February 7, 2002

Mr. John A. Volpe, Ph.D., Manager
Radiation Health and Toxic Agents Branch
Cabinet for Health Services
275 East Main Street
Frankfort, KY 40621-0001

Dear Dr. Volpe:

As requested, we have reviewed the proposed Kentucky Administrative Regulations (902 KAR 100) amendment, received electronically on November 19, 2001. The proposed regulations are in response to the two amendments identified in the enclosed State Regulations Status (SRS) Data Sheet. The regulations were reviewed by comparison to the equivalent NRC regulations in 10 CFR Part 20. We also discussed our review of the regulations with you on November 26, 2001.

As a result of our review, we have no comments regarding compatibility but we have included six suggested editorial changes. Please note that we have limited our review to regulations required for compatibility and/or health and safety. Under our current procedure, a finding that a State regulation meets the compatibility and health and safety categories of the equivalent NRC regulation may only be made based on a review of the final State regulation. However, we have determined that if your proposed regulations were adopted without other significant change, they would meet the compatibility and health and safety categories established in the Office of State and Tribal Programs (STP) Procedure SA-200.

We request that when the proposed regulations are adopted and published as final regulations, a copy of the "as published" regulations be provided to us for review. As requested in STP Procedure SA-201, *Review of State Regulatory Requirements*, please highlight the final changes and send one hard copy to STP.

The SRS Data Sheet summarizes our knowledge of other Kentucky regulations. 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 STP Web Site: http://www.hsrd.ornl.gov/nrc/rulemaking.htm

If you have any questions regarding the comments, the compatibility and health categories, or any of the NRC regulations used in the review, please contact me or Richard Woodruff, Region II, at (404) 562-4707 or RLW@NRC.GOV.

Sincerely,

/RA/
Josephine M. Piccone, Deputy Director
Office of State and Tribal Programs

Enclosures:
As stated

Distribution:
DIR RF (1-215)
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DCD (SP06) PDR (YES_✓)

Response to Incoming Document: ML013250155

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DATE	11/29/01		12/5/01		1/31/02		2/7/02			

ML020420112 STP-AG-11

Editorial Comments

1. (Page 15) Section 10.4(a) uses term: "for example." NRC uses in Appendix G, Part 20, I.a: "i.e." which means “that is” not “for example.”

2. (Page 23) Section 10.13(l) refers to subsection (16); it should be (17).

3. (Page 24) Section 10.14(g) refers to subsection (16); it should be (17).

4. (Page 25) Section 10.15(b)(2) refers to subsection (16); it should be (11).

5. (Page 24) Section 10.15(j) refers to subsection (16); it should be (17).

6. 902 KAR 100:010 contains definitions for this section, but does not include the definitions required by amendment 64 FR 55525. However, the required State implementation date is 2/2/03. These are not required at this time but will be after that date.

STATE REGULATION STATUS

State: Kentucky
[Two proposed amendments reviewed are identified by a ★ at the beginning of each equivalent NRC regulation.]

Tracking Ticket Number: 1-215
Date: February 7, 2002

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F)[1] Rule / ML #[5]	NRC Review / Y, N[2] / Date / ML #[5]	Final State Regulation[1] (Effective Date)
Safety Requirements for Radiographic Equipment-Part 34	55 FR 843; (1/10/94)	1991-1	F	N 3/15/96	4/11/94
ASNT Certification of Radiographers-Part 34	56 FR 11504; (none)	1991-2			Not required[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; (1/1/94)	1991-3	F P	N 2/16/97 N 4/17/98	4/11/94
Notification of Incidents-Parts 20, 30, 31, 34, 39, 40, 70	56 FR 64980; (10/15/94)	1991-4	F	N 3/15/96	4/19/95
Quality Management Program and Misadministrations-Part 35	56 FR 34104; (1/27/95)	1992-1	F	N 3/15/96	4/11/95
Eliminating the Recordkeeping Requirements for Departures from Manufacturer's Instructions-Parts 30,35	57 FR 45566; (none)	1992-2			Not required[3]
Decommissioning Recordkeeping and License Termination: Documentation Additions [Restricted areas and spill sites]-Parts 30, 40	58 FR 39628; (10/25/96)	1993-1	F	N 3/15/96	4/19/95
Licensing and Radiation Safety Requirements for Irradiators-Part 36	58 FR 7715; (7/1/96)	1993-2			Not applicable SECY-95-112[4]
Definition of Land Disposal and Waste Site QA Program-Part 61	58 FR 33886; (7/22/96)	1993-3			Not applicable SECY-95-112[4]
Self-Guarantee as an Additional Financial Mechanism-Parts 30, 40, 70	58 FR 68726; 59 FR 1618 (none)	1994-1	F	N 3/15/96	Not required[3] 4/19/95
Uranium Mill Tailings Regulations: Conforming NRC Requirements to EPA Standards-Part 40	59 FR 28220; (7/1/97)	1994-2			Not required[3]
Timeliness in Decommissioning Material Facilities-Parts 30, 40, 70	59 FR 36026; (8/15/97)	1994-3	F	N 4/17/98	8/20/97
Preparation, Transfer for Commercial Distribution, and Use of Byproduct Material for Medical Use-Parts 30, 32, 35	59 FR 61767; 59 FR 65243 60 FR 322; (1/1/98)	1995-1	F	N 4/17/98	8/20/97
Frequency of Medical Examinations for Use of Respiratory Protection Equipment-Part 20	60 FR 7900; (3/13/98)	1995-2	F	N 4/17/98	1/14/97
★Low-Level Waste Shipment Manifest Information and Reporting-Parts 20, 61	60 FR 15649; 60 FR 25983 (3/1/98)	1995-3	P ML013250155	N 2/7/02 ML020420112	

