

GOVERNMENT OF THE DISTRICT OF COLUMBIA**DEPARTMENT OF HEALTH**

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority of section 4 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)), Mayor's Order 98-52, effective April 15, 1998; and section 4902(c) of the Department of Health Functions Clarification Act, effective October 3, 2001, (D.C. Law 14-28; D.C. Official Code § 7-731(c) (2001)), and Mayor's Order 2005-81, effective May 25, 2005 hereby gives notice that final rulemaking action was taken on April 21, 2006 to adopt regulations to amend 22 DCMR Chapter 67 (Radiation: Administration and Enforcement); Chapter 68 (Licensing Users of Radioactive Material); and Chapter 69 (Radiation: Specific License Procedures).

A notice of proposed rulemaking was published at 53 *D.C. Register* 884 on February 10, 2006. No comments were received and no changes have been made to the text published in the proposed rulemaking. These rules shall become effective on the date this notice is published in the *D.C. Register*.

CHAPTER 67 RADIATION: ADMINISTRATION AND ENFORCEMENT**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 specified by the Mayor to be codified in a form that the Director shall prescribe.

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:

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

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.

CHAPTER 68 LICENSING USERS OF RADIOACTIVE MATERIAL

6800 GENERAL PROVISIONS

- 6800.1 No person shall receive, possess, use, transfer, own, or acquire radioactive material, except as authorized in a specific or general license issued pursuant to this chapter, or as otherwise provided in this chapter.
- 6800.2 All other sources of radiation, unless exempt from this chapter, shall be registered with the Director in accordance with the requirements of §§ 6920 through 6922 of chapter 69 of this title.
- 6800.3 Licenses for radioactive materials shall be general and specific.
- 6800.4 General licenses are effective without the filing of applications with the Department or the issuance of licensing documents to particular persons.
- 6800.5 Specific licenses are issued to named persons upon applications filed pursuant to this chapter.
- 6800.6 Subject to the provisions of this chapter, a general license shall be issued to own radioactive material without regard to quantity.
- 6800.7 Notwithstanding any provision of this chapter, the general license does not authorize the manufacture, production, transfer, receipt, possession, or use of byproduct material.

6801 GENERAL LICENSES: SOURCE MATERIALS

- 6801.1 A general license shall be granted for the use and transfer of not more than fifteen (15) pounds of source material at one (1) time by persons in the following categories:
 - (a) Pharmacists using the source material solely for the compounding of medicinals;
 - (b) Physicians using the source material for medicinal purposes;
 - (c) Persons receiving possession of source material from pharmacists and physicians in the form of medicinals or drugs; and
 - (d) Commercial and industrial firms, and research, educational and medical institutions for research, development, educational, or commercial purposes.
- 6801.2 Pursuant to the issuance of a general license, no person shall receive more than a total of one hundred fifty (150) pounds of source material in any one (1) calendar year.
- 6801.3 Each person who receives, possesses, uses, or transfers source material pursuant to the general license issued in §6801.1 is exempt from the radiation standards issued by the Director to the

extent that the receipt, possession, use, or transfer is within the terms of the general license; Provided, that this exception shall not be deemed to apply to any person who is also in possession of source material under a specific license issued pursuant to this chapter.

6801.4 A general license shall be granted for the receipt of title to source material without regard to quantity.

6801.5 The general license issued under this section shall not authorize any person to receive, possess, use, or transfer source material.

6802 GENERAL LICENSES: OTHER RADIOACTIVE MATERIALS

6802.1 A general license shall be granted to transfer, receive, acquire, own, possess, and use radioactive material incorporated in a device or equipment that is listed under standards issued by the Director and that has been manufactured pursuant to a specific license or equivalent licensing document issued by the Director, the NRC, or any agreement state, and to authorize distribution under the general license of this section or its equivalent.

6802.2 A general license shall be granted to transfer, receive, acquire, own, possess, and use quantities of radioactive material listed under standards issued by the Director; Provided, that no person shall at any one (1) time possess or use, pursuant to the general licensing provisions of this section, more than a total of ten (10) scheduled quantities.

6802.3 Each person who transfers, receives, acquires, owns, possesses, or uses scheduled items or quantities of radioactive material pursuant to a general license provided under §§6801.1 and 6801.2 shall not do the following:

- (a) Cause an increase in the radioactivity of the scheduled items or quantities by adding other radioactive material to the items, by combining radioactive material from two (2) or more item quantities, or by altering them in any other manner that increases the rate of radiation from them;
- (b) Administer externally or internally, or direct the administration of, all or any part of the scheduled items or quantities to a human being for any purpose, including, but not limited to, diagnostic, therapeutic, and research purposes;
- (c) Add, or direct the addition of, all or part of the scheduled items or quantities to any food, beverage, cosmetic, drug, or other product designed for ingestion or inhalation by, or application to, a human being; or
- (d) Include all or part of the scheduled items or quantities in any device, instrument, or apparatus (including component parts and accessories to the parts) intended for use in diagnosis, treatment, or prevention of disease in human beings or animals or otherwise intended to affect the structure or any function of the body of human beings or animals.

6803 MEASURING, GAUGING, AND CONTROLLING DEVICES

- 6803.1 A general license shall be granted to own, receive, acquire, possess, and use radioactive material when the material is contained in devices designed and manufactured for the purpose of detecting, measuring, gauging, or controlling thickness, density, level, interface location, radiation leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere, when the devices are manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued to the supplier pursuant to §6912 or its equivalent by the Director, the NRC, or any agreement state, and authoring distribution under the general license of this section or its equivalent; Provided, that the devices meet the requirements of §§ 6803.2 and 6803.5.
- 6803.2 Each device shall be labeled in accordance with the provisions of the specific license or equivalent-licensing document that authorizes its distribution.
- 6803.3 Each device shall bear a label containing information as may be required by the Director.
- 6803.4 Each device shall be installed on the premises of the general licensee by a person authorized to install the device under a specific license or equivalent licensing document issued to the installer by the Director, the NRC, or any agreement state, if a label affixed to the device at the time of receipt states that installation by a specific licensee is required.
- 6803.5 The requirement of §6803.4 shall not apply while a device is held in storage in the original shipping container pending installation by a specific licensee.
- 6803.6 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall not transfer, abandon, or dispose of the device, except by transfer to a person duly authorized to receive the device by a specific license or equivalent licensing document issued by the Director, the AEC, or any agreement state.
- 6803.7 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall furnish to the Director, within thirty (30) days after any transfer, a report containing the following information:
- (a) The name of the manufacturer of the device;
 - (b) The type of device;
 - (c) The manufacturer's serial number of the device; and
 - (d) The name and address of the person receiving the device.
- 6803.8 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall ensure that all labels affixed to the device at the time of receipt and bearing the statement, "REMOVAL OF THE THIS LABEL IS PROHIBITED," are maintained on the device and shall comply with all instructions contained in the label.

