

**211.865 Cabinet's authority to promulgate administrative regulations.**

- (1) The cabinet shall promulgate administrative regulations to administer and enforce the provisions of KRS 211.861 to 211.869. The administrative regulations shall be promulgated with the consultation and cooperation of the commission.
- (2) Administrative regulations promulgated by the cabinet shall prohibit the shipment into or acceptance of low-level radioactive waste in Kentucky if the shipment or acceptance would result in a violation of any provision of the compact or KRS 211.863, 211.865, and 211.869.
- (3) The cabinet may, by administrative regulation, impose conditions on the shipment into or acceptance of low-level radioactive waste in Kentucky that the cabinet determines to be reasonable and necessary to enforce the provisions of KRS 211.863, 211.865, and 211.869. The conditions may include, but are not limited to:
  - (a) Requiring prior notification of any proposed shipment or receipt of low-level radioactive waste;
  - (b) Requiring the shipper or recipient to identify the location to which the low-level radioactive waste will be sent for disposal following treatment or storage in Kentucky;
  - (c) Limiting the time that low-level radioactive waste from outside of Kentucky may be held in Kentucky;
  - (d) Requiring the shipper or recipient to post bond, or by other mechanisms assure that radioactive material will not be treated, stored, or disposed of in Kentucky in violation of any provisions of KRS 211.863, 211.865, and 211.869; and
  - (e) Requiring that the shipper consent to service of process before shipment of low-level radioactive waste into Kentucky.
- (4) The administrative regulations promulgated by the cabinet may provide for the granting of exemptions, but only upon a showing by the applicant that the granting of an exemption would be consistent with the compact.

**Effective:** July 15, 1998

**History:** Created 1998 Ky. Acts ch. 46, sec. 4, effective July 15, 1998.