Matthew W. McKinley, Administrator  
Radiation Health Program  
Kentucky 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 Radiological Health Rules 902 KAR Chapter 100, Parts 022, 052, 070, 072, 100, and 142, received by our office on February 6, 2019. These regulations were reviewed by comparison to the equivalent U.S. Nuclear Regulatory Commission (NRC) rules 10 CFR Parts 33, 34, 35, 39, 61, and 71 as identified in the enclosed State Regulation Status (SRS) Data Sheet. We discussed our review of the regulations with Eric Perry on February 25, 2019.

As a result of our review, we have no comments. Please note that we have limited our review to regulations required for compatibility and/or health and safety. We have determined that the regulations, as adopted, 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.”

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.

If you have any questions regarding the review results, 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 (301) 415-0275 (Michelle.Beardsley@nrc.gov) or Joe O’Hara at (301) 415-6854 (Joe.OHara@nrc.gov).

Sincerely,

/RA/ PMichalak for KWilliams

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

Enclosure:  
Kentucky SRS Data Sheet
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<td>1991-3</td>
<td>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;</td>
<td>01/01/1994</td>
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<td>*1991-4</td>
<td>Notification of Incidents Parts 20, 30, 31, 34, 39, 40 and 70 56 FR 64980;</td>
<td>10/15/1994</td>
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<td>No Comments 03/15/1996</td>
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[25 amendment(s) reviewed identified by a * at the beginning of the equivalent NRC requirement.]
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<td>1992-2</td>
<td>Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions Parts 30 and 35 57 FR 45566</td>
<td>none</td>
<td>Not Required</td>
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<td>Kentucky has adopted Final Regulations equivalent to RATS ID: 1997-5.</td>
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<td>1993-1</td>
<td>Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites] Parts 30 and 40 58 FR 39628</td>
<td>10/25/1996</td>
<td>Final</td>
<td>No Comments 03/15/1996</td>
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<td>1993-2</td>
<td>Licensing and Radiation Safety Requirements for Irradiators Part 36 58 FR 7715</td>
<td>07/01/1996</td>
<td>Not Applicable¹</td>
<td>Not Applicable</td>
<td>Kentucky does not have any licensees subject to these regulations. (See SECY-95-112)</td>
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<td>1993-3</td>
<td>Definition of Land Disposal and Waste Site QA Program Part 61 58 FR 33886</td>
<td>07/22/1996</td>
<td>Not Applicable¹</td>
<td>Not Applicable</td>
<td>Kentucky does not have any licensees subject to these regulations. (See SECY-95-112)</td>
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<td>1994-1</td>
<td>Self-Guarantee as an Additional Financial Mechanism Parts 30, 40 and 70 58 FR 68726; 59 FR 1618</td>
<td>none</td>
<td>Not Required</td>
<td>Not Required</td>
<td>These regulations are not required to be adopted for purposes of Compatibility.</td>
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<td>Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards Part 40 59 FR 28220</td>
<td>07/01/1997</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Kentucky does not have authority to regulate this material under its Agreement.</td>
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<td>*1995-1</td>
<td>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</td>
<td>01/01/1998</td>
<td>Final</td>
<td>No Comments 04/17/1998</td>
<td>Kentucky submitted proposed regulations that adopt 10 CFR Part 35 by reference</td>
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<td>1995-6</td>
<td>Clarification of Decommissioning Funding Requirements Parts 30, 40 and 70 60 FR 38235</td>
<td>11/24/1998</td>
<td>R² ML12213A254</td>
<td>No Comments 09/14/2012 ML12234A371</td>
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| *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 | Comments 06/21/2000 | 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 |
|         |                               |                           | Proposed ML18170A181 | Comments 07/27/2018 ML18170A180 | |
|         |                               |                           | Final ML19043A753 | No Comments 02/25/2019 ML19043A752 | |
