



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

December 17, 2019

Matthew McKinley, Administrator
Radiation Health Program
Cabinet for Health and Family Services
275 East Main Street, HS1C-A
Frankfort, KY 40621-0001

Dear Mr. McKinley:

We have reviewed the final revisions to the Kentucky regulations, Title 902 of the Kentucky Administrative Regulations Section 100, received by our office on November 14, 2019. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules and the requirements of Regulation Amendment Tracking System Identification Numbers (RATS IDs) 2001-1, 2008-1, 2011-1, 2012-1, 2015-1, 2015-2, 2015-4, and 2018-1, as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Jerry Hensley on December 5, 2019.

As a result of our review, we have 35 comments that have been identified in the enclosure. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that if these regulations are revised, incorporating our comments and without other significant change, they would meet the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200, "Compatibility Categories and Health and Safety Identification for NRC Regulations and Other Program Elements."

We request that when you revise your regulations to address our comments, a copy of the "as published" regulations be provided to us for review. As requested in NMSS Procedure SA-201, "Review of State Regulatory Requirements," please highlight the location of any changes made by Kentucky, in response to our comments, and provide a copy to Division of Materials Safety, Security, State, and Tribal Programs, NMSS. The SRS Data Sheet summarizes our knowledge of the status of other Kentucky regulations, as indicated. Please let us know if you note any inaccuracies, or have any comments on the information contained in the SRS Data Sheet. This letter, including the SRS Data Sheet, is posted on the NMSS State Communication Portal:

<https://scp.nrc.gov/rulemaking.html>.

M. McKinley

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If you have any questions regarding the comments, the compatibility and health and safety categories, or any of the NRC regulations used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at 267-884-2305 (Michelle.Beardsley@nrc.gov) or Monica Ford at 610-337-5214 (Monica.Ford@nrc.gov).

Sincerely,

/RA/ L.Cuadrado for

Kevin Williams, Deputy Director
Division of Materials Safety, Security, State,
and Tribal Programs
Office of Nuclear Material Safety
and Safeguards

Enclosures:

1. Compatibility Comments
2. Kentucky SRS Data Sheet

M. McKinley

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SUBJECT: 12/17/2019 Letter to M. McKinley re: Kentucky Final Regulations to RATS
IDs 2001-1, 2008-1, 2011-1, 2012-1, 2015-1, 2015-2, 2015-4, and 2018-1

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|--------|---------|------------|-----|-----------|-----------|
| OFFICE | RI | SALPB | OGC | SALPB:BC | MSTR:DD |
| NAME | MFord | MBeardsley | NA | LCuadrado | KWilliams |
| DATE | 12/4/19 | 12/5/19 | NA | 12/17/19 | 12/17/19 |

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COMPATIBILITY COMMENTS ON KENTUCKY FINAL REGULATIONS

| STATE SECTION | | NRC SECTION | RATS ID | CATEGORY | SUBJECT and COMMENTS |
|---------------|---------------------------------|-------------|------------------|----------|--|
| 1 | 902 KAR 100:040 Section 2 | 30.34(h)(1) | 2001-1 | H&S | <p>Terms and conditions of licenses</p> <p>KY points to 902 KAR 100:040 Section 4 as the regulation containing the essential elements of 10 CFR 30.34(h)(1). However, 100:040 Section 4(3) explicitly applies to specific licensees whereas 10 CFR 30.34(h)(1) applies to general licensees.</p> <p>KY needs to adopt the essential objectives of 10 CFR 30.34(h)(1) specific to general licensees in order to meet the Compatibility Category H&S designation assigned to 10 CFR 30.34(h)(1).</p> |
| 2 | 902 KAR 100:050 Section 3 | 31.5(b) | 2001-1 2012-1 | C | <p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>KY omits “or initially transferred” after the word “manufactured” and before “and labeled” in 100:050 Section 3(b).</p> <p>KY needs to change the reference in 100:050 Section 3(b) to read “902 KAR 100:058(4).”</p> <p>KY omits an equivalent regulation to 10 CFR 31.5(b)(2). KY needs to add essentially identical language to 902 KAR 100:050 Section 3(b).</p> <p>KY needs to make the above changes in order to meet the Compatibility Category C designation assigned to 10 CFR 31.5(b).</p> |
| 3 | 902 KAR 100:050 | 31.5(c)(3) | 2001-1 2012-1 | C | <p>Certain detecting, measuring, gauging, or controlling</p> |

