

4. "Comparison of the EPA's RCRA Requirements and the NRC's Licensing Requirements for the Treatment (In Tanks and Containers) and Storage of Low-Level Mixed Wastes at Nuclear Facilities", April 2001.
5. Comment Summary Document—Approach to Reinventing Regulations of Storing Mixed Low-Level Radioactive Waste; Advance Notice of Proposed Rulemaking (ANPRM), September 21, 1999.
6. Report to Utility Solid Waste Activities Group and Utility Nuclear Waste Management Group on Comparative Assessment of the Environmental Protection Agency's Regulations for Hazardous Waste Tank Systems (40 CFR part 265, subpart J) and Comparable Nuclear Regulatory Commission Requirements, July 1988.
7. Technical Evaluation on Document for the Disposal of Mixed Waste at Low-Level Radioactive Waste Disposal Facilities, Draft Technical Background Document, July 1999.
8. National Profile on Commercially Generated Low-Level Radioactive Mixed Waste, NUREG/CR-5938, December 1992.
9. Meeting Notes for EPA Meeting with Low-Level Radioactive Waste Disposal Facilities, December 7, 1998.
10. RCRA Hazardous Constituents and Waste Codes Associated with Mixed Waste, December 1997.
11. Joint State/EPA Workshop on Mixed Waste Rulemaking, October 7–9, 1998, Meeting Summary.
12. Comparison of NRC and EPA's Waste Tracking and Related Record Keeping Requirements, July 1999.
13. Technical Alternatives Considered for Evaluating Protectiveness of Low-Level Waste Disposal Facilities, July 21, 1999.
14. Regulatory Impact Analysis: Storage, Treatment, Transportation, and Disposal of Mixed Waste, February 2001.
15. Summary of Public Comments on "Contingent Management of Mixed Waste" Submitted in Response to the 1995 HWIR Proposal, July 1999.
16. The Management of Mixed Low-Level Radioactive Waste in the Nuclear Power Industry, NUMARC/NESP-006, Nuclear Management Resources Council, Inc., Washington, D.C., January 1990.
17. Regulatory Impact Analysis: Storage, Treatment, Transportation, and Disposal of Mixed Waste—Supplemental Documents, February 2001.
18. Comparison of Financial Assurance Requirements Under EPA and NRC Regulations, November, 2000.
19. Discussion with DOT on Mixed Waste Transportation on August 1999.
20. Letter from Elizabeth A. Cotsworth, Director, Office of Solid Waste, to J. Dale Givens, State of Louisiana, Department of Environmental Quality, March 27, 1998.

Note that this is a list of supporting documents for both the proposed and final rules. Reference documents numbered 5, 11, 13, and 15 were referred to in the proposed rule but not in the final rule.

List of Subjects in 40 CFR Part 266

Environmental protection, Hazardous waste, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: April 30, 2001.

Christine Todd Whitman,
Administrator.

For the reasons set forth in the preamble 40 CFR part 266 is amended as follows:

PART 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

1. The authority citation for part 266 is revised to read as follows:

Authority: 42 U.S.C. 1006, 2002(a), 3001–3009, 3014, 6905, 6906, 6912, 6921, 6922, 6924–6927, 6934, and 6937.

2. Part 266 is amended by adding subpart N to read as follows:

Subpart N—Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal

Terms

Sec.

266.210 What definitions apply to this subpart?

Storage and Treatment Conditional Exemption and Eligibility

266.220 What does a storage and treatment conditional exemption do?

266.225 What wastes are eligible for the storage and treatment conditional exemption?

266.230 What conditions must you meet for your LLMW to qualify for and maintain a storage and treatment exemption?

Treatment

266.235 What waste treatment does the storage and treatment conditional exemption allow?

Loss of Conditional Exemption

266.240 How could you lose the conditional exemption for your LLMW and what action must you take?

266.245 If you lose the storage and treatment conditional exemption for your LLMW, can the exemption be reclaimed?

Record Keeping

266.250 What records must you keep at your facility and for how long?

Reentry Into RCRA

266.255 When is your low-level mixed waste no longer eligible for the storage conditional exemption?

Storage Unit Closure

266.260 Do closure requirements apply to units that stored LLMW prior to the effective date of subpart N?

Transportation and Disposal Conditional Exemption

266.305 What does the transportation and disposal conditional exemption do?

Eligibility

266.310 What wastes are eligible for the transportation and disposal conditional exemption?

Conditions

266.315 What are the conditions you must meet for your waste to qualify for and maintain the transportation and disposal exemption?

266.320 What treatment standards must your eligible waste meet?

266.325 Are you subject to the manifest and transportation condition in § 266.315(b)?

266.330 When does the transportation and disposal exemption take effect?

266.335 Where must your exempted waste be disposed of?

266.340 What type of container must be used for disposal of exempted waste?

Notification

266.345 Whom must you notify?

Recordkeeping

266.350 What records must you keep at your facility and for how long?

Loss of Transportation and Disposal Conditional Exemption

266.355 How could you lose the transportation and disposal conditional exemption for your waste and what actions must you take?

266.360 If you lose the transportation and disposal conditional exemption for a waste, can the exemption be reclaimed?

Subpart N—Conditional Exemption for Low-Level Mixed Waste Storage and Disposal

Terms

§ 266.210 What definitions apply to this subpart?

This subpart uses the following special definitions:

Agreement State means a state that has entered into an agreement with the NRC under subsection 274b of the Atomic Energy Act of 1954, as amended (68 Stat. 919), to assume responsibility for regulating within its borders byproduct, source, or special nuclear material in quantities not sufficient to form a critical mass.

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.

Director refers to the definition in 40 CFR 270.2.

Eligible Naturally Occurring and/or Accelerator-produced Radioactive Material (NARM) is NARM that is eligible for the Transportation and Disposal Conditional Exemption. It is a