

ENROLLMENT(S)



COUNCIL OF THE DISTRICT OF COLUMBIA

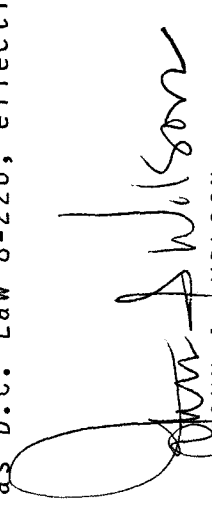
NOTICE

D.C. LAW 8-226

"District of Columbia Low-Level Radioactive Waste Generator Regulatory Policy Act of 1990".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-378 on first and second readings, December 4, 1990, and December 18, 1990, respectively. Following the signature of the Mayor on December 27, 1990, this legislation was assigned Act No. 8-309, published in the January 11, 1991, edition of the D.C. Register, (Vol. 38 page 219) and transmitted to Congress on January 14, 1991 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-226, effective March 7, 1991.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 14,15,16,17,18,22,23,24,25,28,29,30,31

February 1,4,5,6,7,19,20,21,22,25,26,27,28

March 1,4,5,6

AN ACT

D.C. ACT 8-309

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC. 27, 1990

To require a generator of low-level radioactive waste in the District of Columbia to reimburse the District government for costs associated with the disposal of waste at a regional facility, to require a person who generates radioactive waste to register with the Mayor, and to require a generator of radioactive waste to submit a detailed annual report to the Mayor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Low-level Radioactive Waste Generator Regulatory Policy Act of 1990".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Disposal" means the permanent isolation of low-level radioactive waste at a regional disposal facility as defined in section 2 of the Low-level Radioactive Waste Policy Act, approved December 23, 1980 (94 Stat. 3347; 42 U.S.C. 2021b) ("Waste Policy Act").

(2) "Generator" means any public or private individual, institution, corporation, association, group, or other legally constituted enterprise that produces low-level radioactive waste in the District of Columbia ("District").

(3) "Low-level radioactive waste ("waste")" means radioactive material that:

(A) Is not high-level radioactive waste, spent nuclear fuel, transuranic waste, or byproduct material as defined in section 11e of the Atomic Energy Act of 1954, approved August 30, 1954 (68 Stat. 923; 42 U.S.C. 2014(e)); and

(B) The United States Nuclear Regulatory Commission has classified, consistent with 10 CFR 61.55, as low-level radioactive waste.

(4) "Regional facility" means a low-level radioactive waste disposal facility in operation on January

New
section
6-3701

1, 1985, or subsequently established and operated pursuant to the Waste Policy Act.

Sec. 3. Reports.

New
section
6-3702

(a) Pursuant to rules issued by the Mayor in accordance with section 7, by May 15, 1991, and on February 1 of each subsequent year, any person who generates low-level radioactive waste in the District shall submit to the Mayor a report that details for the previous calendar year:

- (1) The class and quantity of any waste generated, stored by the generator for decay or for later transfer to another facility, or transferred by the generator to another facility;
- (2) The general type of generator (e.g., medical, university, industry, electric, utility, government, or nonprofit);
- (3) Any additional information as the Mayor may require on the nature and characteristics of the waste (including chemical and physical characteristics, properties, or constituents, radionuclides present, curie content or concentration of radioactivity); and
- (4) The extent of reduction in quantity and the nature and extent of reduction or other change in nature of characteristics of the waste as a result of treatment or interim storage after generation and before delivery to a facility for permanent disposal of the waste.

(b) The Mayor shall, pursuant to rules issued in accordance with section 7, provide the appropriate procedures for the preparation and submission of the report when more than one person is the generator of the same waste.

(c) Any generator who fails to report as required by this section shall be fined an amount not to exceed \$5,000 for each day of noncompliance and may be required to forfeit any right, license, permit, or privilege to possess radioactive materials in the District.

(d) Beginning on July 1, 1991, and on April 1 of each subsequent year, the Mayor shall submit to the Council of the District of Columbia ("Council"), a report that summarizes and categorizes by type of generator, the nature, characteristic, and quantity of waste generated in the District during the previous calendar year.

Sec. 4. Registration; fee.