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|---------------|---------------------------------|-------------|------------------|----------|--|
| | Section 3 | | | | <p>devices and certain devices for producing light or an ionized atmosphere</p> <p>KY omits “the tests required by 100:050 Section 3.(3)(c)2. and” from between “Shall assure that” and “other testing” in 100:050 Section 3.(3)(c)3.</p> <p>KY needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 31.5(c)(3).</p> |
| 4 | 902 KAR 100:050 Section 3 | 31.5(c)(4) | 2001-1 2012-1 | C | <p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>In 100:050 Section 3.(3)(c)4., KY requires that records only be maintained for one year after the next required test in the case of leakage tests and tests of the on-off mechanism and two years after the next required test for tests required in 100:050 Section 3. (3)(c)3. This is less restrictive than the requirement in 10 CFR 31.5(c)(4). 10 CFR 31.5(c)(4) states that these records should be maintained for three years.</p> <p>KY needs to change the retention time to three years after the next required test for each of the tests described in 100:050 Section 3.(3)(c)4. in order to meet the Compatibility Category C designation assigned to 10 CFR 31.5(c)(4).</p> |
| 5 | 902 KAR 100:050 Section 3 | 31.5(c)(5) | 2001-1 2012-1 | C | <p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> |

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|---------------|---------------------------------|-------------|------------------|----------|--|
| | | | | | <p>In 100:050 3.(3)(c)5. KY omits “and, in the case of detection of 0.005 microcurie or more removable radioactive material or failure of or damage to a source likely to result in contamination of the premises or the environs, a plan for ensuring that the premises and environs are acceptable for unrestricted use” after the words “...and the remedial action taken.”</p> <p>KY needs to make the above change to 100:050 Section 3.(3)(c)5. in order to meet the Compatibility Category C designation assigned to 10 CFR 31.5(c)(5).</p> |
| 6 | 902 KAR 100:050 Section 3 | 31.5(c)(7) | 2001-1 2012-1 | C | <p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>KY omits equivalent language to 10 CFR 31.5(c)(7) in 100:050 Section 3.(3)(c).</p> <p>KY needs to add equivalent language to 100:050 Section 3.(3)(c) in order to meet the Compatibility Category C designation assigned to 10 CFR 31.5(c)(7).</p> |
| 7 | 902 KAR 100:050 Section 3 | 31.5(c)(8) | 2001-1 2012-1 | C | <p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>KY omits equivalent language to 10 CFR 31.5(c)(8) in 100:050 Section 3.(3)(c).</p> <p>KY needs to add equivalent language to 100:050 Section 3.(3)(c) in order to meet the Compatibility Category C</p> |

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|---------------|---------------------------------|-------------|------------------|----------|--|
| | | | | | designation assigned to 10 CFR 31.5(c)(8). |
| 8 | 902 KAR 100:050 Section 3 | 31.5(c)(9) | 2001-1 2012-1 | C | <p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>KY omits “(or initial transferor’s name)” after “manufacturer’s name” and omits “and the serial number” after “model number” in 100:050 Section 3.(3)(c)8.a.</p> <p>Additionally, KY needs to add equivalent language to “and has knowledge of and authority to take actions to ensure compliance with the appropriate regulations and requirements” after “cabinet and the transferee.”</p> <p>KY needs to make the above changes in order to meet the Compatibility Category C designation assigned to 10 CR 31.5(c)(9).</p> |
| 9 | N/A | 31.5(c)(11) | 2001-1 2012-1 | C | <p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>KY does not have equivalent language to 10 CFR 31.5(c)(11) in 100:050 Section 3.(3)(c).</p> <p>KY needs to add equivalent language to 100:050 Section 3.(3)(c) in order to meet the Compatibility Category C designation assigned to 10 CFR 31.5(c)(11).</p> |
| 10 | N/A | 31.5(c)(12) | 2001-1 2012-1 | C | <p>Certain detecting, measuring, gauging, or controlling devices and certain devices for</p> |

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|---------------|-----|-------------|------------------|----------|--|
| | | | | | <p>producing light or an ionized atmosphere</p> <p>KY does not have equivalent language to 10 CFR 31.5(c)(12) in 100:050 Section 3.(3)(c).</p> <p>KY needs to add equivalent language to 100:050 Section 3.(3)(c) in order to meet the Compatibility Category C designation assigned to 10 CFR 31.5(c)(12).</p> |
| 11 | N/A | 31.5(c)(13) | 2001-1 2012-1 | C | <p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>KY does not have equivalent language to 10 CFR 31.5(c)(13) in 100:050 Section 3.(3)(c).</p> <p>KY needs to add equivalent language to 100:050 Section 3.(3)(c) in order to meet the Compatibility Category C designation assigned to 10 CFR 31.5(c)(13).</p> |
| 12 | N/A | 31.5(c)(14) | 2001-1 2012-1 | C | <p>Certain detecting, measuring, gauging, or controlling devices and certain devices for producing light or an ionized atmosphere</p> <p>KY omits equivalent language to 10 CFR 31.5(c)(14) from 100:050 Section 3.(3)(c).</p> <p>KY needs to add equivalent language to 10 CFR 31.5(c)(14) to 100:050 Section 3.(3)(c) in order to meet the Compatibility Category C designation assigned to 10 CFR 31.5(c)(14).</p> |
| 13 | N/A | 31.5(c)(15) | 2001-1 2012-1 | C | <p>Certain detecting, measuring, gauging, or controlling</p> |

