Example OSP Document Rids Code. SP06

CABINET FOR HEALTH SERVICES
COMMONWEALTH OF KENTUCKY
FRANKFORT 40621-0001

DEPARTMENT FOR PUBLIC HEALTH

March 1, 2000

To WHOM IT MAY CONCERN:

Re: Notices of Intent

The enclosed Notices of Intent have been submitted to the Regulations Compiler and are being provided to you as required by statute.

John A. Volpe, Ph.D., Manager
Radiation Health and Toxic Agents Branch

Enclosures

OSP
00 MAR -5 PM 4:16

EDUCATION PAYS
"An Equal Opportunity Employer M/F/H"

OSP-006 Template. SP-AG-11

FILED WITH LRC
TIME: 9 am

FEB 14 2000

Susan C. Wunderlich
REGULATIONS COMPILER

NOTICE OF INTENT
TO
PROMULGATE ADMINISTRATIVE REGULATION

Date: February 15, 2000
Cabinet for Health Services
Department for Public Health

(1) 902 KAR 100:036. Repeal of 902 KAR 100:035.

(2) Cabinet for Health Services, Department for Public Health intends to promulgate an administrative regulation governing the submitted matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 2000 at 9:00 a.m., in the Cabinet for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621.

(4) (a) The public hearing will be held if:
1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 31, 2000, the public hearing will be canceled.

(5) (a) Persons wishing to request a public hearing should mail their written request to the following address:

Selina Riley
Cabinet Regulation Coordinator
Cabinet for Health Services
Office of the Counsel
275 East Main Street – 4W-C
Frankfort, Kentucky 40621
(502) 564-7905
(502) 564-7573 (Fax)

(b) On a request for public hearing, a person shall state:
1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6) (a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an

administrative regulation governing a specific submit matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Public Health, Health Services Building, 275 East Main Street, Frankfort, Kentucky 40621.

(c) **Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' regulations may call toll free 1-800-372-2973 (V/TDD).**

(7) Information relating to the proposed administrative regulation:

(a) The statutory authority for the promulgation of an administrative regulation relating to 902 KAR 100:036, Repeal of 902 KAR 100:035 KRS 211.842 to 211.852.

(b) The new administrative regulation that the Department for Public Health intends to promulgate, concerns the repeal of requirements for the picking up and receiving and opening packages containing radioactive material and the test for special form licensed material. These requirements are found in 902 KAR 100:019. The Department for Public Health must amend 902 KAR 100:036 to meet the U.S. Nuclear Regulatory Commission's requirements of Agreement State Compatibility as mandated by Section 274 of the Atomic Energy Act, as amended.

(c) The Necessity, Function and Conformity of the proposed administrative regulation is as follows: KRS 211.842(2) states the Cabinet for Health Services shall issue licenses pertaining to radioactive materials and require registration of other sources of ionizing radiation. KRS 211.842(3) states the Cabinet for Health Services shall develop and conduct programs for evaluation and control of hazards associated with the use of sources of ionizing, non-ionizing, and electronic product radiation. KRS 211.844 states the Cabinet for Health Services shall provide administrative regulations for the registration and licensing of the possession and use of any source of ionizing radiation or electronic product radiation and the handling and disposal of radioactive waste.

(d) The benefits expected from administrative regulation are:
The administrative regulation removes old requirements for the picking up, receiving and opening of package, which contain radioactive material.

(e) The administrative regulation will be implemented as follows:
By the Division of Public Health Protection and Safety, Department for Public Health, Cabinet for Health Services.

FILED WITH LRC
TIME: 9am
FEB 14 2000
Susan C. Wunderlich
REGULATIONS COMPILER

NOTICE OF INTENT
TO
PROMULGATE ADMINISTRATIVE REGULATION

Date: February 15, 2000
Cabinet for Health Services
Department for Public Health

(1) 902 KAR 100:040. General provisions for specific licenses.

(2) Cabinet for Health Services, Department for Public Health intends to promulgate an administrative regulation governing the submitted matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 2000 at 9:00 a.m., in the Cabinet for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621.