New
section
6-3703

Pursuant to rules issued by the Mayor in accordance with section 7, beginning in 1991, any person who generates waste in the District shall register annually with the Mayor on a form prescribed by the Mayor and pay an annual registration fee to be established by the Mayor. Any

generator who fails to register as required by this section shall be fined an amount not to exceed \$5,000 for each day of noncompliance and may be required to forfeit any right, license, permit, or privilege to possess radioactive materials in the District.

Sec. 5. Fund; assessment.

(a) There is established within the District Treasury a non-lapsing revolving fund to be known as the Low-Level Radioactive Waste Fund ("Fund"). The Fund shall consist of any revenue collected pursuant to this act and any funds paid to the District pursuant to section 5(d)(2) of the Waste Policy Act (42 U.S.C. 2021e(d)(2)). Any revenue deposited in the Fund shall be used exclusively to offset the District's actual and operating expenses for the disposal of waste generated in the District at a regional facility.

(b) The Mayor shall establish reasonable rates and fees to be paid by any generator for the disposal of waste generated in the District at any regional facility to fully recover all costs of the District including actual and operating expenses. The fee shall be apportioned by the category of generator and the amount of waste disposed of by individual generators within each category annually, except that the total amount assessed non-profit educational institutions and non-profit health care providers shall not exceed 45% of the District's total annual cost. Full remittance of each annual assessment shall be made to the District within a reasonable time period to be established by the Mayor and be accompanied by any report or other documentation as the Mayor may require. Any generator who fails to make full remittance within the required time period shall be assessed a penalty not to exceed the full amount of the delinquent annual assessment.

Sec. 6. Citizen right of action.

Any person aggrieved by the failure of a generator of low-level radioactive waste in the District to comply with this act may sue for relief in any court of competent jurisdiction. The court may grant any declaratory or injunctive relief it deems necessary. Reasonable attorney's fees and court costs may be awarded to the prevailing party, other than the District government, for actions brought under this section.

Sec. 7. Rules.

By May 1, 1991, the Mayor shall, pursuant to title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.) ("APA"), issue rules to implement the

New
section
6-3704

New
section
6-3705

New
section
6-3706

provisions of this act including rules regarding rates, fee and payment schedules, registration forms, reporting guidelines, and other operational provisions deemed necessary to fully implement and enforce the provisions of this act.

Sec. 8. The Radiation Protection Regulations, issued July 9, 1970 (Reg. 70-33; 17 DCR 39), are amended as follows:

(a) Section 1 (17 DCR 39) is amended as follows:

(1) By designating the existing text as subsection (a); and

(2) By adding a new subsection (b) to read as follows:

"(b) The Mayor may, pursuant to title I of the APA, amend the rules set forth in Appendix 1 of the Radiation Protection Regulations (20 DCMR 2000-2299) to develop standards for protection from radiation in the District of Columbia including rules regarding the registration and inspection of persons, facilities, and establishments, and the development of licensure and registration fees. The Mayor may incorporate by reference, in whole or in part, any private association or group standards for protection from radiation, if the Mayor deems those standards appropriate to protect the public health, safety, and welfare."

20
DCMR
2099

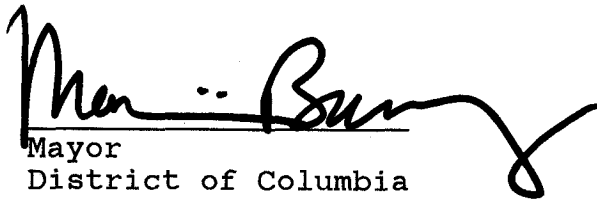
(b) Section 2:1002 of title 8 of Appendix 1 of the Radiation Protection Regulations (20 DCMR 2099) is amended by striking the 2nd sentence in the definition of the term "person".

Sec. 9. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia

Statutes-at-Large, or the District of Columbia Municipal
Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: December 27, 1990



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B8-378

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 12-04-90

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: -- RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell G. Smith 
 Secretary to the Council

21 December 1990
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-18-90

VOICE VOTE: Approved

Recorded vote on request

Absent: Wilson

ROLL CALL VOTE: -- RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell G. Smith 
 Secretary to the Council

21 December 1990
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: -- RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

 Secretary to the Council

 Date