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F)[1] Rule / ML #[5]	NRC Review / Y, N[2] / Date / ML #[5]	Final State Regulation[1] (Effective Date)
Performance Requirements for Radiography Equipment-Part 34	60 FR 28323; (6/30/98)	1995-4			4/19/95
Radiation Protection Requirements: Amended Definitions and Criteria-Parts 19, 20	60 FR 36038; (8/14/98)	1995-5	F P	Y 4/17/98 N 4/17/98	11/14/97 9/11/00
Clarification of Decommissioning Funding Requirements-Parts 30, 40, 70	60 FR 38235; (11/24/98)	1995-6	P	N 6/21/00	9/11/00
Medical Administration of Radiation and Radioactive Materials-Parts 20, 35	60 FR 48623; (10/20/98)	1995-7			
10 CFR Part 71: Compatibility with the International Atomic Energy Agency-Part 71	60 FR 50248; 61 FR 28723 (4/1/99)	1996-1	F	Y 6/21/00	
One Time Extension of Certain Byproduct, Source and Special Nuclear Materials Licenses-Parts 30, 40, 70	61 FR 1109; (none)	1996-2			Not required[3]
Termination or Transfer of Licensed Activities: Recordkeeping Requirements-Parts 20, 30, 40, 61, 70	61 FR 24669; (6/17/99)	1996-3		N 6/21/00	9/11/00
Resolution of Dual Regulation of Airborne Effluents of Radioactive Materials; Clean Air Act-Part 20	61 FR 65120; (1/9/00)	1997-1	F	N 4/17/98	11/14/97
Recognition of Agreement State Licenses in Areas Under Exclusive Federal Jurisdiction Within an Agreement State-Part 150	62 FR 1662; (2/27/00)	1997-2	F ML010780156	N 3/30/01 ML010890409	2/2/01
Criteria for the Release of Individuals Administered Radioactive Material-Parts 20, 35	62 FR 4120; (5/29/00)	1997-3	F	N 4/17/98	11/14/97
Fissile Material Shipments and Exemptions-Part 71	62 FR 5907; (none)	1997-4			Not required[3]
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiography Operations-Parts 30, 34, 71, 150	62 FR 28948; (6/27/00)	1997-5	F ML010780156	Y 3/30/01 ML010890409	2/2/01
Radiological Criteria for License Termination-Parts 20, 30, 40, 70	62 FR 39058; (8/20/00)	1997-6	F	N 6/21/00	9/11/00
Exempt Distribution of a Radioactive Drug Containing One Microcurie of Carbon-14 Urea-Part 30	62 FR 63634; (1/02/01)	1997-7	F	N 4/17/98	11/14/97
Deliberate Misconduct by Unlicensed Persons-Parts 30, 40, 61, 70, 150	63 FR 1890; 63 FR 13773 (2/12/01)	1998-1	F	N 6/21/00	10/16/00
Self-Guarantee of Decommissioning Funding by Nonprofit and Non-Bond-Issuing Licensees-Parts 30, 40, 70	63 FR 29535; (none)	1998-2			Not required[3]
License Term for Medical Use Licenses-Part 35	63 FR 31604; (none)	1998-3			Not required[3]
Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations-Part 34	63 FR 37059; (7/9/01)	1998-4	F ML010780156	N 3/30/01 ML010890409	2/2/01

NRC Chronology Identification	FR Notice (State Due Date)	RATS ID	Proposed (P) / Final (F)[1] Rule / ML #[5]	NRC Review / Y, N[2] / Date / ML #[5]	Final State Regulation[1] (Effective Date)
Minor Corrections, Clarifying Changes, and a Minor Policy Change-Parts 20, 35, 36	63 FR 39477; 63 FR 45393 (10/26/01)	1998-5			
★Transfer for Disposal and Manifests: Minor Technical Conforming Amendment-Part 20	63 FR 50127; (11/20/01)	1998-6	P ML013250155	N 2/7/02 ML020420112	
Radiological Criteria for License Termination of Uranium Recovery Facilities-Part 40	64 FR 17506; (6/11/02)	1999-1			
Requirements for Those Who Possess Certain Industrial Devices Containing Byproduct Material to Provide Requested Information-Part 31	64 FR 42269; (none)	1999-2			Not required[3]
Respiratory Protection and Controls to Restrict Internal Exposure-Part 20	64 FR 54543; 64 FR 55524 (2/2/03)	1999-3			
Energy Compensation Sources for Well Logging and Other Regulatory Clarifications-Part 39	65 FR 20337; (5/17/03)	2000-1			
New Dosimetry Technology-Parts 34, 36, 39	65 FR 63749; (1/8/04)	2000-2			

1. Or other generic Legally Binding Requirements.

2. (Y/N) Y means "Yes," there are comments in the review letter that the State needs to address.
   N means "No," there are no comments in the review letter.

3. Not required means these regulations are not required for purposes of compatibility.

4. A State need not adopt a specific regulation if the State has no licensees that would be subject to that regulation. See: "Final Policy Statement on Adequacy and Compatibility of Agreement State Programs," III.1. Time Frame for Adoption of Compatible State Regulations, p. 6, SECY-95-112, May 3, 1995.

5. ADAMS ML Number