

902 KAR 100:015. General requirements.

RELATES TO: KRS 211.842-211.852, 211.990(4)

STATUTORY AUTHORITY: KRS 194.050, 211.090, 211.844

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Human Resources is authorized by KRS 211.844 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 general requirements, prohibitions, and exemptions that shall be applicable to persons who possess or use sources of ionizing or electronic product radiation in Kentucky.

Section 1. Applicability. This administrative regulation shall apply to persons who receive, possess, use, transfer, own, or acquire radioactive sources or ionizing or electronic product radiation in Kentucky.

Section 2. Exposure to be Maintained as Low as is Reasonably Achievable. All persons shall make every reasonable effort to maintain radiation exposures and releases of radioactive materials in effluents to unrestricted areas as low as is reasonably achievable. The term "as low as reasonably achievable" means as low as is reasonably achievable taking into account the state of technology, the economics of improvements in relation to benefits to the public health and safety, other societal and socioeconomic considerations, and in relation to the utilization of sources of radiation in the public interest.

Section 3. Prohibited Uses. The following uses of radiation are prohibited in Kentucky:

- (1) Hand-held fluoroscopic screens shall not be used.
- (2) Shoe-fitting fluoroscopic devices shall not be used.
- (3) Sources of radiation detrimental to public health, safety, or property shall not be used.
- (4) No person shall use sources of radiation in a manner to intentionally expose an individual except as specifically allowed by these administrative regulations or by license authorization.

Section 4. Records. Each licensee and registrant shall maintain records showing the receipt, transfer, and disposal of all sources of radiation. Additional record requirements are specified elsewhere in these administrative regulations.

Section 5. Inspections.

- (1) Each licensee and registrant shall afford to the cabinet, at all reasonable times, opportunity to inspect sources of radiation and the premises and facilities where such sources of radiation are used or stored.
- (2) Each licensee and registrant shall make available for inspection, to the cabinet, records maintained as required by these administrative regulations.

Section 6. Tests. Each licensee and registrant shall perform or permit the cabinet to perform such tests as the cabinet deems appropriate or necessary including, but not limited to, tests of:

- (1) Sources of radiation;
- (2) Facilities where sources of radiation are used or stored;
- (3) Radiation detection and monitoring instruments; and
- (4) Other equipment and devices used in connection with utilization or storage of licensed or registered sources of radiation.

Section 7. Exemptions.

- (1) General provision. The cabinet may, upon application or its own initiative, grant such exemptions or exceptions from the requirements of these administrative regulations as it

determines are authorized by law or administrative regulation and that will not result in undue hazard to public health, safety, or property.

(2) United States Department of Energy and U.S. Nuclear Regulatory Commission contractors. A U.S. Department of Energy or U.S. Nuclear Regulatory Commission contractor or subcontractor of the following categories operating within Kentucky is exempt from these administrative regulations to the extent that the contractor or subcontractor under his contract receives, possesses, uses, transfers, or acquires sources of radiation:

(a) Prime contractors performing work for the U.S. Department of at United States government-owned or controlled sites, including the transportation of sources of radiation to or from the sites and the performance of contract services during temporary interruptions of transportation;

(b) Prime contractors of the U.S. Department of Energy performing research in, or development, manufacture, storage, testing, or transportation of, atomic weapons or components atomic weapons;

(c) Prime contractors of the U.S. Department of Energy using or operating nuclear reactors or other nuclear devices in a United States government-owned vehicle or vessel; and

(d) A prime contractor or subcontractor of the U.S. Department of Energy or of the U.S. Nuclear Regulatory Commission if the state and the U.S. Nuclear Regulatory Commission jointly determine:

1. That under the terms of the contract or subcontract, there is adequate assurance that the authorized work can be accomplished without undue risk to the public health and safety; and

2. That the exemption of the prime contractor or subcontractor is authorized by law.

Section 8. Additional Requirements. The cabinet may, by rule, administrative regulation, or order, impose upon a licensee or registrant, requirements in addition to those established in these administrative regulations as it deems appropriate or necessary to minimize danger to public health, safety, or property.

Section 9. Impounding. Sources of radiation may be subject to impoundment by the cabinet as necessary to minimize danger to public health, safety, or property. The impoundment by the cabinet shall not relieve the owner of the responsibility for the sources.

Section 10. Communications. Communications, reports and applications filed concerning these administrative regulations, shall be addressed to: Manager, Radiation Control, Kentucky Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621. (1 Ky.R. 384; eff. 2-5-1975; 2 Ky.R. 477; eff. 4-14-1976; 3 Ky.R. 164; eff. 9-1-1976; 12 Ky.R. 987; eff. 1-3-1986; 18 Ky.R. 1485; eff. 1-10-1992; Crt eff. 8-16-2019.)