

## Chapter 5

### Notices, Instructions, and Reports to Workers

#### Section 1. Purpose.

This Chapter establishes requirements for notices, instructions, and reports by licensees to individuals engaged in work under a license and options available to such individuals in connection with the Department's inspections of licensees to ascertain compliance with the provisions of the Wyoming Environmental Quality Act, Wyoming Statute §§ 35-11-2001 *et seq.*, and regulations, orders, and licenses issued thereunder regarding radiological working conditions as specified within the provision of the Atomic Energy Act of 1954, as amended.

#### Section 2. Scope.

This Chapter applies to all persons who receive, possess, use, own, or transfer source material recovered from any mineral resources processed primarily for purposes other than obtaining the source material content.

#### Section 3. Incorporation by Reference (IBR) of 10 Code of Federal Regulations (C.F.R.) Part 19; Notice, Instructions and Reports to Workers: Inspection and Investigations.

(a) The Department fully adopts and hereby incorporates by reference 10 C.F.R. Part 19, revised as of January 1, 2025, including all sections and any notes and appendices therein, unless expressly provided otherwise in these rules. These rules do not include any later amendments or editions of the incorporated matter.

(b) The following 10 C.F.R. sections as listed on January 1, 2025 are excluded from these rules: 19.1, 19.2, 19.3, 19.5, 19.8, 19.11(b) and (e), ~~19.8~~, 19.14(a), 19.18, 19.30, and 19.40.

(c) Any references in 10 C.F.R. Part 19 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.

(d) Any reference in the federal rules adopted by reference to the Commission's "Form 3" shall be deemed a reference to the Department's "Source Material Program Form 3". Each licensee shall prominently post the Department's Source Material Program Form 3.

(e) In 10 C.F.R. Part 19, any references to 10 C.F.R. Parts 50, 52, 54, 60, 63, 72, and 76 are not incorporated by reference.

(f) In 10 C.F.R. Section 19.32, any references to the Atomic Energy Act of 1954, as amended, or under any title of the Energy Reorganization Act of 1974, as amended, are not references to the Wyoming Statute.

(g) In order to reconcile incorporation by reference where federal rules may be incorrectly incorporated, the following language is added to provide clarity:

(i) In 10 C.F.R. Section 19.13(a), the last two sentences are revised to “This report is furnished to you under the provisions of Chapter 5 of Wyoming’s Source Material Program. You should preserve this report for further reference.”

(ii) In 10 C.F.R. 19.13(c)(1)(i) references to “20.1502” and “20.2106” mean “10 C.F.R. 20.1502” and “10 C.F.R. 20.2106”, as incorporated by reference in Chapter 3 of these rules.

(iii) In 10 C.F.R. 19.13(d) a reference to “20.2202, 20.2203 or 20.2204 of this chapter” means “10 C.F.R. 20.2202, 20.2203, or 20.2204”, as incorporated by reference in Chapter 3 of these rules.

(iv) In 10 C.F.R. 19.17(a) the complainant may obtain review of the determination by submitting a written statement of position to Wyoming Department of Environmental Quality, Source Material Program, Land Quality Division, 200 West 17<sup>th</sup> St., Suite 10, Cheyenne, WY 82002.

(v) In 10 C.F.R. 19.20 the references to “holder of a certificate of compliance issued under Part 76 of this chapter” are not incorporated by reference.

(vi) In 10 C.F.R. 19.20 the reference to “19.2(a)” means “Section 2 of this Chapter”.

(vii) In 10 C.F.R. 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”.