

3745-266-210 **Definitions ~~that apply to the~~ conditional exemption for LLMW storage and disposal rules.**

Rules 3745-266-210 to 3745-266-355 of the Administrative Code use the following special definitions:

- (A) "Agreement State" means a state that has entered into an agreement with the U.S. nuclear regulatory commission (NRC) under Subsection 274(b) of the Atomic Energy Act of 1954, as amended through the date specified in rule 3745-50-11 of the Administrative Code (68 Stat. 919) (AEA), to assume responsibility for regulating within ~~its~~that state's borders ~~by product-by-product material~~, source material, or special nuclear material in quantities not sufficient to form a critical mass.
- (B) "Certified delivery" means certified mail with return receipt requested, or equivalent courier service, or other means, that provides the sender with a receipt confirming delivery.
- (C) "Eligible NARM" is naturally occurring or accelerator-produced radioactive material (NARM) that is eligible for the transportation and disposal conditional exemption. ~~It~~Eligible NARM is a NARM waste that contains hazardous waste, meets the waste acceptance criteria of, and is allowed by state NARM regulations to be disposed of at a low-level radioactive waste (LLW) disposal facility licensed in accordance with 10 CFR Part 61 or NRC "Agreement State" equivalent regulations.
- (D) "Exempted waste" means a waste that meets the eligibility criteria in paragraph (B) of rule 3745-266-220 of the Administrative Code and meets all of the conditions in paragraph (C) of rule 3745-266-220 of the Administrative Code, or meets the eligibility criteria in rule 3745-266-310 of the Administrative Code and complies with all the conditions in paragraph (A) of rule 3745-266-315 of the Administrative Code. Such waste is conditionally exempted from the regulatory definition of "hazardous waste" ~~described~~ in rule 3745-51-03 of the Administrative Code.
- (E) "Land disposal restriction (LDR) treatment standards" means treatment standards, under Chapter 3745-270 of the Administrative Code, that a hazardous waste ~~must~~is required to meet before ~~it can~~such hazardous waste may be disposed of in a hazardous waste land disposal unit.
- (F) "License" means a license issued by the NRC, or NRC "Agreement State," to users that manage radionuclides regulated by NRC, or NRC "Agreement States," under authority of the AEA.
- (G) "Low-level mixed waste" ~~or~~ "(LLMW)" is a waste that contains both low-level radioactive waste and hazardous waste.

- (H) "Low-level radioactive waste" or "(LLW)" is a radioactive waste which contains ~~source, special nuclear, or byproduct material,~~ source material, special material, or "by-product material" as defined by the AEA, and which is not classified as ~~high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material~~ "high-level radioactive waste," "transuranic waste," "spent nuclear fuel," or "by-product material" as defined in ~~Section 11e.(2) of~~ by the AEA. (See also NRC definition of "waste" at 10 CFR 61.2).
- (I) "Mixed waste" means a waste that contains both hazardous waste and source material, special nuclear material, or byproduct~~by-product~~ material subject to the AEA.
- (J) "Naturally occurring ~~and/or~~ accelerator-produced radioactive material" or "(NARM)" means radioactive materials that either:
- (1) Are naturally occurring and are not ~~source, special nuclear, or byproduct materials~~ source material, "special nuclear material," or "by-product material" (as defined by the AEA); ~~or,~~
 - (2) Are produced by an accelerator. NARM is regulated by the states under state law, or by the department of energy (DOE) (as authorized by the AEA) under DOE orders.
- (K) "NRC" means the U.S. nuclear regulatory commission.
- (L) "We" or "us" means the "director" as defined in rule 3745-50-10 of the Administrative Code.
- (M) "You" means a generator, treater, or other handler of LLMW or eligible NARM.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see rule 3745-50-11 of the Administrative Code titled "Incorporated by reference."]

Effective: 10/31/2015

Five Year Review (FYR) Dates: 07/01/2015 and 07/01/2020

CERTIFIED ELECTRONICALLY

Certification

10/07/2015

Date

Promulgated Under: 119.03
Statutory Authority: 3734.12
Rule Amplifies: 3734.12
Prior Effective Dates: 12/07/2004, 09/05/2010