

**902 KAR 100:022. Licensing requirements for land disposal of radioactive waste.**

RELATES TO: KRS 194A.005(1), 211.180(1), 211.842-211.852, 211.990(4), 10 C.F.R. Part 61, 40 C.F.R. 261, 42 U.S.C. 2011 - 2297g-4

STATUTORY AUTHORITY: KRS 194A.050(1), 211.090(3), 211.844(1),

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.844(1) requires the Cabinet for Health and Family Services 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 establishes procedures, criteria, terms, and conditions upon which the cabinet issues licenses for the land disposal of radioactive wastes received from other persons.

**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.

**Section 2. Applicability.** This administrative regulation shall apply to a licensee. Except as established in subsections (1) through (4) of this section, the licensee shall comply with 10 C.F.R. Part 61.

(1) The licensee shall not be subject to:

- (a) 10 C.F.R. 61.4;
- (b) 10 C.F.R. 61.5;
- (c) 10 C.F.R. 61.8;
- (d) 10 C.F.R. 61.16;
- (e) 10 C.F.R. 61.20;
- (f) 10 C.F.R. 61.23 (i) and (j);
- (g) 10 C.F.R. 61.70;
- (h) 10 C.F.R. 61.71;
- (i) 10 C.F.R. 61.72;
- (j) 10 C.F.R. 61.73;
- (k) 10 C.F.R. 61.83; or
- (l) 10 C.F.R. 61.84.

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

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

(4) The report required by 10 C.F.R. 61.80(h) and (i) 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) 255-2587: Telephone, for hours except those established in paragraph (c) of this subsection.

(12 Ky.R. 1128; eff. 1-3-1986; 18 Ky.R. 1487; eff. 1-10-1992; 38 Ky.R. 364; 942; eff. 11-16-2011; 45 Ky.R. 499, 1240, 1622; eff. 12-12-2018; Crt eff. 5-19-2025.)