

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Public Health Protection and Safety
(Amended After Comments)

902 KAR 100:050. General licenses.

RELATES TO: KRS 194A.005, 211.842-211.852, 211.990(4), 10 C.F.R. Part 31, 42 U.S.C. 2021

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

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 authorizes the cabinet to provide by regulation for the registration and licensing of the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste. This administrative regulation establishes the general licensing requirements for certain uses of radioactive material and specific devices containing radioactive material.

Section 1. Definitions.

- (1) "Agreement state" means a state that 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 this administrative regulation or equivalent regulations of the U.S. Nuclear Regulatory Commission or an agreement state.

Section 2. Applicability. This administrative regulation establishes the requirements for licensees who manufacture or use radioactive material under a general license. Except as established in subsections (1) through (4) of this section, the licensee shall comply with 10 C.F.R. Part 31.

- (1) The licensee shall not be subject to:
 - (a) 10 C.F.R. 31.4;
 - (b) 10 C.F.R. 31.22; or
 - (c) 10 C.F.R. 31.23.
- (2) Application for specific license. Each application for a specific license shall be filed pursuant to 902 KAR 100:040.
- (3)
 - (a) Reference to the NRC, Commission, or an agreement state shall be deemed to reference the Cabinet for Health and Family Services, Department for Public Health, Radiation Health Branch.
 - (b) In 10 C.F.R. 31.5(b)(1)(ii), 31.5(c)(3)(ii), 31.5(c)(8)(i), 31.6, 31.7(a), 31.10(a), 31.10(b)(1), and 31.12(c)(4), reference to "an agreement state", shall be deemed to be a reference to "the NRC, or an agreement state".
 - (c) In 10 C.F.R. 31.6, reference to "any non-agreement state" or "offshore waters" shall be deemed a reference to the "Commonwealth of Kentucky".

(4) Notifications and reports required by 10 C.F.R. Part 31 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) 225-2587: Telephone, for hours except those established in paragraph (c) of this subsection.

(1 Ky.R. 397; eff. 2-5-1975; 12 Ky.R. 1023; eff. 1-3-1986; 16 Ky.R. 2546; eff. 6-27-1990; Crt eff. 8-16-2019; 50 Ky.R. 199, 1141; eff. 12-13-2023.)

STEVEN J. STACK, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: October 11, 2023

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CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.