

1 CABINET FOR HEALTH AND FAMILY SERVICES

2 Department for Public Health

3 Division of Public Health Protection and Safety

4 (New)

5 902 KAR 100:195. Licensing of Special Nuclear Material.

6 RELATES TO: KRS 194A.005(1), 211.180(1), 211.842-211.852, 211.990(4), 10

7 C.F.R. Part 70

8 STATUTORY AUTHORITY: KRS 194A.050(1), 211.090(3), 211.844(1)

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.844(1) requires the
10 Cabinet for Health and Family Services to provide by administrative regulation for the
11 registration and licensing of the possession or use of sources of ionizing or electronic
12 product radiation and the handling and disposal of radioactive waste. This administrative
13 regulation establishes procedures, criteria, terms, and conditions upon which the cabinet
14 issues licenses for special nuclear material.

15 Section 1. Definitions. (1) "Agreement state" means a state that the United States
16 Nuclear Regulatory Commission or the United States Atomic Energy Commission has
17 entered into an effective agreement under subsection 274 b. of the Atomic Energy Act of
18 1954, as amended (42 U.S.C. 2021(b) et seq.).

19 (2) "Cabinet" is defined by KRS 194A.005(1).

1 (3) "Licensee" means a person who holds:

2 (a) A specific license issued by the cabinet pursuant to 902 KAR 100:040 and this
3 administrative regulation;

4 (b) A specific license issued by the U.S. Nuclear Regulatory Commission or an
5 Agreement state; or

6 (c) A general license pursuant to 902 KAR 100:050 or equivalent regulations of the
7 U.S. Nuclear Regulatory Commission or an Agreement state.

8 Section 2. Applicability. This administrative regulation shall apply to a licensee. Except
9 as established in subsections (1) through (4) of this section, the licensee shall comply
10 with 10 C.F.R. Part 70 except as established in subsections (1) and (2) of this section. (1)
11 The licensee shall not be subject to 10 CFR parts: 70.1(c), (d), & (e); 70.5; 70.8; 70.11;
12 70.13; 70.14; 70.20a; 70.20.b; 70.21(a)(1), (c), (f), (g), & (h); 70.23(a)(6), (a)(7), (a)(8),
13 (a)(9), (a)(10), (a)(11), (a)(12), & (b); 70.23a; 70.24; 70.25(a)(1); 70.31 (c), (d), & (e);
14 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),
15 & (k); '70.37; 70.40; 70.42(b)(6); 70.44; 70.52; 70.55(c); 70.59; 70.60; 70.61; 70.62; 70.64;
16 70.65; 70.66; 70.72; 70.73; 70.74; 70.76; 70.82; and Appendix A to part 70 (2) Reference
17 to the commission or NRC shall be deemed to be a reference to the Cabinet, Department
18 for Public Health, Radiation Health Branch

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

20 (3) Reports required by 10 CFR 70 shall be directed to the manager, Radiation Health
21 Branch, at:

22 (a) 275 East Main Street, Mailstop HS1-C-A, Frankfort, Kentucky 40621;

23 (b) (502) 564-1492: Facsimile;

- 1 (c) (502) 564-3700: Telephone, Monday through Friday, 8 a.m. to 4:30 p.m.; or
- 2 (d) (800) 255-2587: Telephone, for hours except those established in paragraph (c) of
- 3 this subsection.