

902 KAR 100:052. Specific domestic licenses of broad scope for byproduct material.

RELATES TO: KRS 211.842-211.852, 211.990(4), 10 C.F.R. Part 33, 42 U.S.C. 2021

STATUTORY AUTHORITY: KRS 194.050(1), 211.090(3), 211.844(1)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services is authorized by KRS 211.844(1) to promulgate administrative regulations for the registration and licensing of the possession or use of sources of ionizing or electronic product radiation and the handling and disposal of radioactive waste. This administrative regulation prescribes requirements for the issuance of specific licenses of broad scope for byproduct material.

Section 1. Definitions. (1) "Agreement state" means a state with which the United States Nuclear Regulatory Commission or the United States Atomic Energy Commission has entered into an effective agreement under subsection 274 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(b) et seq.).

(2) "Cabinet" is defined by KRS 194A.005(1).

(3) "Licensee" means a person who holds:

(a) A specific license issued by the cabinet pursuant to 902 KAR 100:040 and this administrative regulation;

(b) A specific license issued by the U.S. Nuclear Regulatory Commission or an Agreement state; or

(c) A general license pursuant to 902 KAR 100:050 or equivalent regulations of the U.S. Nuclear Regulatory Commission or an Agreement state.

Section 2. Applicability. This administrative regulation establishes requirements for specific licensees to possess, use, or transfer byproduct material for licenses of broad scope. Except as established in subsections (1) through (3) of this section, the licensee shall comply with 10 C.F.R. Part 33. (1) The licensee shall not be subject to:

(a) 10 C.F.R. 33.8;

(b) 10 C.F.R. 33.21; or

(c) 10 C.F.R. 33.23.

(2) Each application for a specific license shall be filed pursuant to 902 KAR 100:040.

(3) The "Cabinet for Health and Family Services, Department for Public Health, Radiation Health Branch" shall be used instead of federal references to the "Commission" and the "NRC. (6 Ky.R. 219; eff. 12-5-1979; 12 Ky.R. 1033; eff. 1-3-1986; 18 Ky.R. 1513; eff. 1-10-1992; 45 Ky.R. 508, 1630; eff. 12-12-2018.)