- 6803.9 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall have the device tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at the time of installation of the device or replacement of the radioactive material on the premises of the general licensee.
- 6803.10 Each device shall be re-tested at no longer than six (6) month intervals, or at intervals not to exceed three (3) years as is specified in the label required by this section.
- 6803.11 Devices containing only krypton need not be tested for leakage, and devices containing only tritium need not be tested for any purpose.
- 6803.12 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall have the tests required by §6803.9 and all other services involving the radioactive materials, and its shielding and containment, performed by the supplier or other person duly authorized by a specific license or equivalent licensing document issued by the Director, the NRC, or any agreement state, to manufacture, install, or service the device.
- 6803.13 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall, within thirty (30) days after the occurrence of a failure of or damage to the shielding of the radioactive material, or the on-off mechanism or indicator, or upon the detection of five one-thousandths (0.005) of a microcurie or more of removable radioactive material, furnish to the Director a report containing the following information:
- (a) The name of the manufacturer of the device;
 - (b) The type of device;
 - (c) The manufacturer's serial number of the device; and
 - (d) A brief description of the event and the remedial action taken.
- 6803.14 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall maintain records of all tests performed on the device as required under this section, including the dates and results of the tests and the names of the persons conducting the tests.
- 6803.15 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall, upon the occurrence of a failure of or damage to the shielding or containment of the radioactive material, of the on-off mechanism or indicator, immediately suspend operation of the device until it has been repaired by a person holding a specific license or equivalent licensing document issued by the Director, the NRC, or any agreement state to receive the radioactive material contained in the device.

6803.16 Each person who owns, receives, acquires, possesses, or uses a device pursuant to a general license issued under this section shall, within ten (10) days after the receipt of the device, notify the director of the type of device and the name and address of the supplier.

6804 LUMINOUS SAFETY DEVICES FOR AIRCRAFT

6804.1 A general license shall be granted to own, receive, acquire, possess, and use tritium or promethium 147 contained in luminous safety devices for use in aircraft; Provided that the requirements of this section are met.

6804.2 Each device shall contain not more than ten (10) curies of tritium or three hundred (300) millicuries of promethium 147.

6804.3 Each device shall have been manufactured, assembled, or imported in accordance with a specific license issued by the NRC, or each device shall have been manufactured or assembled in accordance with the specifications contained in a specific license or equivalent licensing document issued by the Director or any agreement state to the manufacturer or assembler of the device pursuant to licensing requirements equivalent to those in §32.53 of 10 CFR, Part 32.

6804.4 The general license provided in this section shall not authorize the manufacture, assembly, or repair of luminous safety devices containing tritium or promethium 147.

6805 CALIBRATION AND REFERENCE SOURCES

6805.1 The following persons shall be granted a general license to own, receive, acquire, possess, use, and transfer, in accordance with the provisions of §§6805.3 through 6805.5 of this section, americium 241 in the form of the calibration or reference sources:

- (a) Any person who holds a specific license issued by the Director which authorizes the person to receive, possess, use, and transfer radioactive material; and
- (b) Any person who holds a specific license issued by the NRC which authorizes the person to receive, possess, use and transfer special nuclear material.

6805.2 A general license shall be granted to receive, possess, use, and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of §§6805.3 through 6805.5 of this chapter to any person who holds a specific license issued by the director which authorizes the person to receive, possess, use, and transfer radioactive material.

6805.3 The general license in §§6805.1 and 6805.2 shall apply only to calibration or reference sources that have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the NRC

pursuant to §32.57 of 10 CFR Part 32 or §70.39 of 10 CFR Part 70, or that have been manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued to the manufacturer by the Director or by any agreement state pursuant to licensing requirements equivalent to those contained in §32.57(n) of 10 CFR Part 32 or §70.39 of 10 CFR Part 70.

- 6805.4 Any person who owns, receives, acquires, possesses, uses, or transfers one (1) or more calibration or reference sources pursuant to these general licenses shall store the source, except when the source is being used, in a closed container adequately designed and constructed to contain americium 241 or plutonium which might otherwise escape during storage.
- 6805.5 Any person who owns, receives, acquires, possesses, uses, or transfers one (1) or more calibration or reference sources pursuant to a general license shall not do the following:
- (a) Possess at any one (1) time, at any one (1) location of storage or use, more than five (5) microcuries of americium 241 and five (5) microcuries of plutonium in the sources;
 - (b) Receive, possess, use, or transfer the source, unless the source of the storage container bears a label containing the information as may be required by the Director;
 - (c) Transfer, abandon, or dispose of the source, except by transfer to a person authorized to receive the source by a license from the Director, the NRC, or an agreement state; and
 - (d) Use the source for any purpose other than the calibration of the radiation detectors or the standardization of other sources.
- 6805.6 The general licenses provided by this section shall not authorize the manufacture of calibration or reference sources containing americium 241 or plutonium.

6806 MEDICAL DIAGNOSTIC USES

- 6806.1 A general license shall be issued to any physician to receive, possess, transfer, or use for any of the following diagnostic uses, in accordance with the provisions of §§6806.2 through 6806.6 of this section, the following radioactive materials in capsules, disposable syringes, or other forms of prepackaged individual doses:
- (a) Iodine 131 as sodium iodide (NaI^{131}) for measurement of thyroid uptake;
 - (b) Iodine 131 as iodinated human serum albumin (IHSA) for determinations of blood plasma volume;
 - (c) Iodine 125 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;