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|---------------|--|-----------------|---------|----------|---|
| | | | | | <p>devices and certain devices for producing light or an ionized atmosphere</p> <p>KY does not have equivalent language to 10 CFR 31.5(c)(15) in 100:050 Section 3.(3)(c).</p> <p>KY needs to add equivalent language to 100:050 Section 3.(3)(c) in order to meet the Compatibility Category C designation assigned to 10 CFR 31.5(c)(15).</p> |
| 14 | 902 KAR 100:058 Section 4 | 32.51(a)(4)&(5) | 2001-1 | B | <p>Byproduct material contained in devices for use under Sec. 31.5; requirements for license to manufacture, or initially transfer.</p> <p>KY omits essentially identical rule text to 10 CFR 32.51(a)(4) & (5) from 100:058 Section 4.</p> <p>KY needs to adopt essentially identical language to 100:058 in order to meet the Compatibility Category B designation assigned to 10 CFR 32.51(a)(4) & (5).</p> |
| 15 | 902 KAR 100:058 Section 4(5)(a) | 32.51a(a) | 2001-1 | B | <p>Same: conditions of licenses</p> <p>KY omits essentially identical rule text to 10 CFR 32.51a(a) from 100:058 Section 4.(5)(a).</p> <p>KY needs to adopt essentially identical language to 10 CFR 32.51a(a) in order to meet the Compatibility Category B designation assigned to 10 CFR 32.51a(a).</p> |
| 16 | 902 KAR 100:058 Section 4(5)(b) | 32.51a(b) | 2001-1 | B | <p>Same: conditions of licenses</p> <p>KY omits essentially identical rule text to 10 CFR 32.51a(b) from 100:058 Section 4.(5)(b).</p> |

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|---------------|------------------------------------|-------------|---------|----------|---|
| | | | | | KY needs to adopt essentially identical language to 10 CFR 32.51a(b) in order to meet the Compatibility Category B designation assigned to 10 CFR 32.51a(b). |
| 17 | 902 KAR 100:058 Section 4(5) | 32.52(a) | 2001-1 | B | <p>Same: material transfer reports and records</p> <p>KY omits essentially identical rule text to 10 CFR 32.52(a)(4) from 902 KAR 100:058 Section 4(5).</p> <p>KY needs to adopt essentially identical language to 10 CFR 32.52(a)(4) to 902 KAR 100:058 Section 4(5) in order to meet the Compatibility Category B designation assigned to 10 CFR 32.52(a).</p> |
| 18 | 902 KAR 100:058 Section 4(5) | 32.52(b) | 2001-1 | B | <p>Same: material transfer reports and records</p> <p>KY omits essentially identical rule text to 10 CFR 32.52(b)(4) from 902 KAR 100:058 Section 4(5).</p> <p>KY needs to adopt essentially identical language to 10 CFR 32.52(b)(4) to 902 KAR 100:058 Section 4(5) in order to meet the Compatibility Category B designation assigned to 10 CFR 32.52(b).</p> |
| 19 | 902 KAR 100:165 Section 3(4) | 19.13 | 2008-1 | C | <p>Notifications and reports to individuals</p> <p>In general, KY's regulation is more restrictive than 10 CFR 19.13 which is allowable for regulations designated as Compatibility Category C.</p> <p>However, KY needs to change 100:165 Section 3(4) to read "A licensee or registrant shall make dose information available to workers as</p> |

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|---------------|---------------------------------|-------------|---------|----------|--|
| | | | | | <p>shown in records maintained by the licensee or registrant required by 902 KAR 100:019, Section 34. The licensee or registrant shall provide an annual report to each individual monitored under 902 KAR 100:019 Section 13 of the dose received in that monitoring year if:</p> <p>(1) The individual's occupational dose exceeds 1 mSv (100 mrem) TEDE or 1 mSv (100 mrem) to any individual organ or tissue; or</p> <p>(2) The individual requests his or her annual dose report."</p> <p>KY needs to make the above change in order to meet the Compatibility Category C designation assigned to 10 CFR 19.13.</p> |
| 20 | 902 KAR 100:010 Section 1 (312) | 20.1003 | 2008-1 | A | <p>Definition: total effective dose equivalent (TEDE)</p> <p>KY needs to change 100:010(312) to read "means the sum of the effective dose equivalent (for external exposures)..."</p> <p>KY needs to make the above change in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1003, Definition: Total Effective Dose Equivalent (TEDE).</p> |
| 21 | 902 KAR 100:019 Section 3 | 20.1201 | 2008-1 | A | <p>Occupational Dose Limits for Adults</p> <p>KY needs to amend 100:019 Section 3(3) to be identical to 10 CFR 20.1201(c). KY's regulation omits "When the external exposure is determined by measurement with an external personal monitoring device, the deep-dose equivalent must be used in place of the effective dose equivalent, unless the effective dose equivalent is determined by a</p> |

