

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Public Health

Division of Public Health Protection and Safety

(Amended After Comments)

902 KAR 100:185. Standards for protection against radiation from radioactive materials.

RELATES TO: KRS 194A.005(1), 211.180(1), 211.842-211.852, 211.990(4), 216B.015(22), 10 C.F.R. Part 20, 42 U.S.C. 2021(b)

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

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(1) requires cabinet to provide by administrative regulation for the licensing of the possession or use of sources of ionizing and the handling and disposal of radioactive waste. This administrative regulation establishes the standards for protection of the user and general public against radiation exposure, the standards for protection against ionizing radiation resulting from activities conducted by persons issued licenses or registrations by the cabinet, and the standards to control the receipt, possession, use, transfer, and disposal of sources of radiation by a person, or licensee.

Section 1. Definitions.

(1) "Agreement state" means a state with which 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 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.

(4) "Person" is defined by KRS 216B.015(22).

Section 2. Applicability. This administrative regulation shall apply to a licensee. The licensee shall comply with 10 C.F.R. Part 20 except as established in subsections (1) through (5) of this section.

(1) The licensee shall not be subject to:

(a) 10 C.F.R. 20.1003, Definition for licensee;

(b) 10 C.F.R. 20.1007;

(c) 10 C.F.R. 20.1009;

(d) 10 C.F.R. 20.1406(b);

(e) 10 C.F.R. 20.1905(g);

(f) 10 C.F.R. 20.2203(c);

(g) 10 C.F.R. 20.2206(a)(1), (a)(3), (a)(4), and (a)(5);

(h) 10 C.F.R. 20.2401; and

(i) 10 C.F.R. 20.2402.

(2)

- (a) Except for the definition of special nuclear material in 10 C.F.R. 20.1003, reference to the "Commission" or "NRC" shall be deemed to be a reference to the "Cabinet for Health and Family Services, Department for Public Health, Radiation Health Branch".
- (b) Reference to the "Commission" or an agreement state shall be deemed to be a reference to the "Cabinet for Health and Family Services, Department for Public Health, Radiation Health Branch", the commission, or an agreement state.
- (3) Reference to "NRC Form 313, Application for Material License" shall be deemed to be a reference to "Application for Radioactive Material License" RPS-7, incorporated by reference in 902 KAR 100:040.
- (4) Reference to the violations under 10 C.F.R. 20.2401 shall be deemed to be a reference to 902 KAR 100:170.
- (5) Reference to the criminal penalties under 10 C.F.R. 20.2402 shall be deemed to be a reference to KRS 211.990.

Section 3. Annual Report of Waste Generated.

- (1) A licensee issued a specific license, pursuant to 902 KAR 100:040, shall file an Annual Low Level Radioactive Waste (LLRW) Report with the cabinet.
- (2) The report shall be filed regardless of whether the licensee was a waste generator during the reporting period, except for a licensee that is authorized for only sealed radioactive sources and has leak test results indicating no leakage or damaged sources.
- (3) The report shall:
 - (a) Contain information regarding low-level radioactive waste associated with activities authorized by the license for a period of one (1) calendar year;
 - (b) Contain the types and amounts of generated waste, and estimates of future wastes to be generated; and
 - (c) Be filed no later than January 15 of the following year.

Section 4. Reporting of Events and Notifications. The reporting of events and notifications required by 10 C.F.R. Part 20 shall be directed to the manager, Radiation Health Branch, at:

- (1) 275 East Main Street, Mailstop HS1-C-A, Frankfort, Kentucky 40621;
- (2) (502) 564-1492: Facsimile;
- (3) (502) 564-3700: Telephone, Monday through Friday from 8 a.m. to 4:30 p.m.; or
- (4) (800) 255-2587: Telephone, for hours outside of those in subsection (3) of this section.

Section 5. Incorporation by Reference.

- (1) "Annual Low Level Radioactive Waste (LLRW) Report", 05/2023, is incorporated by reference.
 - (2) This material may be inspected, copied, or obtained, subject to applicable copy right law, at Department for Public Health, Radiation Health Branch, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.
 - (3) This material is available on the agency's Web site at <https://www.chfs.ky.gov/agencies/dph/dphs/rhb/Documents/LLRWReportForm1.pdf>.
- (50 Ky.R. 282, 1161; eff. 12-13-2023.)

STEVEN J. STACK, Commissioner
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: September 28, 2023
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