| 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 | No Comments 06/21/2000 | Kentucky submitted proposed regulations that adopt 10 CFR Part 61 by reference |
|         |                               |                           | Proposed ML18170A181 | Comments 07/27/2018 ML18170A180 | |
|         |                               |                           | Final ML19043A753 | No Comments 02/25/2019 ML19043A752 | |
| 1997-1  | Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act  
Part 20  
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<td>Fissile Material Shipments and Exemptions Part 71 62 FR 5907 (Superceded by 2004-1)</td>
<td>02/10/2000</td>
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<td>These regulations are not required to be adopted for purposes of Compatibility. (See STP-97-078)</td>
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<td>1997-6</td>
<td>Radiological Criteria for License Termination Parts 20, 30, 40 and 70 62 FR 39057</td>
<td>08/20/2000</td>
<td>Final</td>
<td>No Comments 06/21/2000</td>
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<td>*1998-1</td>
<td>Deliberate Misconduct by Unlicensed Persons Parts 30, 40, 61, 70, 71 and 150 63 FR 1890; 63 FR 13773</td>
<td>02/12/2001</td>
<td>Final Prop 06/21/2000</td>
<td>No Comments 07/27/2018 ML18170A181</td>
<td>Kentucky submitted proposed regulations that adopt 10 CFR Parts 61 and 71 by reference</td>
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<td>1998-2</td>
<td>Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees Parts 30, 40 and 70 63 FR 29535</td>
<td>07/01/2001</td>
<td>Not Required</td>
<td>Not Required</td>
<td>These regulations are not required to be adopted for purposes of Compatibility.</td>
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<td>1998-3</td>
<td>License Term for Medical Use Licenses Part 35 63 FR 31604 (Superceded by 2002-2)</td>
<td>07/10/2001</td>
<td>Not Required</td>
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<td>These regulations are not required to be adopted for purposes of Compatibility. (See STP-98-074)</td>
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<td>Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations Part 34 63 FR 37059</td>
<td>07/09/2001</td>
<td>Final ML010780156</td>
<td>No Comments 03/30/2001 ML010890409</td>
<td>Kentucky submitted proposed regulations that adopt 10 CFR Part 34 by reference</td>
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<td>Minor Corrections, Clarifying Changes, and a Minor Policy Change Parts 20, 32, 35, 36 and 39 63 FR 39477; 63 FR 45393</td>
<td>10/26/2001</td>
<td>R² ML12213A254</td>
<td>Comments 09/14/2012 ML12234A371</td>
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<td>1999-1</td>
<td>Radiological Criteria for License Termination of Uranium Recovery Facilities Part 40 64 FR 17506</td>
<td>06/11/2002</td>
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<td>Kentucky does not have authority to regulate this material under its Agreement.</td>
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<td>1999-2</td>
<td>Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information Part 31 64 FR 42269</td>
<td>10/04/2002</td>
<td>Not Required</td>
<td>Not Required</td>
<td>These regulations are not required to be adopted for purposes of Compatibility.</td>
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<td>1999-3</td>
<td>Respiratory Protection and Controls to Restrict Internal Exposure Part 20 64 FR 54543; 64 FR 55524</td>
<td>02/02/2003</td>
<td>R² ML12213A254</td>
<td>No Comments 09/14/2012 ML12234A371</td>
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<td>*2000-1</td>
<td>Energy Compensation Sources for Well Logging and Other Regulatory Clarifications Part 39 65 FR 20337</td>
<td>05/17/2003</td>
<td>R² ML12213A254</td>
<td>No Comments 09/14/2012 ML12234A371</td>
<td>Kentucky submitted proposed regulations that adopt 10 CFR Part 39 by reference</td>
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<td>New Dosimetry Technology Parts 34, 36 and 39 65 FR 63750</td>
<td>01/08/2004</td>
<td>R² ML12213A254</td>
<td>No Comments 09/14/2012 ML12234A371</td>
<td>Part 36 regulation changes were not adopted by Kentucky because they do not have any licensees. See RATS ID: 1993-2.</td>
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<td>2001-1</td>
<td>Requirements for Certain Generally Licensed Industrial Devices Containing Byproduct Material Parts 30, 31 and 32 65 FR 79162</td>
