

**DISTRICT OF
COLUMBIA
MUNICIPAL
REGULATIONS
for
RADIATION:
ADMINISTRATION AND
ENFORCEMENT**

CHAPTER 67 RADIATION: ADMINISTRATION AND ENFORCEMENTSec

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6700. GENERAL PROVISIONS.

6700.1 The purpose of the radiation provisions of this title (chapters 67 through 69) is to specify the requirements in the use of all radiation, radiation machines, and radioactive materials to ensure the maximum protection of the public health and the maximum safety to all persons at, or in the vicinity of, the place of use, storage, or disposal of radiation, radiation machines, and radioactive materials.

6700.2 The radiation provisions of this title are intended to be consistent with the best use of radiation machines and radioactive materials, and to encourage the constructive uses of radiation.

6700.3 Except as otherwise specifically provided, the radiation provisions of this title shall apply to all persons who receive, possess, use, transfer, own, or acquire any source of radiation; Provided, however, that nothing in these provisions shall apply to any person to the extent such person is subject to regulation by the Nuclear Regulatory Commission (the "NRC").

6700.4 Nothing in the radiation provisions of this title shall be interpreted as limiting the intentional exposure of patients to radiation for the purpose of diagnosis or therapy.

6700.5 Regulation of source material, byproduct material, and special nuclear material in quantities not sufficient to form a critical mass is subject to the provisions of any agreement between the District and the NRC, and to part 150 of the NRC's regulation (10 CFR Part 150).

6700.6 Each section of chapters 67 through 69, and every part of each section, is declared independent of every other section, and the finding of any section, or part of a section, to

be void or ineffective for any reason shall not be deemed to affect any other section, or part of a section.

6701. RADIATION STANDARDS.

6701.1 After notice and public hearing, the Director of the Department of Health (the Director) shall prescribe standards for the protection against sources of radiation and other requirements as may be reasonable and necessary to carry out the intent and purpose of the radiation provisions of this title.

6701.2 The standards and requirements prescribed by the Mayor pursuant to § 6701.1 shall, as far as is practicable, be reasonably compatible with and, in any event, shall not be less restrictive than standards established by the NRC, the Federal Radiation Council, or the National Committee on Radiation Protection and Measurement.

6701.3 The Director may cause the standards and requirements

6702. TESTS AND RECORDS.

6702.1 Upon instruction from the Director, each licensee and registrant under the radiation provisions of this title shall perform or permit the Director to perform any reasonable test as the Director deems appropriate or necessary, including, but not limited to, tests of the following:

- (a) Sources of radiation;
- (b) Facilities wherein sources of radiation are used or stored;
- (c) Radiation detection and monitoring instruments; and
- (d) Other equipment and devices used in connection with utilization or storage of licensed or registered sources of radiation.

6702.2 Each licensee and registrant under the radiation provisions of this title shall keep records showing the receipt, transfer, and disposal of all sources of radiation, and any other records as the Director may, by order, require.

6702.3 Each licensee and registrant shall make available to the Director for inspection, upon reasonable notice, records maintained pursuant to the radiation provisions of this title.

6703. RESERVED.

6704. INSPECTIONS.

6704.1 The Director or the Director's authorized representatives shall have the power to

enter at all reasonable times upon any private or public property for the following purposes:

(a) To determine whether there is compliance with or violation of the radiation provisions of this title, and with the standards and requirements issued pursuant to those provisions; and

(b) To inspect sources of radiation and the premises and facilities wherein the sources of radiation are stored.

6704.2 Entry into areas under the jurisdiction of the federal government shall occur only with the concurrence of the federal government or its duly designated representative.

6704.3 Entry upon private property shall be in accordance with the law.

6705. EMERGENCIES, IMPOUNDMENTS AND STOP ORDERS.

6705.1 Whenever the Director finds that an emergency exists requiring immediate action to protect the public health and safety, the Director, may, without notice or hearing, issue an order stating the existence of the emergency, and requiring that action be taken as necessary to meet the emergency.