(4) (a) The public hearing will be held if:
1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 31, 2000, the public hearing will be canceled.

(5) (a) Persons wishing to request a public hearing should mail their written request to the following address:

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(b) On a request for public hearing, a person shall state:
1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6) (a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific submit matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Public Health, Health Services Building, 275 East Main Street, Frankfort, Kentucky 40621.

(c) **Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' regulations may call toll free 1-800-372-2973 (V/TDD).**

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to General provisions for specific licenses is KRS 211.842 to 211.852.

(b) The administrative regulation that the Department for Public Health intends to promulgate will amend 902 KAR 100:040. The U.S. Nuclear Regulatory Commission has amended their regulations. Kentucky is an Agreement State. The Department for Public Health must amend 902 KAR 100:040 to meet the U.S. Nuclear Regulatory Commission's requirements of Agreement State Compatibility as mandated by Section 274 of the Atomic Energy Act, as amended. These amendments will add requirements for the filing of an application for certain radioactive licenses and licensees terminating licenses. The amendment will delete from the administrative regulation requirements for decontamination and decommissioning and financial surety.

(c) The Necessity, Function and Conformity of the proposed administrative regulation is as follows: This administrative regulation sets forth requirements for general provisions for the issuance of radioactive material licenses to possess, use, and transfer radioactive material within Kentucky. Except for persons exempted by 902 KAR 100:015 and 902 KAR 100:045, a person shall not manufacture, produce, receive, possess, use, transfer, own, or acquire radioactive material except as authorized in a specific or general license issued in accordance with 902 KAR 100. KRS 211.842(2) states the Cabinet for Health Services shall issue licenses pertaining to radioactive materials and require registration of other sources of ionizing radiation. KRS 211.842(3) states the Cabinet for Health Services shall develop and conduct

programs for evaluation and control of hazards associated with the use of sources of ionizing, non-ionizing, and electronic product radiation. KRS 211.844 states the Cabinet for Health Services shall provide administrative regulations for the registration and licensing of the possession and use of any source of ionizing radiation or electronic product radiation and the handling and disposal of radioactive waste.

(d) The benefits expected from administrative regulation are: The administrative regulation provides the requirements by which the cabinet controls radioactive material within the Commonwealth. The administrative regulation provides requirements that ensure radioactive material is properly utilized and disposed of and does not represent a threat to public health.

(e) The administrative regulation will be implemented as follows: By the Division of Public Health Protection and Safety, Department for Public Health, Cabinet for Health Services.

FILED WITH LRC
TIME: 9am
FEB 14 2000
Susan C. Wunderlich
REGULATIONS COMPILER

NOTICE OF INTENT
TO
PROMULGATE ADMINISTRATIVE REGULATION

Date: February 15, 2000
Cabinet for Health Services
Department for Public Health

(1) 902 KAR 100:041. Quantities of radioactive material requiring consideration of the need for an emergency plan.

(2) Cabinet for Health Services, Department for Public Health intends to promulgate an administrative regulation governing the submitted matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 2000 at 9:00 a.m., in the Cabinet for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621.

(4) (a) The public hearing will be held if:
1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 31, 2000, the public hearing will be canceled.

(5) (a) Persons wishing to request a public hearing should mail their written request to the following address:

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275 East Main Street – 4W-C
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(502) 564-7905
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(b) On a request for public hearing, a person shall state:
1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6) (a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific submit matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Public Health, Health Services Building, 275 East Main Street, Frankfort, Kentucky 40621.

(c) **Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' regulations may call toll free 1-800-372-2973 (V/TDD).**

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to Quantities of radioactive material requiring consideration of the need for an emergency plan is KRS 211.842 to 211.852.

(b) The administrative regulation that the Department for Public Health intends to promulgate will amend 902 KAR 100:041. The U.S. Nuclear Regulatory Commission has amended their regulations. Kentucky is an Agreement State. The Department for Public Health must amend 902 KAR 100:041 to meet the U.S. Nuclear Regulatory Commission's requirements of Agreement State Compatibility as mandated by Section 274 of the Atomic Energy Act, as amended. The amendment will correct the quantities of a number of radionuclides requiring consideration of the need for emergency planning and also implement necessary agency and branch name changes.