<td>02/16/2004</td>
<td>License Condition ML040550046</td>
<td>Comments 03/16/2004 ML040770705</td>
<td>Part 32.52 (a) &amp; (b) only</td>
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<td>2002-1</td>
<td>Revision of the Skin Dose Limit Part 20 67 FR 16298</td>
<td>04/05/2005</td>
<td>R² ML12213A254</td>
<td>No Comments 09/14/2012 ML12234A371</td>
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<td>Medical Use of Byproduct Material Parts 20, 32 and 35 67 FR 20249</td>
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<td>Kentucky submitted proposed regulations that adopt 10 CFR Parts 35 by reference</td>
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<td>2003-1</td>
<td>Financial Assurance for Materials Licensees Parts 30, 40 and 70 68 FR 57327</td>
<td>12/03/2006</td>
<td>R² ML12213A254</td>
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<td>Compatibility With IAEA Transportation Safety Standards and Other Transportation Safety Amendments Part 71 69 FR 3697</td>
<td>10/01/2007</td>
<td>R² ML12213A254</td>
<td>No Comments</td>
<td>Kentucky submitted proposed regulations that adopt 10 CFR Part 71 by reference</td>
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<td>2005-3</td>
<td>Increased Controls for Risk-Significant Radioactive Sources (NRC Order EA-05-090) 70 FR 72128</td>
<td>12/01/2005</td>
<td>License Condition ML053180137</td>
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<td>11/15/2005 ML053190005</td>
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<td>Minor Amendments Parts 20, 30, 32, 35, 40 and 70 71 FR 15005</td>
<td>03/27/2009</td>
<td>R² ML12213A254</td>
<td>No Comments 09/14/2012 ML12234A371</td>
<td>Kentucky submitted proposed regulations that adopt 10 CFR Part 35 by reference</td>
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<td>2006-2</td>
<td>National Source Tracking System - Serialization Requirements Part 32 with reference to Part 20 Appendix E 71 FR 65685</td>
<td>02/06/2007</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Kentucky responded on 03/02/2007 to FSME 06-110 stating that they currently have no licensees applicable to this rule¹. ML070610044</td>
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<td>2006-3</td>
<td>National Source Tracking System Part 20 71 FR 65685, 72 FR 59162</td>
<td>01/31/2009</td>
<td>License Condition ML083180064</td>
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¹. ML070610044
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<td>2007-4</td>
<td>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</td>
<td>06/05/2008</td>
<td>License Condition ML080990413</td>
<td>No Comments</td>
<td>05/02/2008 ML081220993</td>
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<td>2008-1</td>
<td>Occupational Dose Records, Labeling Containers, and Total Effective Dose Equivalent Parts 19 and 20 72 FR 68043</td>
<td>02/15/2011</td>
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<td>2011-1</td>
<td>Decommissioning Planning Parts 20, 30, 40 and 70 76 FR 35512</td>
<td>12/17/2015</td>
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<td>Change of Compatibility of Parts 31.5 and 31.6 (See RATS ID: 2001-1 for Rule text) 77 FR 3640</td>
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<td>Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste Part 71 77 FR 34194</td>
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<td>Technical Corrections Parts 30, 34, 40 and 71 77 FR 39899</td>
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<td>Requirements for Distribution of Byproduct Material Parts 30, 31, 32, 40 and 70 77 FR 43666</td>
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<td>Physical Protection of Byproduct Material Parts 20, 30, 32, 33, 34, 35, 36, 37, 39 and 71 78 FR 16922</td>
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<td>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</td>
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<td>Domestic Licensing of Special Nuclear Material – Written Reports and Clarifying Amendments Part 70 79 FR 57721, 80 FR 143</td>
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<td>Safeguards Information - Modified Handling Categorization, Change for Materials Facilities Parts 30, 37, 73 and 150 79 FR 58664, 80 FR 3865</td>
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<td>Miscellaneous Corrections Parts 19, 20, 30, 32, 37, 40, 61, 70, 71 and 150 80 FR 74974</td>
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1 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