

DCO(SPO3)

JUST THE FAX

Re: SP-99-094

DEPT. OF HUMAN SERVICES
BUREAU OF HEALTH
DIV. OF HEALTH ENGINEERING
RADIATION CONTROL PROGRAM
#10 STATE HOUSE STATION
AUGUSTA, ME 04333

*Dennis, these are all
the definitions in our
statutes. I don't have these with me.
The question is...*

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TO: Dennis Sollenberger

FROM: JAY HILLARD, MAINE

DATE: 12/1/99

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 - CHAPTER 160: RADIATION PROTECTION ACT
 - § 673. Definitions

§ 673. Definitions

As used in this Act, unless the context indicates otherwise, the following terms have following meanings. [1983, c. 345, §§13, 14 (new).]

1. **By-product material.** "By-product material" means:

A. Any radioactive material except special nuclear material yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material; and [1983, c. 345, §§13, 14 (new).]

B. The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content. [1983, c. 345, §§13, 14 (new).]

[1983, c. 345, §§13, 14 (new).]

2. **Civil penalty.** "Civil penalty" means any monetary penalty levied on a licensee or registrant because of violations of statutes, regulations, licenses or registration certificates but does not include criminal penalties.

[1983, c. 345, §§13, 14 (new).]

3. **Closure or site closure.** "Closure or site closure" means all activities performed at a waste disposal site, such as stabilization and contouring, to assure that the site is in a condition so that only minor custodial care, surveillance and monitoring are necessary at site following termination of licensed operation.

[1983, c. 345, §§13, 14 (new).]

3-A. Facility. A "facility" means a production or utilization facility situated in this State that holds an operating permit or license issued by the United States Nuclear Regulatory Commission. It also means a power reactor licensee situated in the State, whether decommissioned or not, with a possession-only license issued by the United States Nuclear Regulatory Commission for special nuclear material, by-product material and source material. It also includes spent fuel or high-level waste storage facilities.

[1997, c. 686, §9 (amd).]

4. Decommissioning. "Decommissioning" means the series of activities undertaken beginning at the time of closing of a nuclear power plant or other facility licensed by the United States Nuclear Regulatory Commission or the department to ensure that the final disposition of the site or any radioactive components or material, but not including spent fuel, associated with the plant is accomplished safely in compliance with all applicable state and federal laws. Decommissioning includes activities undertaken to prepare a nuclear power plant or other facility for final disposition, to monitor and maintain it after closing and to effect final disposition of any radioactive components of the nuclear power plant facility.

[1987, c. 493, §1 (amd).]

5. Disposal of low-level radioactive waste. "Disposal of low-level radioactive waste" means the isolation of low-level waste from the biosphere inhabited by people and their chains.

[1983, c. 345, §§13, 14 (new).]

6. High-level radioactive waste. "High-level radioactive waste" means the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any solid material derived from that liquid waste that contains fission products in sufficient concentrations; and other highly radioactive material that the United States Nuclear Regulatory Commission, consistent with existing law, determines by rule to require permanent isolation.

[1983, c. 345, §§13, 14 (new).]

7. License. "License" means a license, issued to a named person upon application filed pursuant to the regulations promulgated pursuant to this Act, to use, manufacture, produce, transfer, receive, acquire or possess quantities of, or devices or equipment utilizing, radioactive material.

[1983, c. 345, §§13, 14 (new).]

8. Low-level radioactive waste. "Low-level radioactive waste" means radioactive material that:

A. Is not high-level radioactive waste, spent nuclear fuel, transuranic waste or by-product material as defined in the United States Code, Title 42, Section 2014(e)(2), the Atomic Energy Act of 1954, Section 11e(2); and [1987, c. 493, § 2 (new).]

B. The United States Nuclear Regulatory Commission, consistent with existing law and in accordance with paragraph A, classifies as low-level radioactive waste. [1987, c. 493, § 2 (new).]

[1987, c. 493, § 2 (rpr).]

8-A. Person. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency of this State, political subdivision of this State, any other state or political subdivision or agency of a state or political subdivision and any legal successor, representative, agent or agency of the state or political subdivision or agency, but not including Federal Government agencies.

[1987, c. 493, § 3 (new).]

9. Radiation. "Radiation" means ionizing radiation and nonionizing radiation.

A. "Ionizing radiation" means gamma rays and x rays; alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles; but not sound or radio waves, or visible, infrared or ultraviolet light. [1983, c. 345, §§13, 14 (new).]

B. "Nonionizing radiation" means any electromagnetic radiation, other than ionizing electromagnetic radiation, and any sonic, ultrasonic or infrasonic wave. [1983, c. 345, §§13, 14 (new).]

[1983, c. 345, §§13, 14 (new).]

10. Radiation generating equipment. "Radiation generating equipment" means any manufactured product or device, or component part of such a product or device, or any machine or system which during operation can generate or emit radiation, except those which emit radiation, only from radioactive material.

[1983, c. 345, §§13, 14 (new).]

11. Radioactive material. "Radioactive material" means any material which emits ionizing radiation spontaneously. It includes accelerator-produced, by-product, naturally occurring, source and special nuclear materials.

[1983, c. 345, §§13, 14 (new).]

12. **Registration.** "Registration" means registration with the department in accordance with rules adopted pursuant to this Act.

[1983, c. 345, §§13, 14 (new).]

13. **Source material.** "Source material" means:

A. Uranium or thorium, or any combination thereof, in any physical or chemical form; or [1983, c. 345, §§13, 14 (new).]

B. Ores which contain by weight 1/20th of 1%, 0.05%, or more of uranium, thorium or any combination thereof. Source material does not include special nuclear material. [1983, c. 345, §§13, 14 (new).]

[1983, c. 345, §§13, 14 (new).]

14. **Source material mill tailings.** "Source material mill tailings" means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any or processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes, but not including underground bodies depleted by those solution extraction processes.

[1983, c. 345, §§13, 14 (new).]

15. **Source material milling.** "Source material milling" means any processing of ore, primarily for the purpose of extracting or concentrating uranium or thorium therefrom which results in the production of source material mill tailings.

[1983, c. 345, §§13, 14 (new).]

16. **Sources of radiation.** "Sources of radiation" means, collectively, radioactive material and radiation generating equipment.

[1983, c. 345, §§13, 14 (new).]

17. **Special nuclear material.** "Special nuclear material" means:

A. Plutonium, uranium 233 and uranium enriched in the isotope 233 or in the isotope 235, but does not include source material; or [1983, c. 345, §§13, 14 (new).]

B. Any material artificially enriched by any of the material listed in paragraph A, but does not include source material. [1983, c. 345, §§13, 14 (new).]

[1983, c. 345, §§13, 14 (new).]

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18. **Spent nuclear fuel.** "Spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

[1983, c. 345, §§13, 14 (new).]

19. **Transuranic waste.** "Transuranic waste" means radioactive waste containing alpha emitting transuranic elements, with radioactive half-lives greater than 5 years, in excess of 10 nanocuries per gram.

[1983, c. 345, §§13, 14 (new).]

Section History:

1983, c. 345, § 13,14 (NEW).

1987, c. 493, § 1-3 (AMD).

1987, c. 519, § 2 (AMD).

1997, c. 686, § 9 (AMD).

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