(c) The Necessity, Function and Conformity of the proposed Administrative regulation is as follows: This administrative regulation sets forth requirements for emergency plans for responding to a release of radioactive material or waste and shall apply to a person, applicant, or licensee required to submit an emergency plan. KRS 211.842(2) states the Cabinet for Health Services shall issue licenses pertaining to radioactive materials and require registration of other sources of ionizing radiation. KRS 211.842(3) states the Cabinet for Health Services shall develop and conduct programs for evaluation and control of hazards associated with the use of sources of ionizing, non-ionizing, and electronic product radiation. KRS 211.844 states the Cabinet for Health Services shall provide administrative

regulations for the registration and licensing of the possession and use of any source of ionizing radiation or electronic product radiation and the handling and disposal of radioactive waste.

(d) The benefits expected from administrative regulation are: The amended administrative regulation provides the requirements by which the cabinet can evaluate which person, applicant or licensee shall be required to submit emergency plans to ensure protection of health and safety while allowing the beneficial uses of radiation. The administrative regulation provides a consistent approach, which is applied on a state and national level for making decision in regards to emergency plans.

(e) The administrative regulation will be implemented as follows: By the Division of Public Health Protection and Safety, Department for Public Health, Cabinet for Health Services.

FILED WITH LRC
TIME: 9am
FEB 14 2000
Susan C. Wunderlich
REGULATIONS COMPILER

NOTICE OF INTENT
TO
PROMULGATE ADMINISTRATIVE REGULATION

Date: February 15, 2000
Cabinet for Health Services
Department for Public Health

(1) 902 KAR 100:042. Decommissioning and financial surety.

(2) Cabinet for Health Services, Department for Public Health intends to promulgate an administrative regulation governing the submitted matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 2000 at 9:00 a.m., in the Cabinet for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621.

(4) (a) The public hearing will be held if:
1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 31, 2000, the public hearing will be canceled.

(5) (a) Persons wishing to request a public hearing should mail their written request to the following address:

Selina Riley
Cabinet Regulation Coordinator
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(b) On a request for public hearing, a person shall state:
1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6) (a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific submit matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Public Health, Health Services Building, 275 East Main Street, Frankfort, Kentucky 40621.

(c) **Note: Requests for Notification and the Notice of Intent To Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' regulations may call toll free 1-800-372-2973 (V/TDD).**

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to Decommissioning and financial surety is KRS 211.842 to 211.852.

(b) The administrative regulation that the Department for Public Health intends to promulgate is 902 KAR 100:042. The U.S. Nuclear Regulatory Commission has amended their regulations. Kentucky is an Agreement State. The Department for Public Health must promulgate 902 KAR 100:042 to meet the U.S. Nuclear Regulatory Commission's requirements of Agreement State Compatibility as mandated by Section 274 of the Atomic Energy Act, as amended. This administrative regulation promulgates facility release cleanup standards, requirements for decontamination and decommissioning plans, financial surety, and record keeping for radioactive material licensees.

(c) The Necessity, Function and Conformity of the proposed administrative regulation is as follows: This administrative regulation sets forth requirements for decommissioning and financial surety of radioactive material licensees. It applies to facilities licensed under 902 KAR 100:040 and 902 KAR 100:022 as well as other facilities subject to the cabinet's jurisdiction under KRS 211.842 through KRS 211.852. KRS 211.842(2) states the Cabinet for Health Services shall issue licenses pertaining to radioactive materials and require registration of other sources of ionizing radiation. KRS 211.842(3) states the Cabinet for Health Services shall develop and conduct programs for evaluation and control of hazards associated with the use of sources of ionizing, non-ionizing, and electronic product radiation. KRS 211.844 states the Cabinet for Health Services shall provide

administrative regulations for the registration and licensing of the possession and use of any source of ionizing radiation or electronic product radiation and the handling and disposal of radioactive waste.

