

3701:1-37-01 **Definitions.**

Terms defined in rule 3701:1-38-01 of the Administrative Code shall have the same meaning when used in this chapter except terms redefined within a given rule for use within that rule only. Additionally, the following terms as used in this chapter are defined as follows:

- (A) "Access control" means a system for allowing only approved individuals to have unescorted access to the security zone and for ensuring that all other individuals are subject to escorted access.
- (B) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919), including any amendments thereto.
- (C) "Aggregated" means accessible by the breach of a single physical barrier that would allow access to radioactive material in any form, including any devices that contain the radioactive material, when the total activity equals or exceeds a category two quantity of radioactive material.
- (D) "Approved individual" means an individual whom the licensee has determined to be trustworthy and reliable for unescorted access in accordance with rules 3701:1-37-07 through 3701:1-37-13 of the Administrative Code and who has completed the training required by paragraph (C) of rule 3701:1-37-15 of the Administrative Code.
- (E) "Background investigation" means the investigation conducted by a licensee or applicant to support the determination of trustworthiness and reliability.
- (F) "Carrier" means a person engaged in the transportation of passengers or property by land or water as a common, contract, or private carrier, or by civil aircraft.
- (G) "Category one quantity of radioactive material" means a quantity of radioactive material meeting or exceeding the category one threshold in Table 1 of Appendix A to this rule. This is determined by calculating the ratio of the total activity of each radionuclide to the category one threshold for that radionuclide and adding the ratios together. If the sum is equal to or exceeds one, the quantity would be considered a category one quantity. Category one quantities of radioactive material do not include the radioactive material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet.
- (H) "Category two quantity of radioactive material" means a quantity of radioactive material meeting or exceeding the category two threshold but less than the category one threshold in Table 1 of Appendix A to this rule. This is determined by calculating the ratio of the total activity of each radionuclide to the category two threshold for that radionuclide and adding the ratios together. If the sum is equal to or exceeds one, the quantity would be considered a category two quantity. Category two quantities of radioactive material do not include the radioactive material contained in any fuel assembly, subassembly, fuel rod, or fuel pellet.

- (I) "Commission" means the U.S. nuclear regulatory commission or its duly authorized representatives.
- (J) "Diversion" means the unauthorized movement of radioactive material subject to this chapter to a location different from the material's authorized destination inside or outside of the site at which the material is used or stored.
- (K) "Escorted access" means accompaniment while in a security zone by an approved individual who maintains continuous direct visual surveillance at all times over an individual who is not approved for unescorted access.
- (L) "Fingerprint orders" means the orders issued by the U.S. nuclear regulatory commission or the legally binding requirements issued by agreement states that require fingerprints and criminal history records checks for individuals with unescorted access to category one and category two quantities of radioactive material or safeguards information-modified handling.
- (M) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the government.
- (N) "License issuing authority" means the licensing agency that issued the license, i.e. the U.S. nuclear regulatory commission or the appropriate agency of an agreement state.
- (O) "Local law enforcement agency" or "LLEA" means a public or private organization that has been approved by a federal, state, or local government to carry firearms and make arrests, and is authorized and has the capability to provide an armed response in the jurisdiction where the licensed category one or category two quantity of radioactive material is used, stored, or transported.
- (P) "Mobile device" means a piece of equipment containing licensed radioactive material that is either mounted on wheels or casters, or otherwise equipped for moving without a need for disassembly or dismounting; or designed to be hand carried. Mobile devices do not include stationary equipment installed in a fixed location.
- (Q) "Movement control center" means an operations center that is remote from transport activity and that maintains position information on the movement of radioactive material, receives reports of attempted attacks or thefts, provides a means for reporting these and other problems to appropriate agencies and can request and coordinate appropriate aid.
- (R) "No-later-than arrival time" means the date and time that the shipping licensee and receiving licensee have established as the time at which an investigation will be

- initiated if the shipment has not arrived at the receiving facility. The no-later-than-arrival time may not be more than six hours after the estimated arrival time for shipments of category two quantities of radioactive material.
- (S) "Reviewing official" means the individual who shall make the trustworthiness and reliability determination of an individual to determine whether the individual may have, or continue to have, unescorted access to the category one or category two quantities of radioactive materials that are possessed by the licensee.
- (T) "Sabotage" means deliberate damage, with malevolent intent, to a category one or category two quantity of radioactive material, a device that contains a category one or category two quantity of radioactive material, or the components of the security system.
- (U) "Safe haven" means a readily recognizable and readily accessible site at which security is present or from which, in the event of an emergency, the transport crew can notify and wait for the local law enforcement authorities.
- (V) "Security zone" means any temporary or permanent area determined and established by the licensee for the physical protection of category one or category two quantities of radioactive material.
- (W) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.
- (X) "Telemetric position monitoring system" means a data transfer system that captures information by instrumentation and/or measuring devices about the location and status of a transport vehicle or package between the departure and destination locations.
- (Y) "Trustworthiness and reliability" are characteristics of an individual considered dependable in judgment, character, and performance, such that unescorted access to category one or category two quantities of radioactive material by that individual does not constitute an unreasonable risk to the public health and safety or security. A determination of trustworthiness and reliability for this purpose is based upon the results from a background investigation.
- (Z) "Unescorted access" means solitary access to an aggregated category one or category two quantity of radioactive material or the devices that contain the material.
- (AA) "United States", when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States.

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