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| | | | | | <p>dosimetry method approved by the Cabinet.” Additionally, KY needs to delete “and shallow-dose equivalent” from the first sentence in Section 3(3).</p> <p>KY needs to make the above changes in order to meet the Compatibility Category A designation assigned to 10 CFR 20.1201.</p> |
| 22 | 902 KAR 100:019 | 20.2205 | 2008-1 | C | <p>Reports to individuals of exceeding dose limits</p> <p>KY omits an equivalent regulation to 10 CFR 20.2205 from its regulations.</p> <p>KY needs to add equivalent regulations that meets the essential objectives of 10 CFR 20.2205 to 902 KAR 100:019 in order to meet the Compatibility Category C designation assigned to 10 CFR 20.2205.</p> |
| 23 | 902 KAR 100:042 Section 3(3)(a) | 20.1403 | 2011-1 | C | <p>Criteria for license termination under restricted conditions</p> <p>KY omits “and in which the adequacy of the trust funds is to be assessed based on an assumed annual 1 percent real rate of return on investment” from 902 KAR 100:042 Section 3(3)(a).</p> <p>KY needs to add the above language to 902 KAR 100:042 Section 3(3)(a) in order to meet the Compatibility Category C designation assigned to 10 CFR 20.1403(c)(1).</p> |
| 24 | 902 KAR 100:042 Section 3(3)(b) | 20.1403 | 2011-1 | C | <p>Criteria for license termination under restricted conditions</p> <p>KY still allows for financial assurance mechanisms that were removed from 10 CFR 20.1402.</p> <p>KY needs to delete 902 KAR 100:042</p> |

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|---------------|----------------------------------|-------------|---------|----------|---|
| | | | | | Section 3(3)(b) in order to meet the Compatibility Category C designation assigned to 10 CFR 20.1403(c). |
| 25 | 902 KAR 100:042 Section 4 | 20.1404(a) | 2011-1 | C | <p>Alternate criteria for license termination</p> <p>KY omits rule text equivalent to 10 CFR 20.1404(a)(5) from 902 KAR 100:042 Section 4.</p> <p>KY needs to add regulations that meet the essential objectives of 10 CFR 20.1404(a)(5) to 902 KAR 100:042 Section 4 in order to meet the Compatibility Category C designation assigned to 10 CFR 20.1404(a).</p> |
| 26 | 902 KAR 100:019 Section 31 | 20.1501(b) | 2011-1 | H&S | <p>General</p> <p>KY omits equivalent rule text to 10 CFR 20.1501(b) from 902 KAR 100:019 Section 12.</p> <p>KY needs to add language equivalent to 10 CFR 20.1501(b) to 902 KAR 100:019 Section 12 in order to meet the Compatibility Category H&S designation assigned to 10 CFR 20.1501(b).</p> |
| 27 | 902 KAR 100:040 Section 6 | 30.34(b) | 2011-1 | C | <p>Terms and conditions of licenses</p> <p>KY omits equivalent rule text to 10 CFR 30.34(b) in 902 KAR 100:040 Section 6.</p> <p>KY needs to adopt regulations that meet the essential objectives of 10 CFR 30.34(b) to 902 KAR 100:040 Section 6 in order to meet the Compatibility Category C designation assigned to 10 CFR 30.34(b).</p> |
| 28 | 902 KAR 100:042 | 30.35(e) | 2011-1 | H&S | Financial assurance and recordkeeping for |

| STATE SECTION | | NRC SECTION | RATS ID | CATEGORY | SUBJECT and COMMENTS |
|---------------|-------------------------------------|-------------|---------|----------|---|
| | Sections 11 & 15 | | | | decommissioning KY omits equivalent rule language to 10 CFR 30.35(e) from 902 KAR 100:042. KY needs to add language equivalent to 10 CFR 30.35(e) to 902 KAR 100:042 in order to meet the Compatibility Category H&S designation assigned to 10 CFR 30.35(e). |
| 29 | 902 KAR 100:040 Sections 12 & 15 | 40.36(d) | 2011-1 | H&S | Financial assurance and recordkeeping for decommissioning KY omits equivalent rule language to 10 CFR 40.36(d) from 902 KAR 100:042. KY needs to add language equivalent to 10 CFR 40.36(d) to 902 KAR 100:042 in order to meet the Compatibility Category H&S designation assigned to 10 CFR 40.36(d). |
| 30 | 902 KAR 100:040 Section 11 | 40.46 | 2011-1 | C | Inalienability of licenses KY omits equivalent rule text to 10 CFR 40.46(b) from 902 KAR 100:040 Section 11. KY needs to adopt regulations that meet the essential objectives of 10 CFR 40.46(b) to 902 KAR 100:040 Section 11 in order to meet the Compatibility Category C designation assigned to 10 CFR 40.46. |
| 31 | 902 KAR 100:040 Section 13 & 15 | 70.25(e) | 2011-1 | H&S | Financial assurance and recordkeeping for decommissioning KY omits equivalent rule language to 10 CFR 70.25(e) from 902 KAR |