(d) The benefits expected from administrative regulation are: The administrative regulation provides the requirements by which the cabinet can require licensees to decontaminate and decommission licensed facilities and ensures funds are set aside by the licensee for these activities. The administrative regulation provides requirements that ensure radioactive material do not represent a public health threat after license termination. The financial surety requirements ensure that licensee has sufficient funds for decommissioning licensed facilities.

(e) The administrative regulation will be implemented as follows: By the Division of Public Health Protection and Safety, Department for Public Health, Cabinet for Health Services.

FILED WITH LRC
TIME: 9am
FEB 14 2000
Susan C. Wunderlich
REGULATIONS COMPILER

NOTICE OF INTENT
TO
PROMULGATE ADMINISTRATIVE REGULATION

Date: February 15, 2000
Cabinet for Health Services
Department for Public Health

(1) 902 KAR 100:045. Exemptions.

(2) Cabinet for Health Services, Department for Public Health intends to promulgate an administrative regulation governing the submitted matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 2000 at 9:00 a.m., in the Cabinet for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621.

(4) (a) The public hearing will be held if:
1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
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(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 31, 2000, the public hearing will be canceled.

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(c) **Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' regulations may call toll free 1-800-372-2973 (V/TDD).**

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to Exemptions is KRS 211.842 to 211.852.

(b) The administrative regulation that the Department for Public Health intends to promulgate will amend 902 KAR 100:045. The U.S. Nuclear Regulatory Commission has amended their regulations. Kentucky is an Agreement State. The Department for Public Health must amend 902 KAR 100:045 to meet the U.S. Nuclear Regulatory Commission's requirements of Agreement State Compatibility as mandated by Section 274 of the Atomic Energy Act, as amended. This amendment addresses the exemption of a radioactive drug for "in vivo" diagnostic use for humans, and it addresses necessary format change.

(c) The Necessity, Function and Conformity of the proposed administrative regulation is as follows: This administrative regulation sets forth exemptions for certain uses of radioactive material and specific devices containing radioactive material from the requirements of 902 KAR Chapter 100. KRS 211.842(2) states the Cabinet for Health Services shall issue licenses pertaining to radioactive materials and require registration of other sources of ionizing radiation. KRS 211.842(3) states the Cabinet for Health Services shall develop and conduct programs for evaluation and control of hazards associated with the use of sources of ionizing, non-ionizing, and electronic product radiation. KRS 211.844 states the Cabinet for Health Services shall provide administrative regulations for the registration and licensing of the possession and use of any source of ionizing radiation or

electronic product radiation and the handling and disposal of radioactive waste.

(d) The benefits expected from administrative regulation are: The amended administrative regulation provides requirements by which the cabinet can exempt certain types of radioactive material, which do present a risk to public health. The administrative regulation provides a state and national approach for addressing material, which may not impact health.

(e) The administrative regulation will be implemented as follows: By the Division of Public Health Protection and Safety, Department for Public Health, Cabinet for Health Services.

FILED WITH LRC
TIME: 9am
FEB 14 2000
Susan C. Wunderlich
REGULATIONS COMPILER

NOTICE OF INTENT
TO
PROMULGATE ADMINISTRATIVE REGULATION

Date: February 15, 2000
Cabinet for Health Services
Department for Public Health

(1) 902 KAR 100:058. Specific licenses to manufacture, assemble, repair, or distribute products.

(2) Cabinet for Health Services, Department for Public Health intends to promulgate an administrative regulation governing the submitted matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31,2000 at 9:00 a.m., in the Cabinet for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621.

(4) (a) The public hearing will be held if:
1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 31, 2000, the public hearing will be canceled.

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(b) On a request for public hearing, a person shall state:
1. "I agree to attend the public hearing."; or
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(6) (a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific submit matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Public Health, Health Services Building, 275 East Main Street, Frankfort, Kentucky 40621.

(c) **Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' regulations may call toll free 1-800-372-2973 (V/TDD).**

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to Exemptions is KRS 211.842 to 211.852.

