



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

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>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					<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>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					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	<p>Financial assurance and recordkeeping for</p>

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
	Sections 11 & 15				<p>decommissioning</p> <p>KY omits equivalent rule language to 10 CFR 30.35(e) from 902 KAR 100:042.</p> <p>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).</p>
29	902 KAR 100:040 Sections 12 & 15	40.36(d)	2011-1	H&S	<p>Financial assurance and recordkeeping for decommissioning</p> <p>KY omits equivalent rule language to 10 CFR 40.36(d) from 902 KAR 100:042.</p> <p>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).</p>
30	902 KAR 100:040 Section 11	40.46	2011-1	C	<p>Inalienability of licenses</p> <p>KY omits equivalent rule text to 10 CFR 40.46(b) from 902 KAR 100:040 Section 11.</p> <p>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.</p>
31	902 KAR 100:040 Section 13 & 15	70.25(e)	2011-1	H&S	<p>Financial assurance and recordkeeping for decommissioning</p> <p>KY omits equivalent rule language to 10 CFR 70.25(e) from 902 KAR</p>

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					100:042. 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).
32	902 KAR 100:040 Section 6	70.36	2011-1	C	Inalienability of licenses KY omits equivalent rule text to 10 CFR 70.36 from 902 KAR 100:040 Section 11. 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.
33	902 KAR 100:040 Section 14(2)(b)	40.61(a)(2)	2015-4	C	Records 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. 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).
34	License condition (along with adoption by reference of Part 35 in 902 KAR 100:072)	30.34(g)	2018-1	B	Terms and conditions of licenses KY needs to add "to the Department" after "The licensee shall report" and before "the results" in License condition 1 (30.34(g)). KY needs to make the above change in order to meet the Compatibility Category B designation assigned to

STATE SECTION		NRC SECTION	RATS ID	CATEGORY	SUBJECT and COMMENTS
					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 (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 ¹	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 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			

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	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 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	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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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