6705.2 In the event of an emergency constituting a hazard to the health of employees of the public or others, the Director may impound or order the impounding of sources of ionizing radiation in the possession of any person who is not equipped to observe, or fails to observe, the radiation provisions of this title.

6705.3 If all or part of any machine, device, or equipment is in a dangerous condition, or if it is not properly safeguarded, notice of the situation shall be given by the Director to any individual owning, operating, or possessing the machine, device, or equipment.

6705.4 Upon notice as required by § 6705.3, and until the notice is withdrawn by the Director, use of the machine, device, or equipment shall be forbidden. The Director may withdraw the notice if he or she is satisfied that the machine, device or equipment has been made safe, or that proper safeguards have been instituted for operation, or for other reasons found pursuant to a hearing as provided for in § 6709 of this chapter

6706. INTRASTATE TRANSPORTATION OF MATERIALS.

6706.1 No licensee shall transport any radioactive material outside of the confines of the licensee's plant or other authorized location of use, or deliver any radioactive material to a carrier for transportation, unless the licensee complies with the requirements as specified in § 6706.2.

6706.2 Each licensee shall transport materials with all requirements appropriate to the mode of transportation, relating to the packaging of the radioactive material and to the

marking and labeling of the package and transporting vehicle, of the rules and regulations published by the U.S. Department of Transportation ([46 CFR § 148.04-1](#), 49 CFR §§ 173-179, and 14 CFR § 103) to the same extent as if the transportation were subject to the rules and regulations of that agency.

6707. RECIPROCITY.

6707.1 Any person who possesses a specific license or equivalent licensing document issued by the NRC, or any agreement state, may conduct the activities authorized in the licensing document within the District for a period not in excess of twenty (20) days in any period of twelve (12) consecutive months without obtaining a specific license from the Director; Provided that the provisions of §§ 6707.2 through 6707.7 shall be met.

6707.2 The licensing document shall not limit the activity authorized by the document to specified installations or locations.

6707.3 The out-of-state licensee shall notify the Director in writing at least two (2) days prior to engaging in the activity.

6707.4 The notification required by § 6707.3 shall indicate the location, period, and type of proposed possession and use within the District, and shall be accompanied by a copy of the pertinent licensing document.

6707.5 If, for a specific case, the two (2) day notification period would impose an undue hardship on the out-of-state licensee, the licensee may, upon making application to the Director, obtain permission to proceed sooner.

6707.6 The out-of-state licensee shall comply with all applicable radiation provisions of this title, and with all the terms and conditions of the licensee's licensing document. The licensee need not comply with any terms and conditions that may be inconsistent with the radiation provisions of this title.

6707.7 The out-of-state licensee shall supply any information the Director may request in addition to the information required by §§ 6707.2 through 6707.6.

6707.8 To the extent authorized by §§ 6800, 6801 through 6807, 6810, and 6811, a person may transfer, receive, acquire, own, possess, and use any equipment, device, commodity, or other product containing radioactive material that has been manufactured, processed, or produced in accordance with a specific license or equivalent licensing document issued by the NRC or any agreement state.

6707.9 Notwithstanding the provisions of §§ 6707.1 through 6707.7, any person who holds a specific license or equivalent licensing document issued by the NRC or an agreement state authorizing the holder to manufacture, install or service a device described in §§ 6803.1 through 6803.5 within areas subject to the jurisdiction of the licensing body shall be granted a general license to install and service the device in the

District; Provided, that the following requirements are met:

- (a) The person shall file a report with the Director within thirty (30) days after the end of each calendar quarter in which any device is transferred to or installed in the District. Each report shall identify each general licensee by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;
- (b) The device shall be manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license or equivalent licensing document issued to the person by the NRC or an agreement state;
- (c) The person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed the manufacture of the device bear a statement that, "REMOVAL OF THIS LABEL IS PROHIBITED"; and
- (d) The holder of the specific license or equivalent licensing document shall furnish to each general licensee to whom the holder transfers the device, or on whose premises the holder installs the device, a copy of the general license contained in § 6803.