- (d) Cobalt 57, Cobalt 58, and Cobalt 60 for the measurement of intestinal absorption of cyanocobalamin; and
 - (e) Chromium 51 as sodium radiochromate for determinations of red blood cell volumes and studies of red blood cell survival time.
- 6806.2 No physician shall receive, possess, use, or transfer radioactive material pursuant to the general license established in §6806.1, except in accordance with the terms of a certificate issued by the Director.
- 6806.3 Application for the certification required in §6806.2 shall be filed on a form prescribed by the Director, and shall contain information as may be required by the Director.
- 6806.4 The physician shall report in writing any changes in the information furnished in the form within thirty (30) days of the change.
- 6806.5 A physician who receives, possesses, or uses a pharmaceutical containing radioactive material pursuant to the general license established in §6806.1 shall do the following:
- (a) Store the pharmaceutical until administered in the original shipping container, or a container providing equivalent radiation protection; and
 - (b) Use the pharmaceutical only for the uses authorized by §6806.1.
- 6806.6 A physician who receives, possesses, or uses a pharmaceutical containing radioactive material pursuant to the general license established in §6806.1 shall not do the following
- (a) Possess at any one (1) time, pursuant to the general license in §6806.1, more than the following substances:
 - (1) Two hundred (200) microcuries of iodine 131;
 - (2) Two hundred (200) microcuries of iodine 125;
 - (3) Five (5) microcuries of cobalt 57;
 - (4) Five (5) microcuries of cobalt 58;
 - (5) Five (5) microcuries of cobalt 60; or
 - (6) Two hundred (200) microcuries of chromium 51.
 - (b) Administer the pharmaceutical to a woman with a confirmed pregnancy or to a person under eighteen (18) years of age;
 - (c) Transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the Director, the AEC, or any agreement state; and

- (d) Transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier, except by administering it to a patient.

6807 ICE DETECTION DEVICES

6807.1 A general license shall be granted to own, receive, acquire, possess, use, and transfer strontium 90 contained in ice detection devices; Provided that the following requirements are met:

- (a) Each device shall contain not more than fifty (50) microcuries of strontium 90;
- (b) Each device shall have been manufactured or imported in accordance with a specific license issued by the NRC; and
- (c) Each device shall have been manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued by the Director or any agreement state to the manufacturer of the device pursuant to licensing requirements equivalent to those in §32.61 of 10 CFR Part 32.

6807.2 Persons who own, receive, acquire, possess, use, or transfer strontium 90 contained in ice detection devices pursuant to the general license in §6807.1 shall do the following:

- (a) Upon occurrence of visually observable damage to the device, such as a bend or crack or discoloration from overheating, discontinue use of the device until it has been inspected, tested for leakage, and repaired by a person holding a specific license or equivalent licensing document from the NRC or an agreement state to manufacture or service the devices, or dispose of the device pursuant to the provisions of these regulations; and
- (b) Ensure that all labels affixed to the device at the time of receipt, and which bear a statement that prohibits removal of the labels are maintained on the device.

6807.3 The general license provided in this section shall not authorize the manufacture, assembly, disassembly, or repair of strontium 90 in ice detection devices.

§§6808 - §6809: RESERVED

6810 EXEMPTIONS: SOURCE MATERIALS

6810.1 Any person who receives, possesses, uses, or transfers source material in any chemical mixture, compound, solution, or alloy in which the source material is by weight less than

one twentieth of one percent (0.05%) of the mixture, compound, solution, or alloy shall be exempt from the provisions of chapters 67 through 69 of this title.

- 6810.2 Any person who receives, possesses, uses, or transfers unrefined and unprocessed ore containing source material shall be exempt from the provisions of chapters 67 through 69 of this title. Except as authorized in a specific license, the person shall not refine or process the ore.
- 6810.3 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers any quantities of thorium contained in the following:
- (a) Incandescent gas mantles;
 - (b) Vacuum tubes;
 - (c) Welding rods;
 - (d) Electric lamps for illuminating purposes; Provided, that each lamp does not contain more than fifty (50) milligrams of thorium;
 - (e) Germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting; Provided that each lamp does not contain more than two (2) grams of thorium; or
 - (f) Rare earth metals and compounds, mixtures, and products containing not more than twenty-five percent (25%) by weight of thorium, uranium, or any combination of thorium and uranium.
- 6810.4 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers any quantities of thorium contained in the following products:
- (a) Glazed ceramic tableware; Provided, that the glaze contains not more than twenty percent (20%) by weight source material; and
 - (b) Glassware, glass enamel, and glass enamel frit containing not more than ten percent (10%) by weight source material; but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass, glass enamel, or ceramic used in construction.
- 6810.5 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers any finished product or part fabricated of, or containing, tungsten or magnesium-thorium alloys; Provided, that the thorium content of the alloy does not exceed four percent (4%) by weight and that the exemption contained in this subsection shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of any product or part.
- 6810.6 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers photographic film, negatives, and prints containing uranium or thorium.

- 6810.7 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers uranium contained in the detector heads for use in fire detection units; Provided, that each detector head contains not more than five one-thousandths (0.005) microcurie of uranium.
- 6810.8 A person shall be exempt from chapters 67 through 69 if the person receives, possesses uses, or transfers uranium contained in counterweights installed in aircraft, rockets, projectiles, or missiles, or stored or handled in connection with the installation or removal of the counterweights when the following requirements are met:
- (a) The counterweights are manufactured in accordance with the specifications contained in a specific license or equivalent licensing document issued by the Director, the NRC, or any agreement state;
 - (b) Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "CAUTION" "RADIOACTIVE MATERIAL - URANIUM"; and
 - (c) The plating or other covering has not been removed or penetrated.
- 6810.9 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers uranium used as shielding constituting part of any shipping container that is conspicuously and legibly impressed with the legend "CAUTION RADIOACTIVE SHIELDING - URANIUM", and that meets the specifications for containers for radioactive materials prescribed by regulations published by the U.S. Department of Transportation at 49 CFR §172.403.
- 6810.10 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers thorium contained in finished optical lenses; Provided, that each lens shall not contain more than thirty percent (30%) by weight of thorium, and that the exemption contained in this subsection shall not be deemed to authorize either of f following:
- (a) The shaping, grinding, or polishing of the lens or manufacturing process other than the assembly of the lens into optical systems and devices without any alteration of the lens; or
 - (b) The receipt, possession, use, or transfer of thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments.
- 6810.11 A person shall be exempt from chapters 67 through 69 if the person receives, possesses, uses, or transfers thorium in any finished aircraft engine part containing nickel-thoria alloy; Provided, that the following requirements are met:
- (a) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and

- (a) The thorium content in the nickel-thoria alloy does not exceed four percent (4%) by weight.

6810.12 The exemptions in this section shall not authorize the manufacture of any of the products described in this section.

6811 EXEMPTIONS: RADIOACTIVE MATERIALS

6811.1 Except as provided in §6811.2, any person who receives, possesses, uses, transfers, owns, or acquires products or materials containing radioactive material in concentrations not in excess of those listed in standards issued by the Director, shall be exempt from chapters 67 through 69 of this title.

