

3745-266-210 **Definitions- conditional exemption for LLMW storage and disposal.**

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 that state's borders 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. 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" 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 is required to meet before 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 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 "by-product material" as defined 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 by-product material subject to the AEA.
- (J) "Naturally occurring or accelerator-produced radioactive material" or "NARM" means radioactive materials that are either:
- (1) ~~Are naturally~~ Naturally occurring and are not "source material," "special nuclear material," or "by-product material" as defined by the AEA; or
 - (2) ~~Are produced~~ 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."]

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Certification

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Date

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