

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Public Health

Division of Public Health Protection and Safety

(Amended After Comments)

902 KAR 100:195. Licensing of special nuclear material.

RELATES TO: KRS 194A.005(1), 211.180(1), 211.842-211.852, 211.990(4), 10 C.F.R. Part 70, 42 U.S.C. 2021(b)

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 211.844(1) requires the Cabinet for Health and Family 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 establishes procedures, criteria, terms, and conditions upon which the cabinet issues licenses for special nuclear 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 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 70.

(1) The licensee shall not be subject to:

(a) 10 C.F.R. 70.1(c), (d), and (e);

(b) 10 C.F.R. 70.4 Definitions:

1. Commencement of Construction (2); and

2. Construction (9)(ii);

(c) 10 C.F.R. 70.5;

(d) 10 C.F.R. 70.8;

(e) 10 C.F.R. 70.13;

(f) 10 C.F.R. 70.14;

(g) 10 C.F.R. 70.20a;

(h) 10 C.F.R. 70.20b;

(i) 10 C.F.R. 70.21(a)(1), (c), (f), (g), and (h);

(j) 10 C.F.R. 70.22(b), (c), (f), (g), (h), (i), (j), (k), (l), (m), and (n);

(k) 10 C.F.R. 70.23(a)(6), (a)(7), (a)(8), (a)(9), (a)(10), (a)(11), (a)(12), and (b);

(l) 10 C.F.R. 70.23a;

(m) 10 C.F.R. 70.24;

- (n) 10 C.F.R. 70.25(a)(1);
- (o) 10 C.F.R. 70.31(c), (d), and (e);
- (p) 10 C.F.R. 70.32(a)(1), (a)(4), (a)(5), (a)(6), (a)(7), (b)(1), (b)(3), (b)(4), (c), (d), (e), (f), (g), (h), (i), (j), and (k);
- (q) 10 C.F.R. 70.37;
- (r) 10 C.F.R. 70.40;
- (s) 10 C.F.R. 70.42(b)(6);
- (t) 10 C.F.R. 70.44;
- (u) 10 C.F.R. 70.52;
- (v) 10 C.F.R. 70.55(c);
- (w) 10 C.F.R. 70.59;
- (x) 10 C.F.R. 70.60;
- (y) 10 C.F.R. 70.61;
- (z) 10 C.F.R. 70.62;
- (aa) 10 C.F.R. 70.64;
- (bb) 10 C.F.R. 70.65;
- (cc) 10 C.F.R. 70.66;
- (dd) 10 C.F.R. 70.72;
- (ee) 10 C.F.R. 70.73;
- (ff) 10 C.F.R. 70.74;
- (gg) 10 C.F.R. 70.76;
- (hh) 10 C.F.R. 70.82; and
- (ii) 10 C.F.R. Appendix A to Part 70.

(2)

(a) 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.

(b) As used in 10 C.F.R. 70.19(a)(1) and 70.19(c)(3), reference to the "Commission" or "Atomic Energy Commission" shall remain and shall not be deemed to reference the cabinet.

(c) As used in 10 C.F.R. 70.42(b)(1) reference to "Department" shall be deemed to reference the U.S. Department of Energy.

(3) Each application for a specific license shall be filed pursuant to 902 KAR 100:0195.

(4) Notifications, reports, and correspondence required by 10 C.F.R. 70 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.

(50 Ky.R. 284, 1163; eff. 12-13-2023.)

STEVEN J. STACK, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: September 28, 2023

FILED WITH LRC: October 12, 2023 at 9:30 a.m.

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.