6811.2 No person shall introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under §6811.1 or under equivalent regulations of the NRC or any agreement state; except in accordance with a license issued pursuant to §6915, or the general license set forth in §§6800 through 6807 of this chapter.

6811.3 Except for a person who applies tritium, promethium 147, or radium to, or a person who incorporates tritium, promethium 147, or radium into, the following products, a person shall be exempt from chapters 67 through 69 to the extent that the person receives, possesses, uses, transfers, owns, or acquires the following products:

- (a) Twenty-five (25) millicuries of tritium per timepiece;
- (b) Five (5) millicuries of tritium per hand;
- (c) Fifteen (15) millicuries of tritium per dial (bezels when used shall be considered as part of the dial);
- (d) One hundred (100) microcuries of promethium 147 per watch or two hundred (200) microcuries of promethium 147 per any other timepiece;
- (e) Twenty (20) microcuries of promethium 147 per watch hand or forty (40) microcuries of promethium 147 per other timepiece hand; and
- (f) Sixty (60) microcuries of promethium 147 per watch dial or one hundred twenty (120) microcuries of promethium 147 per other timepiece dial (bezels when used shall be considered as part of the dial).

6811.4 The levels of radiation from hands and dials containing radium or promethium 147 shall not exceed, when measured through fifty (50) milligrams per square centimeter of absorber as follows:

- (a) For wrist watches – one-tenth (0.1) millirad per hour at ten (10) centimeters from any surface;

- (b) For pocket watches - one-tenth (0.1) millirad per hour at one (1) centimeter from any surface; and
- (c) For any other timepiece - two-tenths (0.2) millirad per hour at ten (10) centimeters from any surface.

6811.5 Except for a person who applies tritium, promethium 147, or radium to, or a person who incorporates tritium, promethium 147, or radium into the following products, a person shall be exempt from chapters 67 through 69 to the extent that the person receives, possesses, uses, transfers, owns, or acquires the following products:

- (a) Lock illuminators containing not more than fifteen (15) millicuries of tritium or not more than two (2) millicuries of promethium 147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium 147 shall not exceed one (1) millirad per hour at one (1) centimeter from any surface when measured through fifty (50) milligrams per square centimeter of absorber;
- (b) Balances of precision containing not more than one (1) millicurie of tritium per balance, or not more than five-tenths (0.5) millicuries of tritium per balance part;
- (c) Automobile shift quadrants containing not more than twenty-five (25) millicuries of tritium;
- (d) Marine compasses containing not more than seven hundred fifty (750) millicuries of tritium gas and other marine navigational instruments containing not more than two hundred fifty (250) millicuries of tritium gas;
- (e) Thermostat dials and pointers containing not more than twenty-five (25) millicuries of tritium per thermostat;
- (f) Glow lamps containing not more than ten (10) microcuries of tritium per lamp; and
- (g) Spark gap tubes containing not more than thirty (30) microcuries of promethium 147. The levels of radiation from each spark gap tube containing promethium 147 shall not exceed five-tenths (0.5) millirad per hour at one (1) centimeter from any surface when measured through seven (7) milligrams per square centimeter of absorber.

6811.6 Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material intended for use by the general public shall not be granted under chapters 67 through 69 of this title.

- 6811.7 Any person who receives, possesses, uses, transfers, owns, or acquires synthetic plastic resins containing scandium 46 which are designed for sand consolidation in oil wells shall be exempt from chapters 67 through 69 of this title.
- 6811.8 The resins specified in §6811.7 shall have been manufactured or imported in accordance with a specific license issued by the NRC, or shall have been manufactured in accordance with specifications contained in a specific license or equivalent licensing document issued by the Director or any agreement state to the manufacturer of the resins pursuant to licensing requirements equivalent to those in §§32.16 and 32.17 of 10 CFR Part 32 of the regulations of the NRC.
- 6811.9 The exemption provided in §6811.7 shall not authorize the manufacture of any resins containing scandium 46.

6812 EXEMPTIONS: CARRIERS AND CONTRACTORS

- 6812.1 Any Nuclear Regulatory Commission contractor or subcontractor of the following categories operating within the District shall be exempt from chapters 67 through 69 to the extent that the contractor or subcontractor under his or her contract receives, possesses, uses, transfers, owns, or acquires sources of radiation:
- (a) Prime contractors performing work for the NRC at U.S. government-owned or
 - (b) Prime contractors performing research in or development, manufacture, storage, testing, or transportation of, atomic weapons or components of the weapons;
 - (c) Prime contractors using or operating nuclear reactors or other nuclear devices in a U.S. government-owned vehicle or vessel; and
 - (d) Any other prime contractor or subcontractor when the Director and the NRC jointly determine the following:
 - (1) That, under the terms of the contract or subcontract, there is adequate assurance that the work under the contract or subcontract can be accomplished without undue risk to the public health and safety; and
 - (2) That the exemption of the contractor or subcontractor is otherwise appropriate.

6812.2 Common and contract carriers operating within the District shall be exempt from the provisions of chapters 67 through 69 to the extent that they transport or store sources of radiation in the regular course of their carriage for another or storage incident to that carriage.

6899 DEFINITIONS

6899.1 The meanings ascribed to the definitions appearing in §6799 of chapter 67 of this title shall apply to the terms in this chapter.

CHAPTER 69 RADIATION: SPECIFIC LICENSE PROCEDURES

6900 APPLICATION FOR SPECIFIC LICENSES

- 6900.1 Applications for specific licenses shall be filed with the Director on a form prescribed by the Director, and containing information that the Director may require.
- 6900.2 At any time after the filing of the original application, and before the expiration of the license, the Director may require further statements in order to determine whether the application should be granted or denied or whether a license should be modified or revoked.
- 6900.3 Each application shall be signed by the applicant or licensee or a person duly authorized to act for and on his or her behalf.
- 6900.4 In the application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the Director; Provided, that the references shall be clear and specific.
- 6900.5 An application may include a request for a license authorizing one (1) or more purposes.
- 6900.6 Applications and documents submitted to the Director may be made available for public inspection, except that the Director may withhold all or part of any document from public inspection if disclosure of its contents is not required in the public interest and would adversely affect the interest of a person concerned.

6901 GENERAL REQUIREMENTS FOR ISSUANCE OF LICENSES

- 6901.1 A license application shall be approved if the Director determines that the requirements of this section have been satisfied.
- 6901.2 The applicant shall qualify by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in a manner that minimizes danger to public health, safety, and property.
- 6901.3 The applicant's proposed equipment, facilities, and procedures shall be adequate to minimize danger to public health, safety, and property.
- 6901.4 The issuance of the license shall not be inimical to the health and safety of the public.
- 6901.5 The applicant shall satisfy the applicable special requirements for each specific license requested pursuant to §§6910 through 6916 of this chapter.
- 6901.6 Upon a determination that an application meets the requirements of these regulations, the Director shall issue a specific license authorizing the proposed activity. The license shall state the conditions of and the limitations on the license as are deemed appropriate or necessary.