| STATE SECTION | | NRC SECTION | RATS ID | CATEGORY | SUBJECT and COMMENTS |
|---------------|--|-------------|---------|----------|--|
| | | | | | <p>100:042.</p> <p>KY needs to add language equivalent to 10 CFR 70.25(e) to 902 KAR 100:042 in order to meet the Compatibility Category H&S designation assigned to 10 CFR 70.25(e).</p> |
| 32 | 902 KAR 100:040 Section 6 | 70.36 | 2011-1 | C | <p>Inalienability of licenses</p> <p>KY omits equivalent rule text to 10 CFR 70.36 from 902 KAR 100:040 Section 11.</p> <p>KY needs to adopt regulations that meet the essential objectives of 10 CFR 70.36 to 902 KAR 100:040 Section 11 in order to meet the Compatibility Category C designation assigned to 10 CFR 70.36.</p> |
| 33 | 902 KAR 100:040 Section 14(2)(b) | 40.61(a)(2) | 2015-4 | C | <p>Records</p> <p>KY requires that the record only be kept for 5 years. This is less restrictive than the NRC's requirement of keeping the material until the license is terminated.</p> <p>KY needs to change 100:040 Section 14.(2)(b) so that those records are maintained until a license is terminated in order to meet the Compatibility Category C designation assigned to 10 CFR 40.61(a)(2).</p> |
| 34 | License condition (along with adoption by reference of Part 35 in 902 KAR 100:072) | 30.34(g) | 2018-1 | B | <p>Terms and conditions of licenses</p> <p>KY needs to add "to the Department" after "The licensee shall report" and before "the results" in License condition 1 (30.34(g)).</p> <p>KY needs to make the above change in order to meet the Compatibility Category B designation assigned to</p> |

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| | | | | | 10 CFR 30.34(g). |
| 35 | License condition and 902 KAR 100:058 Section 9 | 32.72 | 2018-1 | B | <p>Manufacture, preparation, or transfer for commercial distribution of radioactive drugs containing byproduct material for medical use under part 35.</p> <p>The KY license condition incorrectly references 10 CFR 32.74 instead of 10 CFR 32.72.</p> <p>Additionally, 902 KAR 100:058 Section 9 omits equivalent rule text to 10 CFR 32.72 (a)(2)(i), (a)(2)(v), and (b)(4).</p> <p>KY needs to either 1) Delete 902 KAR 100:058 Section 9 and make the above noted correction to, and implement use of the license condition; or 2) make changes to 100:058 Section 9 and not utilize the license condition submitted, in order to meet the Compatibility Category B designation assigned to 10 CFR 32.72.</p> |

STATE REGULATION STATUS

State: Kentucky

Tracking Ticket Number: 20-06

Date: 12/17/19

[# amendment(s) reviewed identified by a * at the beginning of the equivalent NRC requirement.]

