

CHAPTER 9

TRANSPORTATION OF RADIOACTIVE 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, Wyoming Statute §§ 35-11-2001 *et seq.* (2015), the Program's rules and regulations, and 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 applicable requirements.

Section 2. Scope.

(a) This Chapter applies to any licensee authorized by specific or general license issued by the Department to acquire, own, possess, transfer, offer or receive for transport, use, or dispose of 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 allows for the unauthorized possession of licensed material.

Section 3. Incorporation by Reference (IBR) of 10 Code of Federal Regulations (C.F.R.) Part 71; Packaging and Transportation of Radioactive Material.

(a) The Department fully adopts and hereby incorporates by reference 10 C.F.R. Part 71, §§ 71.0 through 71.137, revised as of January 1, 2016, including all sections and any notes and appendices therein, unless expressly provided otherwise in these rules. The U.S. Department of Transportation's regulations, as cited in 10 C.F.R. § 71.5 (January 1, 2016), are also fully adopted and hereby incorporated by reference. These rules do not include any later amendments or editions of the incorporated matter.

(b) The following 10 C.F.R. sections, including all subparts, as of January 1, 2016 are excluded from these rules and are not incorporated by reference: 71.0, 71.1, 71.2, 71.6, 71.7, 71.9, 71.11, 71.13, 71.14(b), 71.15, 71.16, 71.18, 71.19, 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(a), 71.85(b), 71.85(c), 71.87(g), 71.88, 71.91(a)(5), 71.91(a)(7), 71.91(b), 71.95, 71.97, 71.99, 71.100, 71.101(c)(2), 71.101(d), 71.101(e), 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, and 71.125.

(c) The terms "Close reflection by water," "Critical Safety Index," "Containment

System," "Deuterium," "Fissile material," "Graphite," "Maximum normal operating pressure," "Optimum interspersed hydrogenous moderation," "Special Form," "Spent nuclear fuel" or "Spent fuel," "State," "Depleted uranium," and "Enriched uranium" as defined in 10 CFR § 71.4 as of January 1, 2016 are excluded from these rules and are not incorporated by reference.

(d) 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, except when used in 10 C.F.R. §§ 71.5(b) and 71.10.

(e) Any references in the federal rules adopted by reference to the Commission's "Form 3," and as referenced in 10 C.F.R. §§ 71.9(e)(1) and 17.9 (e)(2), shall be deemed to be a reference to the Department's "Uranium Recovery Program Form 3".

(f) 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.

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