6707.10 The Director may withdraw, limit, or qualify his or her acceptance of any specific license or equivalent licensing issued by another agency, or any product distributed pursuant to the licensing document, upon determining that the action is necessary in order to prevent undue hazard to public health and safety or property.

6708. VARIANCES.

6708.1 The Director shall keep a properly indexed record of all variances and exceptions permitted from any rule or regulation or standard. The record shall be open to public inspection.

6708.2 The Director may, upon written application of any person affected by the radiation provisions of this title, permit variations from any of those provisions.

6708.3 The Director may, upon receiving a written application to do so, excuse a person from the performance of any act required by the radiation provisions of this title, either in whole or in part, upon a finding by the Director that the application of a provision or the full performance of an act would result in unnecessary hardship or practical difficulty.

6708.4 A variance or exception under §§ 6708.2 or 6708.3 shall be allowed only where and to the extent necessary to ameliorate the unnecessary hardship or practical difficulty, and only when compensating factors are present that give adequate protection to the public health and public welfare, and that do not impair the intent and purpose of the radiation provisions of this title.

6709. HEARINGS.

6709.1 Each licensee or registrant, or applicant for licensing or registration, who is aggrieved by a proposed action of the Director that would result in the refusal to issue a license or registration, or that would modify, suspend, terminate, or revoke a license or registration, shall be afforded notice and an opportunity to be heard prior to the action by the Director.

6709.2 A request for a hearing to review an adverse action proposed by the Director must be made in writing within fifteen (15) days following notification to the applicant, licensee, or registrant of the contemplated action and of his or her right to a hearing with respect to the action.

6709.3 Upon failure by an applicant, licensee, or registrant to request a timely hearing, or upon failure of the person to appear at a scheduled hearing and for which no continuance has been or is granted, the Director may, without a hearing, take the action contemplated in the notice.

6709.4 When the Director issues a notice pursuant to § 6705 of this chapter to cease and desist from the use of any machine, device, or equipment by a licensee or registrant, the Director shall inform the licensee or registrant that an opportunity to be heard and to contest the notice shall be afforded within thirty (30) days of the issuance of the notice.

6709.5 In any matter involving denying, modifying, suspending, or revoking any license issued under chapters 67 through 69 of this title, or in a hearing concerned with the issuance of a notice to cease and desist the use of any machine, device, or equipment, the procedure shall be in accordance with the District of Columbia Administrative Procedure Act, approved October 4, 1968, as amended ([82 Stat. 1203](#); D.C. Official Code §§ 2-501 to 2-510 (2001)).

6710. PENALTIES.

6710.1 Any person who fails to comply with any provision of the radiation provisions of this title, or of the standards issued by the Director, or any person who refuses, interferes with, or prevents any inspection authorized by the radiation provisions of this title, shall be punished by a fine of not more than three hundred dollars (\$ 300), or by imprisonment not to exceed ninety (90) days.

6710.2 In the event of any violation of, or failure to comply with, the radiation provisions of this title or with standards issued by the Director, each and every day of the violation or failure shall constitute a separate offense; and the penalties prescribed in this section shall be applicable to each separate offense.

6799. DEFINITIONS.

6799.1 When used in chapters 67 through 69 of this title, and in forms prescribed under those chapters, where not otherwise distinctly expressed or manifestly incompatible with the intent of the District of Columbia Low-Level Radioactive Generator Policy Act of

1990, effective March 7, 1991, as amended (D.C. Law 8-226; D.C. Official Code § 8-1501 to 8-1506 (2001)) (Act) or those chapters, the following terms shall have the meanings ascribed:

Agreement state -- any state with which the Nuclear Regulatory Commission or the Atomic Energy Commission has entered into an effective agreement under subsection 274b. of the Atomic Energy Act of 1954, as amended ([73 Stat. 689](#)).

