

Section 2. Scope.

This Chapter applies to any licensee authorized by license issued by the Department to receive possess, use, or transfer licensed material, if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage as specified in the license, or transports that material on public highways. No provision of this Chapter authorizes possession of licensed material.

Section 3. Incorporation by Reference (IBR) of 10 CFR 71; Packaging and Transportation of Radioactive Material

(a) Any reference in these rules to requirements, procedures, or specific forms contained in the Code of Federal Regulations (CFR), Title 10, Part 71, sections 71.0 through 71.137 shall constitute the full adoption by reference of that part and subpart as they appear in 10 CFR, revised of January 1, 2016 including any notes and appendices therein, unless expressly provided otherwise in these rules. The U.S. Department of Transportation's regulations, as cited in 10 CFR Part 71.5 (January 1, 2016), are also hereby incorporated by reference. These rules do not include any later amendments or editions of the incorporated matter.

(b) The following 10 CFR portions as of January 01, 2016 are excluded from these rules: 71.0, 71.1, 71.2, 71.6, 71.7, 71.8, 71.9, 71.11, 71.13, 71.14(b), 71.15, 71.16, 71.17, 71.18, 71.19, 71.21, 71.22, 71.23, 71.24, 71.25, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.41, 71.43, 71.45, 71.51, 71.53, 71.55, 71.57, 71.59, 71.61, 71.63, 71.64, 71.65, 71.70, 71.71, 71.73, 71.74, 71.75, 71.77, 71.81, 71.83, 71.85, 71.87(g), 71.88, 71.91(a)(5), 71.91(a)(7), 71.91(b), 71.93(c), 71.95, 71.97, 71.99, 71.100, 71.101, 71.103, 71.105, 71.106, 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, 71.125, 71.127, 71.129, 71.131, 71.133, 71.135, 71.137.

(c) The terms "Certificate holder", "Certificate of Compliance", "Close reflection by water," "Critical Safety Index", "Containment system", "Deuterium", "Fissile material", "Graphite", "Maximum normal operating pressure," "Optimum interspersed hydrogenous moderation," "Package ", "Special Form", "Spent nuclear fuel" or "Spent fuel," "State", "Type B quantity""Depleted uranium", and "Enriched uranium" found in 10 CFR Part 71.4 as of January 01, 2016 are not incorporated by reference.

(d) The term "package" as it relates to this chapter shall mean the packaging together with its radioactive contents as presented for transport. The term "Type A package" as it relates to this Chapter shall mean a Type A package together with its radioactive contents. A Type A package is defined and must comply with the DOT regulations in 49 CFR Part 173.

(e) Any reference in the federal rules adopted by reference to the United States Nuclear Regulatory Commission (NRC) or any component thereof shall be deemed to be a reference to the Department, except when used in , 71.5(b), and 71.10.

(f) Any reference in the federal rules adopted by reference to the Commission's "Form 3," and as referenced in 10 CFR Parts 71.9(e)(1) and 17.9 (e)(2), shall be deemed to be a reference to the Uranium Recovery Program "Form 3."

(g) If, for any reason, the U.S. Department of Transportation's regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of 49 CFR Parts 170 through 189 appropriate to the mode of transport to the same extent as if the shipment was subject to these regulations.

(h) A request for modification, waiver, or exemption from the requirements in 49 CFR Parts 170 through 189, and any notification referred to in those requirements, must be filed with, or made to, the Department.