

## § 266.310

if your waste meets the eligibility criteria under § 266.310, and you meet the conditions in § 266.315.

### ELIGIBILITY

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

Eligible waste must be:

- (a) A low-level mixed waste (LLMW), as defined in § 266.210, that meets the waste acceptance criteria of a LLRWDF; and/or
- (b) An eligible NARM waste, defined in § 266.210.

### CONDITIONS

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

You must meet the following conditions for your eligible waste to qualify for and maintain the exemption:

- (a) The eligible waste must meet or be treated to meet LDR treatment standards as described in § 266.320.
- (b) If you are not already subject to NRC, or NRC Agreement State equivalent manifest and transportation regulations for the shipment of your waste, you must manifest and transport your waste according to NRC regulations as described in § 266.325.
- (c) The exempted waste must be in containers when it is disposed of in the LLRWDF as described in § 266.340.
- (d) The exempted waste must be disposed of at a designated LLRWDF as described in § 266.335.

#### § 266.320 What treatment standards must your eligible waste meet?

Your LLMW or eligible NARM waste must meet Land Disposal Restriction (LDR) treatment standards specified in 40 CFR part 268, subpart D.

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

If you are not already subject to NRC, or NRC Agreement State equivalent manifest and transportation regulations for the shipment of your waste, you must meet the manifest requirements under 10 CFR 20.2006 (or NRC

## 40 CFR Ch. I (7-1-05 Edition)

Agreement State equivalent regulations), and the transportation requirements under 10 CFR 1.5 (or NRC Agreement State equivalent regulations) to ship the exempted waste.

#### § 266.330 When does the transportation and disposal exemption take effect?

The exemption becomes effective once all the following have occurred:

- (a) Your eligible waste meets the applicable LDR treatment standards.
- (b) You have received return receipts that you have notified us and the LLRWDF as described in § 266.345.
- (c) You have completed the packaging and preparation for shipment requirements for your waste according to NRC Packaging and Transportation regulations found under 10 CFR part 71 (or NRC Agreement State equivalent regulations); and you have prepared a manifest for your waste according to NRC manifest regulations found under 10 CFR part 20 (or NRC Agreement State equivalent regulations), and
- (d) You have placed your waste on a transportation vehicle destined for a LLRWDF licensed by NRC or an NRC Agreement State.

#### § 266.335 Where must your exempted waste be disposed of?

Your exempted waste must be disposed of in a LLRWDF that is regulated and licensed by NRC under 10 CFR part 61 or by an NRC Agreement State under equivalent State regulations, including State NARM licensing regulations for eligible NARM.

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

Your exempted waste must be placed in containers before it is disposed. The container must be:

- (a) A carbon steel drum; or
- (b) An alternative container with equivalent containment performance in the disposal environment as a carbon steel drum; or
- (c) A high integrity container as defined by NRC.