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|--|---|--|
| 1991-1 | Safety Requirements for Radiographic Equipment Part 34 55 FR 843 (Superceded by 1997-5) | 01/10/1994 | Final | No Comments 03/15/1996 | Kentucky has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-2 | ASNT Certification of Radiographers Part 34 56 FR 11504 (Superceded by 1997-5) | none | Not Required | Not Required | Kentucky has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1991-3 | Standards for Protection Against Radiation Part 20 56 FR 23360; 56 FR 61352; 57 FR 38588; 57 FR 57877; 58 FR 67657; 59 FR 41641; 60 FR 20183; | 01/01/1994 | Final | No Comments 04/17/1998 | |
| 1991-4 | Notification of Incidents Parts 20, 30, 31, 34, 39, 40 and 70 56 FR 64980; | 10/15/1994 | Final Proposed ML18170A181 Final ML19043A753 | No Comments 03/15/1996 Comments 7/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Parts 34 and 39 by reference |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|-----------------------------|---------------------------|--|
| 1992-1 | Quality Management Program and Misadministrations Part 35 56 FR 34104 (Superceded by 2002-2) | 01/27/1995 | Final | No Comments 03/15/1996 | |
| 1992-2 | Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30 and 35 57 FR 45566 | none | Not Required | Not Required | Kentucky has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1993-1 | Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30 and 40 58 FR 39628 | 10/25/1996 | Final | No Comments 03/15/1996 | |
| 1993-2 | Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715 | 07/01/1996 | Not Applicable ⁱ | Not Applicable | Kentucky does not have any licensees subject to these regulations. (See SECY-95-112) |
| 1993-3 | Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886 | 07/22/1996 | Not Applicable ¹ | Not Applicable | Kentucky does not have any licensees subject to these regulations. (See SECY-95-112) |
| 1994-1 | Self-Guarantee as an Additional Financial Mechanism Parts 30, 40 and 70 58 FR 68726; 59 FR 1618 | none | Not Required | Not Required | These regulations are not required to be adopted for purposes of Compatibility. |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|--|--|---|
| 1994-2 | Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220 | 07/01/1997 | Not Applicable | Not Applicable | Kentucky does not have authority to regulate this material under its Agreement. |
| 1994-3 | Timeliness in Decommissioning Material Facilities Parts 30, 40 and 70 59 FR 36026 | 08/15/1997 | Final | No Comments 04/17/1998 | |
| 1995-1 | Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use Parts 30, 32 and 35 59 FR 61767; 59 FR 65243; 60 FR 322 | 01/01/1998 | Final Proposed ML18170A181 Final ML19043A753 | No Comments 04/17/1998 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 35 by reference |
| 1995-2 | Frequency of Medical Examinations for Use of Respiratory Protection Equipment Part 20 60 FR 7900 | 03/13/1998 | Final | No Comments 04/17/1998 | |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|--|---|---|
| 1995-3 | Low-Level Waste Shipment Manifest Information and Reporting Parts 20 and 61 60 FR 15649; 60 FR 25983 | 03/01/1998 | R ² ML12213A254 Proposed ML18170A181 Final ML19043A753 | No Comments 09/14/2012 ML12234A371 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 61 reference |
| 1995-4 | Performance Requirements for Radiography Equipment Part 34 60 FR 28323 (Superceded by 1997-5) | 06/30/1998 | Final | No Comments 03/15/1996 | Kentucky has adopted Final Regulations equivalent to RATS ID: 1997-5. |
| 1995-5 | Radiation Protection Requirements: Amended Definitions and Criteria Parts 19 and 20 60 FR 36038 | 08/14/1998 | Final | No Comments 04/17/1998 | |
| 1995-6 | Clarification of Decommissioning Funding Requirements Parts 30, 40 and 70 60 FR 38235 | 11/24/1998 | R ² ML12213A254 | No Comments 09/14/2012 ML12234A371 | |
| 1995-7 | Medical Administration of Radiation and Radioactive Materials Parts 20 and 35 60 FR 48623 (Superceded by 2002-2 and 2005-2) | 10/20/1998 | | | |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|--|--|---|
| 1996-1 | Compatibility with the International Atomic Energy Agency Part 71 60 FR 50248; 61 FR 28724 (Superceded by 2004-1) | 04/01/1999 | Final Proposed ML18170A181 Final ML19043A753 | Comments 06/21/2000 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky has not yet adopted Final Regulations equivalent to RATS ID: 2004-1. Kentucky submitted proposed regulations that adopt 10 CFR Part 71 by reference |
| 1996-2 | One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses Parts 30, 40 and 70 61 FR 1109 | 02/15/1999 | Not Required | Not Required | These regulations are not required to be adopted for purposes of Compatibility. |
| 1996-3 | Termination or Transfer of Licensed Activities: Record keeping Requirements Parts 20, 30, 40, 61 and 70 61 FR 24669 | 06/17/1999 | Final Proposed ML18170A181 Final ML19043A753 | No Comments 06/21/2000 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 61 by reference |
| 1997-1 | Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act Part 20 61 FR 65120 | 01/9/2000 | Final | No Comments 04/17/1998 | |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|---|--|--|
| 1997-2 | Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State Part 150 62 FR 1662 | 02/27/2000 | Final ML010780156 | No Comments 03/30/2001 ML010890409 | |
| 1997-3 | Criteria for the Release of Individuals Administered Radioactive Material Parts 20 and 35 62 FR 4120 | 05/29/2000 | Final Proposed ML18170A181 Final ML19043A753 | No Comments 04/17/1998 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 35 by reference |
| 1997-4 | Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superceded by 2004-1) | 02/10/2000 | Not Required | Not Required | These regulations are not required to be adopted for purposes of Compatibility. (See STP-97-078) |
| 1997-5 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations Parts 30, 34, 71 and 150 62 FR 28947 | 06/27/2000 | Final ML010780156 Proposed ML18170A181 Final ML19043A753 | Comments 03/30/2001 ML010890409 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Parts 34 and 71 by reference |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|--|--|--|
| 1997-6 | Radiological Criteria for License Termination Parts 20, 30, 40 and 70 62 FR 39057 | 08/20/2000 | Final | No Comments 06/21/2000 | |
| 1997-7 | Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea Part 30 62 FR 63634 | 01/02/2001 | Final | No Comments 04/17/1998 | |
| 1998-1 | Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71 and 150 63 FR 1890; 63 FR 13773 | 02/12/2001 | Final Proposed ML18170A181 Final ML19043A753 | No Comments 06/21/2000 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Parts 61 and 71 by reference |
| 1998-2 | Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40 and 70 63 FR 29535 | 07/01/2001 | Not Required | Not Required | These regulations are not required to be adopted for purposes of Compatibility. |
| 1998-3 | License Term for Medical Use Licenses Part 35 63 FR 31604 (Superceded by 2002-2) | 07/10/2001 | Not Required | Not Required | These regulations are not required to be adopted for purposes of Compatibility. (See STP-98-074) |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|--|---|--|
| 1998-4 | Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059 | 07/09/2001 | Final ML010780156 Proposed ML18170A181 Final ML19043A753 | No Comments 03/30/2001 ML010890409 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 34 by reference |
| 1998-5 | Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36 and 39 63 FR 39477; 63 FR 45393 | 10/26/2001 | R ² ML12213A254 Proposed ML18170A181 Final ML19043A753 | Comments 09/14/2012 ML12234A371 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Parts 35 and 39 by reference |
| 1998-6 | Transfer for Disposal and Manifests: Minor Technical Conforming Amendment Part 20 63 FR 50127 | 11/20/2001 | R ² ML12213A254 | No Comments 09/14/2012 ML12234A371 | |
| 1999-1 | Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506 | 06/11/2002 | Not Applicable | Not Applicable | Kentucky does not have authority to regulate this material under its Agreement. |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|--|---|--|
| 1999-2 | Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269 | 10/04/2002 | Not Required | Not Required | These regulations are not required to be adopted for purposes of Compatibility. |
| 1999-3 | Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524 | 02/02/2003 | R ² ML12213A254 | No Comments 09/14/2012 ML12234A371 | |
| 2000-1 | Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337 | 05/17/2003 | R ² ML12213A254 Proposed ML18170A181 Final ML19043A753 | No Comments 09/14/2012 ML12234A371 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 39 by reference |
| 2000-2 | New Dosimetry Technology Parts 34, 36 and 39 65 FR 63750 | 01/08/2004 | R ² ML12213A254 Proposed ML18170A181 Final ML19043A753 | No Comments 09/14/2012 ML12234A371 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Part 36 regulation changes were not adopted by Kentucky because they do not have any licensees. See RATS ID: 1993-2. Kentucky submitted proposed regulations that adopt 10 CFR Parts 34 and 39 by reference |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|---|--|---|
| *2001-1 | Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31 and 32 65 FR 79162 | 02/16/2004 | License Condition ML040550046 Final ML19325D004 | Comments 03/16/2004 ML040770705 Comments 12/17/2019 ML19325C948 | Part 32.52 (a) & (b) only |
| 2002-1 | Revision of the Skin Dose Limit Part 20 67 FR 16298 | 04/05/2005 | R ² ML12213A254 | No Comments 09/14/2012 ML12234A371 | |
| 2002-2 | Medical Use of Byproduct Material Parts 20, 32 and 35 67 FR 20249 | 10/24/2005 | Final ML12213A254 Proposed ML18170A181 Final ML19043A753 | Comments 09/14/2012 ML12234A371 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Parts 35 by reference |
| 2003-1 | Financial Assurance for Materials Licensees Parts 30, 40 and 70 68 FR 57327 | 12/03/2006 | R ² ML12213A254 | No Comments 09/14/2012 ML12234A371 | |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|--|---|--|
| 2004-1 | Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697 | 10/01/2007 | R ² ML12213A254 Proposed ML18170A181 Final ML19043A753 | No Comments 09/14/2012 ML12234A371 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 71 by reference |
| 2005-1 | Security Requirements for Portable Gauges Containing Byproduct Material Part 30 70 FR 2001 | 07/11/2008 | R ² ML12213A254 | No Comments 09/14/2012 ML12234A371 | |
| 2005-2 | Medical Use of Byproduct Material - Recognition of Specialty Boards Part 35 70 FR 16336; 71 FR 1926 | 04/29/2008 | R ² ML12213A254 Proposed ML18170A181 Final ML19043A753 | No Comments 09/14/2012 ML12234A371 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 35 by reference |
| 2005-3 | Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128 | 12/01/2005 | License Condition ML053180137 | No Comments 11/15/2005 ML053190005 | |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|--|-----------------------------|--|---|---|
| 2006-1 | Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005 | 03/27/2009 | R ² ML12213A254 Proposed ML18170A181 Final ML19043A753 | No Comments 09/14/2012 ML12234A371 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 35 by reference |
| 2006-2 | National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685 | 02/06/2007 | Not Applicable | Not Applicable | Kentucky responded on 03/02/2007 to FSME 06-110 stating that they currently have no licensees applicable to this rule ¹ . ML070610044 |
| 2006-3 | National Source Tracking System Part 20 71 FR 65685, 72 FR 59162 | 01/31/2009 | License Condition ML083180064 | No Comments 12/17/2008 ML083220486 | |
| 2007-1 | Medical Use of Byproduct Material - Minor Corrections and Clarifications Parts 32 and 35 72 FR 45147, 54207 | 10/29/2010 | Proposed ML18170A181 Final ML19043A753 | Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 35 by reference |
| 2007-2 | Exemptions From Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements Parts 30, 31, 32 and 150 72 FR 58473 | 12/17/2010 | | | |

