

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

902 KAR 100:065. Reciprocal recognition.

RELATES TO: KRS 194A.005, 211.842-211.852, 211.990(4), 10 C.F.R. Part 150, 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 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 for Health and Family Services to provide by administrative regulation 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 provides for the reciprocal recognition of radioactive material licenses issued by the United States Nuclear Regulatory Commission or another agreement state.

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 100:040, 902 KAR 100:185, 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 shall apply to a licensee. The licensee shall comply with 10 C.F.R. Part 150 except as established in subsection (1) through (3) of this section.

(1) The licensee shall not be subject to:

(a) 10 C.F.R. 150.3 Definitions:

1. Agreement state; and

2. Foreign Obligations;

(b) 10 C.F.R. 150.4;

(c) 10 C.F.R. 150.5;

(d) 10 C.F.R. 150.7;

(e) 10 C.F.R. 150.10;

(f) 10 C.F.R. 150.14;

(g) 10 C.F.R. 150.15;

(h) 10 C.F.R. 150.15a;

(i) 10 C.F.R. 150.16;

(j) 10 C.F.R. 150.17;

(k) 10 C.F.R. 150.17a;

(l) 10 C.F.R. 150.19;

- (m) 10 C.F.R. 150.21;
- (n) 10 C.F.R. 150.30;
- (o) 10 C.F.R. 150.31;
- (p) 10 C.F.R. 150.32; and
- (q) 10 C.F.R. 150.33.

(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) As referenced in 10 C.F.R. 150.2, reference to the "Commission" or "Atomic Energy Commission" shall remain and shall not be deemed to reference the "cabinet".

(c) As referenced in 10 C.F.R. 150.20(a)(1)(i), (ii), (iii), (b), (b)(3), and (b)(4), reference to "non-agreement states", "areas of exclusive federal jurisdiction within agreement states", or "offshore waters" shall be deemed as reference to the Commonwealth of Kentucky.

(d) As referenced in 10 C.F.R. 150.20 reference to an "agreement state license", a "license issued by an agreement state", or a "license from an agreement state" shall be deemed to reference a "Nuclear Regulatory Commission license", a "license issued by the Nuclear Regulatory Commission", or a "license from the Nuclear Regulatory Commission".

(3) Notifications and reports required by 10 C.F.R. Part 150 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.

Section 3. The out-of-state licensee requesting reciprocity shall pay an annual fee in accordance with 902 KAR 100:012.

(1 Ky.R. 403; eff. 2-5-1975; 3 Ky.R. 165; eff. 9-1-1976; 12 Ky.R. 1043; eff. 1-3-1986; 18 Ky.R. 1523; eff. 1-10-1992; 27 Ky.R. 1613; 2164; eff. 2-1-2001; Crt eff. 8-16-2019; 50 Ky.R. 212,1154; 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.