(b) The administrative regulation that the Department for Public Health intends to promulgate will amend 902 KAR 100:058. The U.S. Nuclear Regulatory Commission has amended their regulations. Kentucky is an Agreement State. The Department for Public Health must amend 902 KAR 100:058 to meet the U.S. Nuclear Regulatory Commission's requirements of Agreement State Compatibility as mandated by Section 274 of the Atomic Energy Act, as amended. Amendment addresses requirements for registration of product information, maintenance of records of radioactive material transfer, resins containing radioactive material, records retention period, licensing the manufacture and distribution of ice detectors, manufacture and distribution of radiopharmaceuticals for medical use, and necessary format changes.

(c) The Necessity, Function and Conformity of the proposed Administrative regulation is as follows: This administrative regulation sets forth requirements for the issuance of specific licenses to persons who manufacture, assemble, repair, or distribute commodities, products, or devices, which contain radioactive material. KRS 211.842(2) states the Cabinet for Health Services shall issue licenses pertaining to radioactive materials and require registration of other sources of ionizing radiation. KRS 211.842(3) states the Cabinet for Health Services shall develop and conduct programs for evaluation and control of hazards associated with the use of sources of ionizing, non-ionizing, and electronic product radiation. KRS

211.844 states the Cabinet for Health Services shall provide administrative regulations for the registration and licensing of the possession and use of any source of ionizing radiation or electronic product radiation and the handling and disposal of radioactive waste.

(d) The benefits expected from administrative regulation are: The amended administrative regulation provides the requirements by which the cabinet can ensure that the introduction of radioactive material into products or uses does not result in unacceptable risk to public health. The administrative regulation provides a state and national approach for addressing products, devices, and materials, which contain radioactive material.

(e) The administrative regulation will be implemented as follows: By the Division of Public Health Protection and Safety, Department for Public Health, Cabinet for Health Services.

FILED WITH LRC
TIME: 9am
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Susan C. Wunderlich
REGULATIONS COMPILER

NOTICE OF INTENT
TO
PROMULGATE ADMINISTRATIVE REGULATION

Date: February 15, 2000
Cabinet for Health Services
Department for Public Health

(1) 902 KAR 100:070 Transportation of radioactive material

(2) Cabinet for Health Services, Department for Public Health intends to promulgate an administrative regulation governing the submitted matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 2000 at 9:00 a.m., in the Cabinet for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621.

(4) (a) The public hearing will be held if:
1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 31, 2000, the public hearing will be canceled.

(5) (a) Persons wishing to request a public hearing should mail their written request to the following address:

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(b) On a request for public hearing, a person shall state:
1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

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administrative regulation governing a specific submit matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Public Health, Health Services Building, 275 East Main Street, Frankfort, Kentucky 40621.

(c) Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' regulations may call toll free 1-800-372-2973 (V/TDD).

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to Transportation of radioactive material is KRS 211.842 to 211.852.

(b) The administrative regulation that the Department for Public Health intends to promulgate will amend 902 KAR 100:070. The Department for Public Health must amend 902 KAR 100:070 to meet the U.S. Nuclear Regulatory Commission's requirements of Agreement State Compatibility as mandated by Section 274 of the Atomic Energy Act, as amended. Amendments are being made which will delete general license requirements for transportation of fissile material which are no more than type A quantities of radioactive material and specified uranium and plutonium quantities. Amendment deleting record keeping requirements of shipment of radioactive material. Amendment for deleting requirements for record keeping and notification of deficiencies in packages during shipment. Amendment deleting requirements for quality assurance program related to the packaging utilized for shipment of radioactive material. Amendment of the requirements for notification of shipment of irradiated reactor fuel and nuclear waste. Amendment of the determination of A_1 and A_2 activity of radioactive material permitted in a type A package.

(c) The Necessity, Function and Conformity of the proposed administrative regulation is as follows: This administrative regulation sets forth the requirements for the transportation of radioactive material. KRS 211.842(2) states the Cabinet for Health Services shall issue licenses pertaining to radioactive materials and require registration of other sources of ionizing radiation. KRS 211.842(3) states the Cabinet for Health Services shall develop and conduct programs for evaluation and control of hazards associated with the use of sources of ionizing, non-ionizing, and electronic product radiation. KRS 211.844 states the Cabinet for Health Services shall provide administrative regulations for the registration and licensing of the possession and use of any source of ionizing

radiation or electronic product radiation and the handling and disposal of radioactive waste.

