

TITLE 2: NATURAL RESOURCES  
DIVISION 1: MARITIME AND COASTAL RESOURCES

**§ 1312. Definitions.**

As used in this chapter, unless the context otherwise requires, the term:

(a) Chemical wastes means the following chemicals and their components, except as permitted by limited exemption in 2 CMC § 1326:

- (1) Organic halogens;
- (2) Metal organic compounds;
- (3) Chlorinated hydrocarbon;
- (4) Polychlorinated biphenyls;
- (5) Polynuclear aromatic hydrocarbon;
- (6) Nitrophenols;
- (7) Nitrosamines;
- (8) Organic and inorganic mercury;
- (9) Arsenic;
- (10) Lead;
- (11) Cadmium;
- (12) Antimony;
- (13) Chromium (trivalent and hexavalent);
- (14) Copper;
- (15) Cyanides;
- (16) Acrolein;
- (17) Acrylonitrile;
- (18) Vinyl chloride;
- (19) Zinc;
- (20) Nickel;
- (21) Boron;
- (22) Vanadium;
- (23) Silver;
- (24) Selenium;
- (25) Toluene; and

(26) Any other chemical which is toxic to the animal or plant life of the ocean as identified by any federal law or regulation which is applicable on its face to the Commonwealth or by agreement between the Commonwealth and the United States Environmental Protection Agency.

(b) "Deliberate" means an act or failure to act which is done willfully, intentionally or purposefully, or caused by gross negligence.

(c) "Dump" or "dumping" means any deliberate disposal, depositing, managing, unloading or other placing in the sea, the seabed or in the sub-seabed of nuclear or chemical wastes.

(d) "Nuclear wastes" means any material which is capable of emitting alpha rays, beta rays, gamma rays, electrons, neutrons or other subatomic particulate emissions which may pose a substantial threat of death, destruction, injury, genetic or cellular alteration, or other damage to human, animal or marine life or to the environment.

(e) "Person" means any person, partnership, corporation, government, governmental entity, government agency or its representatives.

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(f) “Sea” means all marine waters other than the internal waters of the Commonwealth.

(g) “Vessel or aircraft” means any waterborne or airborne craft of any type whatsoever.

(h) Nuclear reactor means a device for initiating and maintaining a controlled nuclear chain reaction in a fissionable fuel for the production of energy or additional fissionable material, or the modern Small Modular nuclear power Reactor (SMR), which utilizes passive features that minimizes the "nuclear reaction" within the sealed container. Nuclear reactors are used in nuclear energy power plants and nuclear-powered vessels.

(i) “Nuclear weapons” include any explosive device that generates its energy by nuclear fission or fusion, and a component of a nuclear weapon is any device whose principal purpose is for incorporation into the structure of a nuclear weapon.

(j) “Radioactive materials” means materials giving off, or capable of giving off, radiant energy in the form of particles or rays, as alpha, beta, and gamma rays, by the spontaneous disintegration of atomic nuclei, including accelerator-produced isotopes and by-product materials. Radioactive materials include:

(1) All materials which enter into or are produced as a part of the nuclear fuel cycle, including milled uranium ore, fissionable materials, and all fission by-products.

(2) Any quantity of radioactive material specified as a “large quantity” by the Nuclear Regulatory Commission which is defined in 10 CFR, Part 71, as amended, or its successor regulations.

(3) Any quantity of radioactive waste, including nonradioactive material contaminated with radioactive material, which has been produced in the nuclear fuel cycle or otherwise.

(k) “Transport” means the transportation by any mode, including highway, waterway, railway, or air.

**Source:** PL 3-42, § 3; amended by PL 4-45, § 3; (a) and (h) amended by PL 17-10 § 4 (July 28, 2010), modified.

**Commission Comment:** The Commission inserted proper code section references pursuant to 1 CMC § 3806(c). For more information regarding PL 17-10, see comment to 2 CMC § 1326.