- 6901.7 The Director may incorporate in any license at the time of its issuance, or after it is issued by appropriate rule or order, any additional requirements and conditions with respect to the licensee's receipt, possession, use, and transfer of radioactive material, subject to the radiation provisions of this title, as are deemed appropriate or necessary in order to do the following:
- (a) Minimize danger to public health and safety or property;
 - (b) Require any reports, the keeping of records and provide for inspections and activities under the license as may be appropriate or necessary; and
 - (c) Prevent loss or theft of material subject to the radiation provisions of this title.

6902 SPECIFIC TERMS AND CONDITIONS OF LICENSES

- 6902.1 Each license issued pursuant to the radiation provisions of this title shall be subject to all rules, regulations, orders, and standards of the Department.
- 6902.2 Each person licensed by the Director pursuant to the radiation provisions of this title shall confine his or her use and possession of the material licensed to the locations and purposes authorized in the license.
- 6902.3 Each licensee authorized under §6912 of this chapter to distribute certain devices to generally licensed persons shall report to the Director all transfers of the devices to persons generally licensed under §6803 of chapter 68 of this title.
- 6902.4 The report required by §6902.3 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.
- 6902.5 The report required by §6902.3 shall be submitted within thirty (30) days after the end of each calendar quarter in which a device is transferred to a generally licensed person.
- 6902.6 Each licensee authorized under §6912 to distribute certain devices to generally licensed persons shall furnish to each general licensee in the District to whom he or she transfers a device a copy of the general license contained in §6803 of chapter 68 of this title.
- 6902.7 No license issued or granted under the radiation provisions of this title, and no right to possess or utilize radioactive material granted by any license issued pursuant to those provisions, shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, or through transfer of control of any license to any person unless the Director finds that the transfer is in accordance with the radiation provisions of this title and consents in writing to a transfer, assignment, or another means of disposal. The director shall base his or her finding on full information.

6903 RENEWAL AND AMENDMENT OF LICENSES

- 6903.1 Each application for renewal of a specific license shall be filed in accordance with §6900 of this chapter.
- 6903.2 In any case in which a licensee has filed an application not less than thirty (30) days prior to the expiration of his or her existing license, and has filed the application in proper form for renewal or for a new license authorizing the same activities, the existing license shall not expire until a decision on the application has been made by the Director.
- 6903.3 Each application for an amendment of a license shall be filed in accordance with §6900 of this chapter, and shall specify the respects in which the licensee desires his or her license to be amended and the grounds for the amendment.
- 6903.4 In considering an application by a licensee to renew or amend his or her license, the Director shall apply the criteria set forth in §6901 and §§6910 through 6916 of this chapter as applicable.

6904 MODIFICATION, REVOCATION, AND TERMINATION OF LICENSES

- 6904.1 The terms and conditions of all licenses shall be subject to amendment, revision, or modification, or the license may be suspended or revoked by reason of amendments to the radiation provisions of this title, or by requirements and orders issued by the Director.
- 6904.2 Any license may be revoked, suspended, or modified, in whole or in part, for any of the following reasons:
- (a) Any material false statement in the application or any statement of fact required under the radiation provisions of this title;
 - (b) Because of conditions revealed by the application or statement of fact, or any report, record, or inspection or other means that would warrant the Director refusing to grant a license on an original application; or
 - (c) For violation of, or failure to observe, any of the terms and conditions of the license, or of the radiation provisions of this title, or order of the Director.
- 6904.3 Except in cases of willfulness, or in cases in which the public health, interest, or safety requires otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of proceedings for the action, facts or conduct that may warrant the action have been called to the attention of the licensee in writing; and the licensee has been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

6904.4 The Director may terminate a specific license upon the written request of the licensee.

6905 TRANSFER OF RADIOACTIVE MATERIALS BY LICENSEES

6905.1 No licensee shall transfer radioactive material except as authorized pursuant to this section.

6905.2 With the advance approval of the receiver, any licensee may transfer radioactive material to the following:

- (a) The Department;
- (b) The Nuclear Regulatory Commission (NRC);
- (c) Any person exempt from the radiation provisions of this title to the extent permitted under the exemption; and
- (d) Any person authorized to receive the material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the Director, the NRC, or any agreement state, or to any person otherwise authorized to receive the material by the federal government or any federal government agency, the Director, or any agreement state.

6905.3 With advance approval of the receiver, a licensee may transfer radioactive material when authorized to do so by the Director in writing.

§§6906 - 6609: RESERVED

6910 HUMAN USE OF RADIOACTIVE MATERIALS

6910.1 A specific license for human use of radioactive material in institutions shall be issued only if the requirements of §§6910.2 through 6910.6 are satisfied.

6910.2 The applicant shall appoint and submit to the Director the names of the members of a medical radiation safety committee of at least three (3) members to evaluate all proposals for research, diagnostic, and therapeutic use of radioisotopes within that institution.

6910.3 Membership of the medical radiation safety committee required by §6910.1 shall include physicians expert in internal medicine, hematology, and therapeutic radiology, and a person experienced in testing of radioisotopes and protection against radiation.

6910.4 The applicant shall possess adequate facilities for the clinical care of patients.

- 6910.5 The physician designated on the application as the individual user shall have substantial experience in the handling and administration of radioisotopes and, where applicable, the clinical management of radioactive patients.
- 6910.6 If the application is for the license to use unspecified quantities or multiple types of radioactive material, the applicant's staff shall have substantial experience in the use of radioactive materials for a variety of human uses.
- 6910.7 A specific license for the human use of radioactive materials shall be issued to an individual physician only if the applicant satisfies the following requirements:
- (a) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable; and
 - (b) The applicant has extensive experience in the handling and administration of radioisotopes and, where applicable, the clinical management of radioactive patients.
- 6910.8 A specific license for human use of sealed sources shall be issued only if the applicant or, if the application is made by an institution, the individual user meets the following requirements:
- (a) He or she has specialized training in the therapeutic use of the sealed source considered (such as a teletherapy unit, beta applicator, or similar device), or has experience equivalent to that training; and
 - (b) He or she is a physician.
- 6910.9 An application for a specific license pursuant to §§6910.1 through 6910.7 of this section for any diagnostic use of radioactive material in humans as specified in standards issued by the Director shall be approved for all of the diagnostic uses within the standards if the applicant satisfies the following requirements:
- (a) The applicant satisfies the requirements of §§6910.1 through 6910.7;
 - (b) The applicant or the physician designated in the application as the individual user has adequate clinical experience in the performance of diagnostic procedures specified in the appropriate standards; and
 - (c) The applicant's proposed radiation detection instrumentation is adequate for conducting the diagnostic procedures specified in the appropriate standards.

