



**CABINET FOR HEALTH AND FAMILY SERVICES
DEPARTMENT FOR PUBLIC HEALTH**

Matthew G. Bevin
Governor

**Radiation Health Branch
Division for Public Health Protection & Safety**
275 East Main St. Mailstop HS1C-A
Frankfort, KY 40621
502-564-3700 Phone
502-564-1492 Fax
<http://www.chfs.ky.gov/dph/radioactive.htm>

Vickie Yates Brown Glisson
Secretary

March 1, 2016

Pamela Henderson, Deputy Director
Division of Materials Safety and State Agreements
Office of Nuclear Material Safety And Safeguards
U.S. Nuclear Regulatory Commission
T8-E18
Washington, D.C. 20555-0001

Dear Ms. Henderson

Enclosed is a copy of the final revision to the Commonwealth of Kentucky Radiological Health Rules 902 KAR 100:037. Physical protection of category 1 and category 2 quantities of radioactive material. effective February 5, 2016. The final regulation is identified by line-in text and corresponds to the following equivalent amendment to NRC's regulations.

<u>Rats ID</u>	<u>Title</u>	<u>State Section</u>
• 2013-1	Physical protection of category 1 and category 2 quantities of radioactive material.	902 KAR 100:037

We believe that adoption of this revision satisfies the compatibility and health and safety categories established in the Office of Nuclear Material Safety and Safeguards (NMSS) Procedure SA-200.

If you have any questions, please feel free to contact me at 502-564-3700 ext. 4181 or Curt Pendergrass of my staff at 502-564-3700 ext. 4183 or curt.pendergrass@ky.gov .

Sincerely,

Matthew W. McKinley
Radiation Control Program Director

Enclosures:
As stated

902 KAR 100:037. Physical protection of category 1 and category 2 quantities of radioactive material.

<http://www.lrc.ky.gov/kar/902/100/037.htm>

RELATES TO: KRS 194A.005(1), 211.180(1), 211.842 - 211.852, 211.990(4), 10 C.F.R. Part 37

STATUTORY AUTHORITY: KRS 194A.050(1), 211.090(3), 211.844(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.844(1) requires the Cabinet for Health and Family Services to provide by administrative regulation for the registration and licensing of the possession or use of sources of ionizing or electronic product radiation and the handling and disposal of radioactive waste. This administrative regulation establishes requirements for the physical security of Category 1 and Category 2 quantities of radioactive material.

Section 1. Definitions. (1) "Cabinet" is defined by KRS 194A.005(1).

(2) "Licensee" means a person subject to 10 C.F.R. Part 37, Physical protection of category 1 and category 2 quantities of radioactive material.

Section 2. Applicability. This administrative regulation shall apply to a licensee. The licensee shall comply with 10 C.F.R. Part 37 except as established in subsections (1) and (2) of this section. (1) The licensee shall not be subject to:

- (a) 10 C.F.R. 37.7;
- (b) 10 C.F.R. 37.13;
- (c) 10 C.F.R. 37.107; or
- (d) 10 C.F.R. 37.109.

(2) Reference to the commission or NRC shall be deemed to be a reference to the cabinet, Department for Public Health, Radiation Health Branch, except in:

- (a) 10 C.F.R. 37.5, Definitions: Agreement State, Byproduct material, Commission, Fingerprint orders, and Person;
- (b) 10 C.F.R. 37.25;
- (c) 10 C.F.R. 37.27;
- (d) 10 C.F.R. 37.29; or

(e) 10 C.F.R. 37.71.

Section 3. Reporting of events or notifications. The required reporting of events or notifications to the Radiation Health Branch shall be directed to:

- (1) 275 East Main Street, Mailstop HS1C-A, Frankfort, Kentucky 40621;
- (2) (502) 564-3700, Monday through Friday from 8 a.m. to 4:30 p.m.; or
- (3) (800) 255-2587, at other hours. (42 Ky.R. 1669; eff. 2-5-2016.)