

Requirements Program Elements:14 On page 412 of 1080 in the draft application in Appendix A to Subsection 4.2, Uranium Recovery Program Rules, in Uranium Recovery Program, in Chapter 10, General Licenses, in section 2, Incorporation by Reference of Federal Regulations on General Licenses, under section (a) it states, "The Department fully adopts and hereby incorporates by reference 10 CFR 40.20, 40.21, 40.22, and 40.26 revised as of January 1, 2016, unless expressly provided otherwise in these rules. These rules do not include any later amendments or editions of the incorporated matter."

The NRC review team notes that 10 CFR 40.20 includes references to 10 CFR 40.27 and 10 CFR 40.28, which Wyoming is adopting. 10 CFR 40.22 refers to types of facilities Wyoming isn't taking authority over. Wyoming will need to revise the regulations accordingly.

CHAPTER 10

GENERAL LICENSES

Section 1. **Purpose and Scope.**

(a) This Chapter establishes requirements for general licenses. The general licenses provided in this part are effective without filling of applications with the Department or the issuance of licensing documents to a particular person.

Section 2. **Incorporation by Reference (IBR) of Federal Regulations on General Licenses.**

(a) The Department fully adopts and hereby incorporates by reference 10 C.F.R. §§ 40.21 and 40.26, revised as of January 1, 2017, unless expressly provided otherwise in these rules. These rules do not include any later amendments or editions of the incorporated matter.

(b) Any references 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 and the Uranium Recovery Program.

Section 3. **Types of Licenses.**

(a) There are two types of licenses for source material involved in uranium or thorium recovery or milling and byproduct material: general and specific. Licenses for long-term care and custody of residual radioactive material at disposal sites are general licenses. General licenses provided in this Chapter are effective without the filing of applications with the Department or the issuance of licensing documents to particular persons. Specific licenses are issued to named persons upon application filed pursuant to these rules.

Section 4. **General Licenses.**

(a) A general license is hereby issued, as it relates to source material involved in uranium or thorium recovery or milling, authorizing commercial and industrial firms; research, educational, and medical institutions; and Federal, State, and local government agencies to receive, possess, use, and transfer source material involved in uranium or thorium recovery or milling for research, development, educational, commercial, or operational purposes in the following forms and quantities:

(i) No more than 1.5 kg (3.3 lb) of uranium and thorium in dispersible forms (e.g., gaseous, liquid, powder, etc.) at any one time. Any material processed by the general licensee that alters the chemical or physical form of the material containing source material involved in uranium or thorium recovery or milling must be accounted for as a dispersible form. A person authorized to possess, use, and transfer source material involved in uranium or thorium recovery or milling under this paragraph may not receive more than a total of 7 kg (15.4 lb) of uranium and thorium in any one calendar year. Persons possessing source material involved in uranium or thorium recovery or milling in excess of these limits as of August 27, 2013, may continue to possess up to 7 kg (15.4 lb) of uranium and thorium at any one time for one year beyond this date, or until the Commission takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; and receive up to 70 kg (154 lb) of uranium or thorium in any one calendar year until December 31, 2014, or until the Commission takes final action on a pending application submitted on or before August 27, 2014, for a specific license for such material; and

(ii) No more than a total of 7 kg (15.4 lb) of uranium and thorium at any one time. A person authorized to possess, use, and transfer source material involved in uranium or thorium recovery or milling under this paragraph may not receive more than a total of 70 kg (154 lb) of uranium and thorium in any one calendar year. A person may not alter the chemical or physical form of the source material involved in uranium or thorium recovery or milling possessed under this paragraph unless it is accounted for under the limits of paragraph (a)(i) of this Section; or

(iii) No more than 7 kg (15.4 lb) of uranium and thorium at laboratories for the purpose of determining the concentration of uranium and thorium contained within the material being analyzed at any one time. A person authorized to possess, use, and transfer source material involved in uranium or thorium recovery or milling under this paragraph may not receive more than a total of 70 kg (154 lb) of source material involved in uranium or thorium recovery or milling in any one calendar year.

(b) Any person who receives, possesses, uses, or transfers source material involved in uranium or thorium recovery or milling under a general license in accordance with this Chapter:

(i) Is prohibited from administering source material involved in uranium or thorium recovery or milling, or the radiation therefrom, either externally or internally, to human beings unless authorized by the Commission.

(ii) Shall not abandon such source material involved in uranium or thorium recovery or milling. Source material involved in uranium or thorium recovery or milling may be disposed of as follows:

(A) A cumulative total of 0.5 kg (1.1 lb) of source material involved in uranium or thorium recovery or milling in a solid, non-dispersible form may be transferred each calendar year, by a person authorized to receive, possess, use, and transfer source material involved in uranium or thorium recovery or milling under a general license to persons receiving the material for permanent disposal. The recipient of source material involved in uranium or thorium recovery or milling transferred under this Section is exempt from the requirements to obtain a license under this Chapter to the extent the source material involved in uranium or thorium recovery or milling is permanently disposed. This provision does not apply to any person who is in possession of source material involved in uranium or thorium recovery or milling under a specific license; or

(B) In accordance with 10 C.F.R. § 20.2001, as incorporated by reference in Chapter 3 of these rules.

(iii) Is subject to applicable Sections of Chapter 4 of these rules.

(iv) Shall respond to written requests from the Department to provide information relating to the general license within thirty (30) calendar days of the date of the request, or as otherwise specified in the request. If the person cannot provide the requested information within the allotted time, the person shall, within that same time period, request a longer period to supply the information by providing the Administrator of the Land Quality Division a written justification for the request;

(v) Shall not export such source material involved in uranium or thorium recovery or milling (without approval from the Commission).

(c) Any person who receives, possesses, uses, or transfers source material involved in uranium or thorium recovery or milling under a general license in accordance with this Chapter shall conduct activities so as to minimize contamination of the facility and the environment. When activities involving such source material involved in uranium or thorium recovery or milling are permanently ceased at any site, if evidence of significant contamination is identified, the general licensee shall notify the Administrator of the Land Quality Division about such contamination and may consult with the Department as to the appropriateness of sampling and restoration activities to ensure that any contamination or residual source material involved in uranium or thorium recovery or milling remaining at the site where source material involved in uranium or thorium recovery or milling was used under the general license is not likely to result in exposures that exceed a total effective dose equivalent of 25 mrem (0.25 mSv) per year, including that from groundwater sources of drinking water, and the residual radioactivity has been reduced to levels that are ALARA. Determination of the levels which are ALARA must take into account consideration of any detriments, such as deaths from transportation accidents, expected to potentially result from decontamination and waste disposal.

(d) Any person who receives, possesses, uses, or transfers source material involved in uranium or thorium recovery or milling in accordance with a general license under this Chapter is exempt from the requirements of Chapter 3 and 5 of these rules to the extent that such receipt, possession, use, and transfer are within the terms of the general license, except that such person shall comply with the provisions to the extent necessary to meet the provisions of Section 4(b)(ii) and (c) of this Chapter. However, this exemption does not apply to any person who also holds a specific license.

(e) No person may initially transfer or distribute source material involved in uranium or thorium recovery or milling to persons generally licensed under Section 4(a)(i) and (ii) of this Chapter, unless authorized by a specific license. This prohibition does not apply to analytical laboratories returning processed samples to the client who initially provided the sample. Initial distribution of source material involved in uranium or thorium recovery or milling to persons generally licensed by the Commission before August 27, 2013, without specific authorization may continue for one (1) year beyond this date. Distribution may also be continued until the Commission takes final action on a pending application for license or license amendment to specifically authorize distribution submitted on or before August 27, 2014.