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|---------|--|-----------------------------|---|---|--|
| 2007-3 | Requirements for Expanded Definition of Byproduct Material Parts 20, 30, 31, 32, 33, 35, 61 and 150 72 FR 55864 | 11/30/2010 | Proposed ML18170A181 Final ML19043A753 | Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Parts 33, 35 and 61 by reference |
| 2007-4 | Order Imposing Fingerprinting Requirements and Criminal History Records Check Requirements for Unescorted Access to Certain Radioactive Material NRC Order EA-07-305 72 FR 70901 | 06/05/2008 | License Condition ML080990413 | No Comments 05/02/2008 ML081220993 | |
| *2008-1 | Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043 | 02/15/2011 | Final ML19325D004 | Comments 12/17/2019 ML19325C948 | |
| 2009-1 | Medical Use of Byproduct Material – Authorized User Clarification Part 35 74 FR 33901 | 09/28/2012 | Proposed ML18170A181 Final ML19043A753 | Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 35 by reference |
| *2011-1 | Decommissioning Planning Parts 20, 30, 40 and 70 76 FR 35512 | 12/17/2015 | Final ML19325D004 | Comments 12/17/2019 ML19325C948 | |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|---|---|---|
| 2011-2 | Licenses, Certifications, and Approvals for Materials Licensees Parts 30, 36, 39, 40, 70 and 150 76 FR 56951 | 11/14/2014 | Proposed ML18170A181 Final ML19043A753 | Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 39 by reference |
| *2012-1 | Change of Compatibility of Parts 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640 | 01/25/2015 | Final ML19325D004 | Comments 12/17/2019 ML19325C948 | |
| 2012-2 | Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194 | 08/10/2015 | Proposed ML18170A181 Final ML19043A753 | Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 71 by reference |
| 2012-3 | Technical Corrections Parts 30, 34, 40 and 71 77 FR 39899 | 08/06/2015 | Proposed ML18170A181 Final ML19043A753 | Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 34 and 71 by reference |
| 2012-4 | Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666 | 10/23/2015 | | | |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|--|---|---|--|
| 2013-1 | Physical Protection of Byproduct Material Parts 20, 30, 32, 33, 34, 35, 36, 37, 39 and 71 78 FR 16922 | 03/19/2016 | Final ML16062A063 Proposed ML18170A181 Final ML19043A753 | No Comments 03/04/2016 ML16062A040 Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Part 37 only Kentucky submitted proposed regulations that adopt 10 CFR Parts 34, 35, 39 and 71 by reference |
| 2013-2 | Distribution of Source Material to Exempt Persons and to General Licensees and Revision of General License and Exemptions Parts 30, 40 and 70 78 FR 32310 | 08/27/2016 | | | |
| *2015-1 | Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143 | 01/26/2018 | Final ML19325D004 | No Comments 12/17/2019 ML19325C948 | |
| *2015-2 | Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73 and 150 79 FR 58664, 80 FR 3865 | 01/28/2018 | Final ML19325D004 | No Comments 12/17/2019 ML19325C948 | |
| 2015-3 | Revisions to Transportation Safety Requirements and Harmonization with International Atomic Energy Agency Transportation Requirements Part 71 80 FR 33987 | 07/13/2018 *extended to 08/15/2020 See STC 17-060 | Proposed ML18170A181 Final ML19043A753 | Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 71 by reference |

