

902 KAR 100:065. Reciprocal recognition.

RELATES TO: KRS 211.842-211.852, 211.990(4), 10 C.F.R. 150.20

STATUTORY AUTHORITY: KRS 13B.170, 194A.050(1), 211.090(3), 211.844

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.844 requires the Cabinet for Health 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. Reciprocal Recognition of Licenses.

(1) Subject to the provisions of 902 KAR Chapter 100, a person who holds a specific license from the United States Nuclear Regulatory Commission or an Agreement State, issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity, and at which radiation safety records are normally maintained, shall be granted a general license to conduct the activities authorized in the licensing document within the Commonwealth of Kentucky, except in areas of exclusive federal jurisdiction, for a period of 180 days in a calendar year if:

(a) The licensing document does not limit the activity authorized by the document to specified installations or locations;

(b)

1. The out-of-state licensee notifies the cabinet in writing at least three (3) days prior to engaging in the activity. The notification shall include:

a. The date of arrival;

b. The duration of use;

c. Nature and scope of the use;

d. The company where the radioactive material is to be used;

e. The name of the person in charge of the activity to be conducted under the license;

f. The exact location and type of proposed possession within this state; and

g. A copy of the pertinent licensing document.

2. If, for a specific case, the three (3) day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the cabinet, obtain permission to proceed sooner.

3. The cabinet may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in this section;

(c) The out-of-state licensee complies with 902 KAR Chapter 100 and with the terms and conditions of his licensing document, except terms and conditions which may be inconsistent with 902 KAR Chapter 100;

(d) The out-of-state licensee supplies information as the cabinet may reasonably request;

(e) The licensee does not establish a permanent office in this state; and

(f) The out-of-state licensee does not transfer or dispose of radioactive material possessed or used in accordance with the general license provided in this section, except by transfer to a person:

1. Specifically licensed by the cabinet or by the United States Nuclear Regulatory Commission to receive the material; or

2. Exempt from the requirements for a license for material specified in 902 KAR Chapter 100; and

- (g) The out-of-state licensee pays an annual fee in accordance with 902 KAR 100:012.
- (2) In addition to the provisions of subsection (1) of this section, a person who holds a specific license or equivalent licensing document issued by the United States Nuclear Regulatory Commission or an Agreement State authorizing the holder to manufacture, transfer, install or service a device described in 902 KAR 100:050, Section 3(3)(a), relating to the general licensing of certain uses of radioactive material and specific devices containing radioactive material within areas subject to the jurisdiction of the licensing body shall be granted a general license to install, transfer, demonstrate or service the device in the Commonwealth of Kentucky if:
- (a) The person satisfies the requirements of 902 KAR Chapter 200;
 - (b) The device has been manufactured, labeled, installed and serviced in accordance with applicable provisions of the specified license issued to the person by the United States Nuclear Regulatory Commission or an Agreement State;
 - (c) The person assures that each label required to be affixed to the device, in accordance with administrative regulations of the authority which licensed the manufacture of the device, bears a statement that "removal of this label is prohibited";
 - (d) The holder of the specific license furnishes to a general licensee to whom he transfers a device, or on whose premises he installs a device, a copy of the general license contained in 902 KAR 100:050, Section 3(3), relating to the general licensing of certain uses of radioactive materials and specific devices containing radioactive material; and
 - (e) The person files a report with the cabinet within thirty (30) days after the end of a calendar quarter in which a device is transferred to a person, or installed in a location, within the jurisdiction of the cabinet. A report shall identify a general licensee to whom the a device is transferred by:
 - 1. Name and address;
 - 2. The type of device transferred; and
 - 3. The quantity and type of radioactive material contained in the device.
- (3) The cabinet may withdraw, limit, or qualify its acceptance of a specific license or equivalent licensing document issued by another agency, or of a product distributed as authorized by a licensing document, upon determining that the action is necessary in order to prevent undue hazard to public health and safety and property.
- (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.)