

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Public Health Protection and Safety
(Amended After Comments)

902 KAR 100:058. Specific licenses to manufacture, assemble, repair, or distribute products.

RELATES TO: KRS 194A.005, 211.842-211.852, 211.990(4), 10 C.F.R. Part 32, 42 U.S.C. 2021(b)

STATUTORY AUTHORITY: KRS 13B.170, 194A.050(1), 211.844

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to implement programs mandated by federal law, to qualify for the receipt of federal funds, and to cooperate with other state and federal agencies. KRS 211.844 requires the cabinet to promulgate administrative regulations concerning the possession or use of sources of ionizing or electronic product radiation and the handling and disposal of radioactive waste. This administrative regulation establishes requirements for issuing specific licenses to persons who manufacture, assemble, repair, or distribute commodities, products, or devices, that contain radioactive material.

Section 1. Definitions.

- (1) "Agreement state" means a state that the United States Nuclear Regulatory Commission (NRC) 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 100:185 and this administrative regulation;
 - (b) A specific licensed 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 the requirements for licensees who manufacture or use radioactive material under a general license. Except as established in subsections (1) through (4) of this section, the licensee shall comply with 10 C.F.R. Part 32.

- (1) The licensee shall not be subject to:
 - (a) 10 C.F.R. 32.1(c)(1);
 - (b) 10 C.F.R. 32.8;
 - (c) 10 C.F.R. 32.11;
 - (d) 10 C.F.R. 32.12;
 - (e) 10 C.F.R. 32.14;
 - (f) 10 C.F.R. 32.15;
 - (g) 10 C.F.R. 32.16;
 - (h) 10 C.F.R. 32.18;
 - (i) 10 C.F.R. 32.19;
 - (j) 10 C.F.R. 32.20;
 - (k) 10 C.F.R. 32.21;
 - (l) 10 C.F.R. 32.21a;

- (m) 10 C.F.R. 32.22;
- (n) 10 C.F.R. 32.23;
- (o) 10 C.F.R. 32.25;
- (p) 10 C.F.R. 32.26;
- (q) 10 C.F.R. 32.27;
- (r) 10 C.F.R. 32.28;
- (s) 10 C.F.R. 32.29;
- (t) 10 C.F.R. 32.30;
- (u) 10 C.F.R. 32.31;
- (v) 10 C.F.R. 32.32;
- (w) 10 C.F.R. 32.301; or
- (x) 10 C.F.R. 32.303.

(2)

(a) Reference to the NRC, Commission, or an agreement state shall be deemed to reference the Cabinet for Health and Family Services, Department for Public Health, Radiation Health Branch.

(b) Reference to "Commission" or "agreement state" shall be deemed to be a reference to "Cabinet for Health and Family Services, Department for Public Health, Radiation Health Branch", "Commission", or "agreement state".

(3) Reference to "NRC Form 313, Application for Material License" shall be deemed to be a reference to Form RPS-7, incorporated by reference in 902 KAR 100:040.

(4) Notifications and reports required by 10 C.F.R. Part 32 shall be directed to the manager, Radiation Health Branch at:

(a) 275 East Main Street, Mailstop HS1-C-A, Frankfort, Kentucky 40621;

(b) (502) 564-1492: Facsimile;

(c) (502) 564-3700: Telephone, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(d) (800) 225-2587: Telephone, for hours except those established in paragraph (c) of this subsection..

(1 Ky.R. 396; eff. 2-5-1975; Am. 12 Ky.R. 1020; eff. 1-3-1986; 13 Ky.R. 1766; eff. 5-14-1987; 18 Ky.R. 1510; eff. 1-10-1992; 26 Ky.R. 2395; 27 Ky.R. 970; eff. 10-16-2000; 37 Ky.R. 1820; 2612; eff. 6-3-2011; 41 Ky.R. 907; 1601; eff. 2-5-2015; Cert. eff. 11-12-2021; 50 Ky.R. 205, 1147; eff. 12-13-2023.)

STEVEN J. STACK, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: September 27, 2023

FILED WITH LRC: October 12, 2023 at 9:30 a.m.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.