| RATS ID | NRC Chronology Identification | Date Due for State Adoption | Incoming Letter | Outgoing Package | Notes |
|---------|---|-----------------------------|---|---|---|
| *2015-4 | Miscellaneous Corrections Parts 37 and 40 80 FR 45841 | 09/02/2018 | Final ML19325D004 | Comment 12/17/2019 ML19325C948 | |
| 2015-5 | Miscellaneous Corrections Parts 19, 20, 30, 32, 37, 40, 61, 70, 71 and 150 80 FR 74974 | 12/31/2018 | Proposed ML18170A181 Final ML19043A753 | Comments 07/27/2018 ML18170A180 No Comments 02/25/2019 ML19043A752 | Kentucky submitted proposed regulations that adopt 10 CFR Part 61 and 71 by reference |
| *2018-1 | Medical Use of Byproduct Material – Medical Event Definitions, Training and Experience, and Clarifying Amendments, Parts 30, 32 and 35 | 01/14/2022 | Final ML19325D004 | Comments 12/17/2019 ML19325C948 | Kentucky submitted final regulations that adopt 10 CFR Part 35 by reference |
| 2018-2 | Miscellaneous Corrections – Organizational Changes Parts 37, 40, 70 and 71 | 12/21/2021 | | | |
| 2018-3 | Miscellaneous Corrections Parts 1, 2, 34, 37, 50, 71, 73, and 140 | 07/30/2022 | | | |
| 2019-1 | Miscellaneous Corrections Parts 2, 21, 37, 50, 52, 73, and 110 | 12/18/2022 | | | |
| 2019-2 | Organizational Changes and Conforming Amendments Parts 1, 2, 37, 40, 50, 51, 52, 55, 71, 72, 73, 74, 100, 140, and 150 | 12/30/2022 | | | |

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|----------------|--------------------------------------|------------------------------------|------------------------|-------------------------|--------------|
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ⁱ IMPEP Team: verify that Kentucky does not have any licensees subject to these regulations during each review.

² R means proposed revision to a final rule