(d) The benefits expected from administrative regulation are:
The amended administrative regulation provides requirements by which the cabinet can ensure the transportation of radioactive materials occur without impact to public health. The administrative regulation provides a state and national approach for addressing transportation of radioactive material.

(e) The administrative regulation will be implemented as follows:
By the Division of Public Health Protection and Safety, Department for Public Health, Cabinet for Health Services.

FILED WITH LRC
TIME: 9am
FEB 14 2000
Susan C. Wunderlich
REGULATIONS COMPILER

NOTICE OF INTENT
TO
PROMULGATE ADMINISTRATIVE REGULATION

Date: February 15, 2000
Cabinet for Health Services
Department for Public Health

(1) 902 KAR 100:085. Exempt concentrations.

(2) Cabinet for Health Services, Department for Public Health intends to promulgate an administrative regulation governing the submitted matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 2000 at 9:00 a.m., in the Cabinet for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621.

(4) (a) The public hearing will be held if:
1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or the administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 31, 2000, the public hearing will be canceled.

(5) (a) Persons wishing to request a public hearing should mail their written request to the following address:

Selina Riley
Cabinet Regulation Coordinator
Cabinet for Health Services
Office of the Counsel
275 East Main Street – 4W-C
Frankfort, Kentucky 40621
(502) 564-7905
(502) 564-7573 (Fax)

(b) On a request for public hearing, a person shall state:
1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6) (a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific submit matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Public Health, Health Services Building, 275 East Main Street, Frankfort, Kentucky 40621.

(c) **Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' regulations may call toll free 1-800-372-2973 (V/TDD).**

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to Exempt concentrations is KRS 211.842 to 211.852.

(b) The administrative regulation that the Department for Public Health intends to promulgate will amend 902 KAR 100:085. The U.S. Nuclear Regulatory Commission has amended their regulations. Kentucky is an Agreement State. The Department for Public Health must amend 902 KAR 100:085 to meet the U.S. Nuclear Regulatory Commission's requirements of Agreement State Compatibility as mandated by Section 274 of the Atomic Energy Act, as amended. This amendment addresses corrections in the level of certain radionuclide exempt concentrations and necessary format changes.

(c) The Necessity, Function and Conformity of the proposed administrative regulation is as follows: This administrative regulation sets forth a list of concentrations for specific radionuclides, which are exempted from the requirements of 902 KAR Chapter 100. A person is exempt to the extent that the person receives, possesses, uses, transfers, owns or acquires products or materials containing radioactive material in concentrations not in excess of those listed in this administrative regulation. KRS 211.842(2) states the Cabinet for Health Services shall issue licenses pertaining to radioactive materials and require registration of other sources of ionizing radiation. KRS 211.842(3) states the Cabinet for Health Services shall develop and conduct programs for evaluation and control of hazards associated with the use of sources of ionizing, non-ionizing, and electronic product radiation. KRS 211.844 states the

Cabinet for Health Services shall provide administrative regulations for the registration and licensing of the possession and use of any source of ionizing radiation or electronic product radiation and the handling and disposal of radioactive waste.

(d) The benefits expected from administrative regulation are: The amended administrative regulation provides the cabinet with a means to exempt levels of radionuclides, which the U.S. Nuclear regulatory Commission has determined do not represent a threat to public health. This administrative regulation provides efficient and cost-effective requirements to minimize the regulatory burden on the cabinet and persons using these materials. The administrative regulation provides a state and national approach for ensuring beneficial products that have radioactive material can be utilized without undue regulatory burden.

(e) The administrative regulation will be implemented as follows: By the Division of Public Health Protection and Safety, Department for Public Health, Cabinet for Health Services.

