



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

February 25, 2019

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

STATE REGULATION STATUS

State: Kentucky

Tracking Ticket Number: 19-17

Date: 02/25/2019

[25 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 (Superseded 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 (Superseded 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 (Superseded 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	

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*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 (Superseded 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 (Superseded 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	Comments 03/16/2004 ML040770705	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			

RATS ID	NRC Chronology Identification	Date Due for State Adoption	Incoming Letter	Outgoing Package	Notes
*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			
*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			

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			
*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 MI16062A040 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			
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			
*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			
*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			
2018-2	Miscellaneous Corrections – Organizational Changes Parts 37, 40, 70 and 71	12/21/2021			

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