Airborne radioactive material -- any radioactive material dispersed in the air in the form of dust, fumes, mists, vapors, or gases.

Byproduct material -- 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.

Calendar quarter -- not less than twelve (12) consecutive weeks, nor more than fourteen (14) consecutive weeks. Calendar quarters shall be arranged so that no day in any year is omitted from inclusion within a calendar quarter. No licensee or registrant shall change the method observed by him or her of determining calendar quarters for purposes of this chapter, except at the beginning of a calendar year.

CFR -- Code of Federal Regulations.

Department -- the Department of Health or a successor agency.

Director -- the Director of the Department of Health or a successor agency or her or his designee.

District -- the District of Columbia.

Health physicist -- a safety professional in the field of radiation protection who uses his or her knowledge of the physical and biological effects of radiation in order to ensure the safety of both users of radioactive sources and of the general public.

Human use -- the internal or external administration of radiation or radioactive material to human beings.

Individual -- any human being.

License -- except where otherwise specified, a license issued pursuant to [22 DCMR § 6800](#).

Occupational exposure -- exposure of an individual to radiation in a restricted area or in the course of employment in which the individual's restricted area or in the course of employment in which the individual's duties involve exposure to radiation, except that "occupational exposure" shall not be deemed to include any exposure of an individual to

radiation for the purpose of medical diagnosis or medical therapy of the individual.

Person -- any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision or agency state. This term shall not include the United States Atomic Energy Commission or any other federal agency.

Pharmacist -- an individual licensed by the District of Columbia to compound and dispense drugs, prescriptions, and poisons.

Physician -- an individual licensed by the District of Columbia to dispense drugs in the practice of medicine.

Radiation -- gamma rays and X-rays, alpha and beta particles, high-speed electrons, neutrons, and other nuclear particles; but not sound or radio waves, lasers, or visible, infrared, or ultra-violet light.

Radioactive material -- any material, solid, liquid, or gas that emits radiation spontaneously.

Research and development -- theoretical analysis, exploration, or experimentation, or the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes; including the experimental production and testing of models, devices, equipment, materials, and processes. Research and development does not include the internal or external administration of radiation or radioactive material to human beings.

Restricted area -- any area to which access is controlled by the licensee or registrant for purposes of protection of individuals from exposure to radiation or radioactive materials. A "restricted area" shall not include any areas used for residential quarters, although a separate room or rooms in the residential building may be set apart as a restricted area.

Sealed source -- radioactive material that is permanently bonded or fixed in a capsule or matrix designed to prevent release and dispersal of the radioactive material under the most severe conditions that are likely to be encountered in normal use and handling.

Source material -- uranium or thorium, or any combination of these two materials, in any physical or chemical form; or ores that contain by weight one-twentieth of one percent (0.05%) or more of uranium, thorium, or any combination of uranium and thorium. "Source material" does not include special nuclear material.

Source of radiation -- any radioactive material, or any device or equipment, emitting or capable of producing radiation.

Special nuclear material in quantities not sufficient to form a critical mass -- uranium enriched in the isotope U-235 in quantities not exceeding three hundred fifty (350) grams of contained U-235; uranium 233 in quantities not exceeding two hundred (200) grams;

or any combination of them in accordance with the following formula: For each kind of special nuclear material, determine the ratio between the quantity of that special nuclear material and the quantity specified above for the same kind of special nuclear material. The sum of such ratios for all of the kinds of special nuclear material in combination shall not exceed "1". For example, the following quantities in combination would not exceed the limitation and are within the formula:

$$(175 \text{ (grams contained U-235)})/350 + (50 \text{ (grams U-233)})/200 + (50 \text{ (grams Pu)})/200 = 1$$

State -- any one of the states and the District of Columbia.

Unrefined and unprocessed ore -- ore in its natural form prior to any processing, such as grinding, roasting, beneficiating, or refining.

Unrestricted area -- any area to which access is not controlled by the licensee or registrant in order to protect individuals from exposure to radiation and radioactive materials; and any area used for residential quarters.