FILED WITH LRC
TIME: 9 am
FEB 14 2000
Susan C. Wunderlich
REGULATIONS COMPILER

NOTICE OF INTENT
TO
PROMULGATE ADMINISTRATIVE REGULATION

Date: February 15, 2000
Cabinet for Health Services
Department for Public Health

(1) 902 KAR 100:165 Notice, Reports and Instructions to Employees.

(2) Cabinet for Health Services, Department for Public Health intends to promulgate an administrative regulation governing the submitted matter listed above.

(3) A public hearing to receive oral and written comments on the proposed administrative regulation has been scheduled for March 31, 2000 at 9:00 a.m., in the Cabinet for Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621.

(4) (a) The public hearing will be held if:
1. It is requested, in writing, by at least 5 persons, or an administrative body, or an association having at least 5 members; and
2. A minimum of 5 persons, or an administrative body or association, agree, in writing, to be present at the public hearing.

(b) If a request for a public hearing, and agreement to attend the public hearing, are not received from the required number of people at least 10 days prior to March 31, 2000, the public hearing will be canceled.

(5) (a) Persons wishing to request a public hearing should mail their written request to the following address:

Selina Riley
Cabinet Regulation Coordinator
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275 East Main Street – 4W-C
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(b) On a request for public hearing, a person shall state:
1. "I agree to attend the public hearing."; or
2. "I will not attend the public hearing."

(6) (a) KRS Chapter 13A provides that persons who desire to be informed of the intent of an administrative body to promulgate an administrative regulation governing a specific submit matter may file a request to be informed by the administrative body.

(b) Persons who wish to file this request may obtain a request form from the Administrative Regulation Coordinator, Department for Public Health, Health Services Building, 275 East Main Street, Frankfort, Kentucky 40621.

(c) **Note: Requests for Notification and the Notice of Intent to Promulgate shall be made available in another format, upon request, in accordance with the Americans With Disabilities Act. Persons requesting assistance regarding Cabinet for Health Services' regulations may call toll free 1-800-372-2973 (V/TDD).**

(7) Information relating to the proposed administrative regulation.

(a) The statutory authority for the promulgation of an administrative regulation relating to Notices, reports and instructions to employees is KRS 211.842 to 211.852.

(b) The administrative regulation that the Department for Public Health intends to promulgate will amend 902 KAR 100:165. The U.S. Nuclear Regulatory Commission has amended their regulations. Kentucky is an Agreement State. The Department for Public Health must amend 902 KAR 100:165 to meet the U.S. Nuclear Regulatory Commission's requirements of Agreement State Compatibility as mandated by Section 274 of the Atomic Energy Act, as amended. The amendment addresses employee protection against discrimination. The amendment also addresses deliberate misconduct by a cabinet licensee, an applicant for a cabinet license, a registrant or a contractor or subcontractor of a cabinet licensee, registrant or applicant and a person, which may cause violation of rules, regulation, orders, condition, or limitation of a license issued by the cabinet.

(c) The Necessity, Function and Conformity of the proposed administrative regulation is as follows: This administrative regulation sets forth notices, instructions, and reports for the protection of workers who may be exposed to radiation in their employment. KRS 211.842(2) states the Cabinet for Health Services shall issue licenses pertaining to radioactive materials and require registration of other sources of ionizing radiation. KRS 211.842(3) states the Cabinet for Health Services shall develop and conduct programs for evaluation and control of hazards associated with the use of sources of ionizing, non-ionizing, and electronic product radiation. KRS 211.844 states the Cabinet for Health Services shall provide

administrative regulations for the registration and licensing of the possession and use of any source of ionizing radiation or electronic product radiation and the handling and disposal of radioactive waste.

(c) The benefits expected from administrative regulation are:
The amended administrative regulation provides the cabinet with a means to ensure workers who may be exposed to radiation in the workplace have access to the necessary information needed to protect their health and safety. The administrative regulation provides a state and national approach for ensuring that beneficial uses of radiation without serious impacts on worker safety.

(d) The administrative regulation will be implemented as follows:
By the Division of Public Health Protection and Safety, Department for Public Health, Cabinet for Health Services.