6911 MANUFACTURE FOR MEDICAL DIAGNOSTIC USES

- 6911.1 A specific license authorizing the distribution of radioactive material for use by physicians under the general license in §6806 of chapter 68 of this title shall be issued only if the requirements of this section are met.
- 6911.2 The applicant for the license shall submit evidence that the radioactive material is to be manufactured, labeled, and packaged in accordance with the following:
- (a) A new drug application which the Commissioner of Food and Drugs, of the Food and Drug Administration, has approved; or
 - (b) A license for a biologic product issued by the Secretary of Health and Human Services.
- 6911.3 A label or statement containing information as the Director may require shall be affixed to the container or shall appear in the leaflet or brochure that accompanies the package of radioactive material.

6912 RESEARCH AND DEVELOPMENT

- 6912.1 A specific license for multiple quantities or types of radioactive material for use in research and development shall be issued if the requirements of this section are met.
- 6912.2 The applicant's staff shall have substantial experience in the use of a variety of radioisotopes for a variety of research and development uses.
- 6912.3 The applicant shall have established a radiation safety committee which will review and approve, in advance of purchase of radioisotopes, proposals for the radiological use.
- 6912.4 The committee required by §6912.3 shall be composed of persons such as a radiological safety officer, a representative of the business office, and one (1) or more persons trained or experienced in the safe use of radioactive materials.
- 6912.5 The applicant shall appoint a radiological safety officer who will advise and assist on radiological safety problems.

6913 MEASURING, GAUGING, AND CONTROLLING DEVICES

- 6913.1 A specific license to distribute certain devices of the types enumerated in §6803 of chapter 68 of this title to persons generally licensed under that section shall be issued only if the requirements of this section are met.

- 6913.2 The applicant shall submit sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling, proposed uses, and potential hazards of the device to reasonably ensure the following:
- (a) The radioactive material contained in the device will not be lost;
 - (b) No individual will receive a radiation exposure to a major portion of his or her body in excess of five-tenths (0.5) rem in a year under ordinary circumstances of use;
 - (c) The device can be safely operated by individuals not having training in radiological protection; and
 - (d) The radioactive material within the device will not be accessible to unauthorized individuals.
- 6913.3 In describing the label or labels and the label contents to be affixed to the device, the applicant shall separately indicate instructions and precautions that are necessary to assure safe operation of the device. The instructions and precautions shall be contained on labels bearing the statement, "REMOVAL OF THIS LABEL IS PROHIBITED."
- 6913.4 If the applicant desires that the device be tested for proper operation of the on-off mechanism and indicator, if any, and for leakage of radioactive material, subsequent to the initial test required by §§6803.9 and 6803.10, at intervals longer than six (6) months, but not exceeding three (3) years, the applicant shall include in the application sufficient information to demonstrate that the longer interval is justified by performance characteristics of the device or similar devices, and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device.
- 6913.5 In determining the acceptable interval for tests of leakage of radioactive material, the Director shall consider information on particulars which includes, but is not necessarily limited to, the following:
- (a) Primary containment (source capsule);
 - (b) Protection of primary containment;
 - (c) Method of sealing containment;
 - (d) Containment construction materials;
 - (e) Form of contained radioactive material;
 - (f) Maximum temperature withstood during prototype tests;
 - (g) Maximum pressure withstood during prototype tests;

- (h) Maximum quantity of contained radioactive material;
- (i) Radiotoxicity of contained radioactive material; and
- (j) Operating experience with identical devices or similarly designed and constructed devices.

6914 INDUSTRIAL RADIOGRAPHY

- 6914.1 A specific license for use of sealed sources in industrial radiography (that is, the examination of the structure of materials by nondestructive methods utilizing sealed sources of radioactive material) shall be issued if the requirements of this section are met.
- 6914.2 The applicant shall have an adequate program for training radiographers and radiographers' assistants.
- 6914.3 The applicant shall submit to the Director a schedule or description of the program for training radiographers and radiographers' assistants which specifies the following:
- (a) Initial training;
 - (b) Periodic training;
 - (c) On-the-job training;
 - (d) Means to be used by the licensee to determine the radiographer's knowledge and understanding of and ability to comply with regulations and licensing requirements, and the operating and emergency procedures of the applicant; and
 - (e) Means to be used by the licensee to determine the radiographer's assistant's knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant.
- 6914.4 The applicant shall establish and submit to the Director operating and emergency procedures that comply with the standards issued by the Director.
- 6914.5 The applicant shall have an adequate internal inspection system, or another management control, to assure that license provisions, regulations, and the applicant's operating and emergency procedures are followed by each radiographer and each radiographer's assistant.
- 6914.6 The applicant shall submit to the Director a description of the applicant's overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program.

6914.7 The applicant who desires to conduct his or her own leak tests shall establish adequate procedures to be followed in leak testing sealed sources for possible leakage and contamination, and shall submit to the Director a description of the procedures, including the following:

- (a) Instrumentation to be used;
- (b) Method of performing tests, such as the points on the equipment to be smeared and the method of taking a smear; and
- (c) Pertinent experience of the person who will perform the test.

6915 PROCESSING FOR DISTRIBUTION

6915.1 A specific license for multiple quantities or types of radioactive material for use in processing for distribution to authorized persons shall be issued only if the requirements of this section are met.

6915.2 The applicant's staff shall have substantial experience in the use of a variety of radioisotopes for processing and distribution.

6915.3 The applicant shall appoint a radiological safety officer who will advise and assist on radiological safety problems.

6916 USE OF EXEMPT CONCENTRATIONS IN PRODUCTS

6916.1 A specific license for the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another to be transferred to persons exempt under §6811.1 shall be issued only if the requirements of this section are met.

6916.2 The applicant shall submit the following information:

- (a) A description of the product or material into which the radioactive material will be introduced;
- (b) The intended use of the radioactive material and the product or material into which it is introduced;
- (c) The method of introduction;
- (d) The initial concentration of the radioactive material in the product or material;
- (e) The control methods to ensure that no more than the specified concentration is introduced into the product or material;

- (f) The estimated time interval between the introduction and the transfer of the product or material; and
- (g) The radioactive material in the product or material at the time of transfer.

6916.3 The applicant shall provide reasonable assurance of the following:

- (a) The concentrations of radioactive material at the time of transfer will not exceed the concentrations specified in standards issued by the Director;
- (b) Reconcentration of the radioactive material in concentrations exceeding those in the standards issued by the Director is not likely;
- (c) Use of lower concentrations is not feasible; and
- (d) The product or material is not likely to be incorporated in any food, beverage, cosmetic, drug, or other commodity or product designed for ingestion or inhalation by, or application to, a human being.

6916.4 Each person licensed under this section shall file an annual report with the Director that provides the following information:

- (a) A description of the type and quantity of each product or material into which radioactive material has been introduced during the reporting period;
- (b) The name and address of the person who owns or possesses the product or material into which radioactive material has been introduced;
- (c) The type and quantity of radioactive material introduced into each product or material; and
- (d) The initial concentrations of radioactive material in the product or material at the time of the transfer of the radioactive material by the licensee.

6916.5 The report required by §6916.4 shall be submitted within thirty (30) days after the end of each calendar year in which the licensee introduces radioactive material into a product or material pursuant to a license granted under this section.

§§ 6917 - 6919: RESERVED

6920 REGISTRATION OF RADIATION MACHINES

6920.1 The owner or person having possession of any radiation machine, except those specifically exempted, shall register the machine with the Director.

6920.2 No person, in any advertisement, shall refer to the fact that a radiation machine is registered with the Director.

6920.3 No person shall state or imply that any activity conducted under his or her registration has been approved by the Director.

- 6920.4 The following machines and equipment are exempt from the radiation provisions of this title:
- (a) Domestic television receivers manufactured after the effective date of these regulations and sold in the District that comply with the applicable federal requirements of 42 CFR 78.210, "Performance Standard for Television Receivers";
 - (b) Other electrical equipment that produces radiation incidental to its operation for other purposes; Providing, that the dose rate to the whole body at the point of nearest approach to the equipment when any external shielding is removed does not exceed five-tenths (0.5) rem per year. The production testing or factory servicing of the equipment shall not be exempt; and
 - (c) Radiation-producing machines while in transit or storage incident to that transit.

6921 RADIATION MACHINES AND REGISTRATION PROCEDURES

- 6921.1 Registration shall be on forms furnished by the Director, and shall contain all information that the Director may require.
- 6921.2 The applicant shall designate an individual who will be responsible for radiation protection for the machine. This person shall:
- (a) Be qualified by training and experience concerning all hazards and precautions involved in operating the machine for which he or she is responsible;
 - (b) Recommend a detailed program of radiation safety for effective compliance with the applicable requirements of the radiation provisions of this title;
 - (c) Give instructions concerning hazards and safety practices to individuals who may be exposed to radiation from the machine; and
 - (d) Make surveys and carry out other procedures as required by these regulations.
- 6921.3 When, in the opinion of the Director, the person designated to be responsible for radiation safety does not have qualifications sufficient to ensure safety of the machine for which the person is responsible, the Director may order the registrant to designate another individual who meets the qualifications.
- 6921.4 The Director shall issue a Notice of Registration to each applicant who has submitted the information required in §6921.1.
- 6921.5 The Notice of Registration shall state the period of registration and shall be retained by the registrant for the stated period.

6922 RADIATION MACHINES: RENEWAL AND MODIFICATION OF REGISTRATION

- 6922.1 The owner or person having possession of any registered radiation machine shall re-register the machine with the Director every two (2) years.

- 6922.2 The application for re-registration shall be submitted at least thirty (30) days prior to the expiration of the registrant's current Notice of Registration.
- 6922.3 When a registrant has filed an application not less than thirty (30) days prior to the expiration of his or her existing registration, and when the application has been filed in the proper form for renewal or amendment of the application, the existing registration shall be valid until a final decision has been made on the application by the Director.
- 6922.4 The registrant shall notify the Director within thirty (30) days of any change that renders the information furnished by him or her no longer accurate.
- 6922.5 A change in the ownership, possession, or address where a radiation machine is located shall terminate a registration.
- 6923 SUPPLIERS OF MEDICAL AND DENTAL X-RAY MACHINES**
- 6923.1 No person shall make, sell, lease, repair, transfer, lend, or install medical or dental x-ray equipment in the District unless authorized to do so by a license issued by the Director.
- 6923.2 Application to become a licensed supplier shall be filed on forms prescribed by the Director, and shall contain information as the Director may require.
- 6923.3 For the purposes of this section, a "licensed supplier" shall be a person who has been licensed by the Director to make, sell, lease, repair, lend, transfer, or install medical or dental x-ray equipment for use in the District.
- 6923.4 For the purposes of this section, "medical or dental x-ray equipment" shall mean any electronic device that produces x-rays by electrical means for the intentional exposure of humans.
- 6923.5 Any person licensed to supply medical or dental x-ray equipment in the District shall notify the Director on forms provided by the Director within fifteen (15) days following the sale, lease agreement, or decision to make available the equipment, or at least ten (10) days prior to the installation of the equipment, whichever occurs sooner.
- 6923.6 No medical or dental x-ray equipment shall be supplied in the District which, when properly placed in operation and properly used, does not meet the standards prescribed by the Director.
- 6923.7 Plans or blueprints of any medical or dental x-ray installation that is to receive x-ray equipment supplied by a licensed supplier shall be approved by the Director prior to the installation of the equipment.
- 6923.8 The Director may require information such as that required by §6923.7 to be furnished to him or her as the Director deems necessary to determine compliance with the requirements of the radiation provisions of this title.
- 6923.9 Licenses to supply medical and dental x-ray equipment in the District may be terminated for any of the following reasons:
- (a) Failure to provide advance notification to the Director of the installation of medical or dental x-ray equipment sold, leased, loaned, transferred, or installed in the District;

- (b) When information on the application is determined to be incorrect, or no longer current, and the licensee fails to submit an amended application containing the corrected information within thirty (30) days after the change takes place;
- (c) Expiration of a temporary license; or
- (d) Repeated failure to supply medical and dental x-ray equipment that meets the standards established by the Director.

6923.10 A temporary license may be granted by the Director for a specified period, not to exceed one (1) year, for those suppliers of x-ray equipment who wish to make a limited sale, lease, loan, transfer, or installation of medical or dental x-ray equipment, and who do not normally supply the equipment for profit.

6924 FEE SCHEDULE

6924.1 Each owner or operator of an x-ray tube shall pay the following biennial registration fees:

(a) Dental X-Ray Tubes:

- (i) Two hundred fifty dollars (\$250.00) for the first tube; and
- (ii) One hundred dollars (\$100.00) for each additional tube.

(b) Medical X-Ray Tubes:

- (i) Two hundred fifty dollars (\$250.00) for the first tube; and
- (ii) One hundred dollars (\$100.00) for each additional tube.

6924.2 Each health physicist shall pay an annual registration fee of one hundred dollars (\$100.00).

6924.3 Each x-ray supplier shall pay an annual registration fee of one hundred dollars (\$100.00).

6924.4 Each radioactive material user shall pay an annual registration fee of five hundred dollars (\$500.00).

6924.5 Each generator of low-level radioactive waste shall pay an annual registration fee of five thousand dollars (\$5,000.00).

6924.6 All fees shall be due and payable upon filing an application for registration, or for renewal of registration, with the Department.

6924.7 The Director shall assess a late fee of fifty dollars (\$50.00).

6924.8 A department, office, or agency of the District of Columbia Government shall not be required to pay a fee pursuant to this section, if the registration or services are required for a governmental purpose.

DISTRICT OF COLUMBIA REGISTER

6924.9 All fees shall be paid by check or money order, made payable to the District of Columbia Treasurer.

6999 DEFINITIONS

6999.1 The meanings ascribed to the definitions appearing in §6799 of chapter 67 of this title shall apply to the terms in this chapter.

DEPARTMENT OF HEALTH
ENVIRONMENTAL HEALTH ADMINISTRATION
BUREAU OF HAZARDOUS MATERIAL & TOXIC SUBSTANCES
UNDERGROUND STORAGE TANK DIVISION

UNDERGROUND STORAGE TANK REGULATIONS

ERRATUM NOTICE

This notice is to correct the inadvertent omission of a page of the published final rulemaking for the Department of Health's underground storage tank regulations found in the October 1, 1999 *D.C. Register* (46 DCR 7699). The omitted page was included in Section 5705 of Title 20 DCMR in the proposed rulemaking published on June 4, 1999 at 46 DCR 4910. It addresses spill and overfill prevention equipment for new and upgraded underground storage tanks. No changes were made to the text of Section 5705 from the proposed rulemaking to the final rulemaking.

The correction to the final rulemaking found at 46 DCR 7699 published on October 1, 1999 is illustrated by showing the added wording as underlined text.

Amend the final rulemaking to add the following section 5705 to Title 20 DCMR:

5705 **SPILL AND OVERFILL PREVENTION EQUIPMENT FOR NEW
AND UPGRADED USTs**

5705.1 Except as provided in §5705.3, to prevent spilling associated with the transfer of regulated substances to an UST system, each owner or operator must use spill prevention equipment (such as a spill catchment basin) that will prevent release of regulated substances when the transfer hose is detached from the fill pipe.

5705.2 The spill prevention equipment shall have a minimum capacity of five (5) gallons.

5705.3 Except as provided in §5705.5, to prevent overfilling associated with the transfer of regulated substances, each owner or operator shall use overfill prevention equipment that does the following:

- (a) Automatically shuts off flow into the tank when the tank is no more than ninety-five percent (95%) full;

- (b) Alerts the transfer operator when the tank is no more than ninety percent (90%) full by restricting the flow into the tank or triggering a high-level alarm;
- (c) For tanks with a capacity of four thousand (4,000) gallons or more, equipment which will restrict flow thirty (30) minutes prior to overfilling, or automatically shut-off flow into the tank so that none of the fittings located on the top of the tank are exposed to product due to overfilling.

5705.4 Tanks that are susceptible to over-pressurization, shall only use an automatic shutoff valve to comply with §5705.3.

5705.5 An owner or operator shall not be required to provide and use the spill and overfill prevention equipment specified in this section if:

- (a) Alternative equipment is used that is determined by the Director to be no less protective of human health and the environment than the equipment specified in the other provisions of this section; or
- (b) The UST system is filled by transfers of no more than twenty-five (25) gallons at one time.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., SUITE 200, WEST TOWER
WASHINGTON, D.C. 20005

NOTICE OF FINAL RULEMAKING

GAS TARIFF 05-1, IN THE MATTER OF THE APPLICATION OF
WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO AMEND ITS
BUDGET PAYMENT PLAN TARIFF

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, of its final rulemaking action taken on April 26, 2006, in Order No. 13930, approving the Application of Washington Gas Light Company ("WGL" or the "Company") to revise, **Washington Gas Light Company, P.S.C. of D.C. No. 3, 4th Revised Page No. 37.**¹

2. On December 16, 2005, WGL filed its Revised Tariff requesting authority to change the way in which it has been operating its Budget Payment Plan ("Budget Plan"). WGL states that prior to implementation of the Budget Plan, the Company shall provide the customer with the following information in writing or electronically: (1) An acknowledgement that the customer will be in the plan effective the next billing period; and (2) the customer's projected use on an annual basis and an explanation of how the equal monthly payment has been calculated.² WGL also proposes the following additional changes: (1) the Company will inform any customer who inquires about the budget program how the program operates and will explain how the monthly payments are calculated; (2) the Company will not allow customers to participate in the Budget plan until all charges are paid; and (3) the Company will perform a periodic analysis of the customer's payment plan and notify the customer if actual usage or costs vary significantly from that upon which the plan was based and give the customer an opportunity for revision of the plan.³ At the end of each plan year, WGL states that underpayments will be due with the twelfth monthly bill; however, the Company shall place the underpayment on a three-month deferral payment plan at the customer's request.⁴

3. A Notice of Proposed Rulemaking was given to the public on February 24, 2006.⁵ Comments were received from the Office of the People's Counsel.⁶ The

¹ *GT05-1*, Washington Gas Light Company revised Tariff Pages, filed December 16, 2005 ("WGL's Revised Tariff").

² *GT05-1*, WGL Revised Tariff Revised Page No. 37, Section f.

³ *Id.*

⁴ *Id.*

⁵ *See* 53 D.C. Reg. 1423-1424.

⁶ *GT05-1*, *Comments of the Office of the People's Counsel Regarding the Washington Gas Light Company's Revised Budget Payment Plan Tariff Filing*, filed March 24, 2006.

Commission, in Order No. 13930, approved WGL's Revised Tariff, effective upon publication of this Notice of Final Rulemaking in the *D.C. Register*.