

1 CABINET FOR HEALTH AND FAMILY SERVICES

2 Department for Public Health

3 Division of Public Health Protection and Safety

4 (Amendment)

5 902 KAR 100:070. Packaging and transportation [~~Transportation~~] of radioactive material.

6 RELATES TO: KRS 194A.005(1), 211.180(1), 211.842-211.852, 211.990(4), 10
7 C.F.R. Part 71, 73.37, 49 C.F.R 173.403[~~39 C.F.R. 111.1, 49 C.F.R. 107, 170-189~~]

8 STATUTORY AUTHORITY: KRS [~~13B.170~~], 194A.050(1), 211.090(3), 211.844(1)

9 NECESSITY, FUNCTION, AND CONFORMITY: [~~KRS 194A.050(1) requires the~~
10 ~~secretary to promulgate those administrative regulations necessary to implement~~
11 ~~programs mandated by federal law or to qualify for the receipt of federal funds and~~
12 ~~necessary to cooperate with other state and federal agencies for the proper administration~~
13 ~~of the cabinet and its programs.] KRS 211.844 requires the Cabinet for Health and Family
14 Services to promulgate administrative regulation for the registration and licensing of the
15 possession or use of sources of ionizing or electronic product radiation and the handling
16 and disposal of radioactive waste. This administrative regulation establishes
17 requirements for packaging and transportation of radioactive material.~~

18 Section 1. Definitions. (1) “Armed escort” is defined by 10 C.F.R. 73.2.

19 (2) “Cabinet” is defined by KRS 194A.005(1).

20 (3) “Highway route controlled quantity” is defined by 49 C.F.R. 173.403.

21 (2) “Licensee” means a person who holds:

1 (a) A specific license issued by the cabinet pursuant to 902 KAR 100:040 and this
2 administrative regulation;

3 (b) A specific license issued by the U.S. Nuclear Regulatory Commission or an
4 Agreement State; or

5 (c) A general license pursuant to 902 KAR 100:050 or equivalent regulations of the
6 U.S. Nuclear Regulatory Commission or an Agreement State [~~Applicability. Applies to a~~
7 ~~licensee authorized by a specific or general license issued by the cabinet to~~
8 ~~receive, possess, use, or transfer radioactive material, when:~~(a) ~~The licensee delivers~~
9 ~~that material to a carrier for transport;~~

10 ~~(b) Transports the material outside the site of usage as specified in the cabinet license;~~
11 ~~or~~

12 ~~(c) Transports the material on public highways.~~

13 ~~(2) This administrative regulation shall not authorize the possession of radioactive~~
14 ~~material].~~

15 Section 2. Applicability. This administration regulation shall apply to a licensee. The
16 licensee shall comply with 10 C.F.R. Part 71 except as established in subsections (1)
17 through (3) of this section.

18 (1) The licensee shall not be subject to the following:

19 (a) 10 C.F.R. 71.2;

20 (b) 10 C.F.R. 71.6;

21 (c) 10 C.F.R. 71.11;

22 (d) 10 C.F.R. 71.14(b);

23 (e) 10 C.F.R. 71.19;

- 1 (f) 10 C.F.R. 71.31;
- 2 (g) 10 C.F.R. 71.33;
- 3 (h) 10 C.F.R. 71.35;
- 4 (i) 10 C.F.R. 71.37;
- 5 (j) 10 C.F.R. 71.38;
- 6 (k) 10 C.F.R. 71.39;
- 7 (l) 10 C.F.R. 71.41;
- 8 (m) 10 C.F.R. 71.43;
- 9 (n) 10 C.F.R. 71.45;
- 10 (o) 10 C.F.R. 71.51;
- 11 (p) 10 C.F.R. 71.55;
- 12 (q) 10 C.F.R. 71.59;
- 13 (r) 10 C.F.R. 71.61;
- 14 (s) 10 C.F.R. 71.63;
- 15 (t) 10 C.F.R. 71.64;
- 16 (u) 10 C.F.R. 71.65;
- 17 (v) 10 C.F.R. 71.70;
- 18 (w) 10 C.F.R. 71.71;
- 19 (x) 10 C.F.R. 71.73;
- 20 (y) 10 C.F.R. 71.74;
- 21 (z) 10 C.F.R. 71.75;
- 22 (aa) 10 C.F.R. 71.77;
- 23 (bb) 10 C.F.R. 71.85 (a)-(c);

1 (cc) 10 C.F.R. 71.91(b);

2 (dd) 10 C.F.R. 71.101(c)(2), (d) and (e);

3 (ee) 10 C.F.R. 71.107-125.

4 (2) Application for Specific License. All applications for a specific license shall be filed
5 pursuant to 902 KAR 100:040.

6 (3) Reference to the Commission or NRC shall be deemed to be a reference to the
7 Cabinet for Health and Family Services, Department for Public Health, Radiation Health
8 Branch except as established in the following:

9 (a) 10 C.F.R. 71.17;

10 (b) 10 C.F.R. 71.88 [Requirement for a License. A person shall not deliver
11 radioactive material to a carrier for transport, or transport radioactive material, unless:

12 (1) Authorized in a general or specific license issued by the cabinet; or

13 (2) Exempted pursuant to Section 3 of this administrative regulation].

14 Section 3. Transport of highway route controlled quantities. (1) Advanced
15 notification shall be provided in accordance with 10 C.F.R 71.97 before the transport, or
16 delivery to a carrier for transport, of highway route controlled quantities.

17 (2) All licensees of the cabinet, NRC, or another agreement state shall arrange for
18 armed escort when transporting materials through the Commonwealth.

19 (3) Armed escort may be by either the Kentucky State Police (KSP) or private
20 security meeting the requirements of 10 C.F.R 73.37.

21 (4) The cabinet may require advanced notice of and armed escort for other quantities
22 of radioactive materials for the protection of public health and safety.

23 (5) Payment for escort provided by KSP shall be made in accordance with 902 KAR

1 100.012 Section 4. [Exemptions. (1) A licensee is exempt from all the requirements of this
2 ~~administrative regulation with respect to shipment or carriage of the following low-level~~
3 ~~materials:~~

4 ~~(a) Natural material and ores containing naturally occurring radionuclides that are not~~
5 ~~intended to be processed for use of these radionuclides, if the activity concentration of~~
6 ~~the material does not exceed ten (10) times the values specified in 10 C.F.R. 71, Appendix~~
7 ~~A; and~~

8 ~~(b) Materials for which the activity concentration is not greater than the activity~~
9 ~~concentration values, or for which the consignment activity is not greater than the limit for~~
10 ~~an exempt consignment found in 10 C.F.R. 71, Appendix A.~~

11 ~~(2) A physician licensed by the Commonwealth to dispense drugs in the practice of~~
12 ~~medicine shall be exempt from Section 4 of this administrative regulation with respect to~~
13 ~~transport by the physician of radioactive material for use in the practice of medicine.~~
14 ~~However, a physician operating under this exemption shall be licensed pursuant to 902~~
15 ~~KAR 100:072 or equivalent regulations of the NRC or an agreement state.~~

16 ~~Section 4. Transportation of Licensed Material. (1) Each licensee who transports~~
17 ~~licensed material outside of the confines of his plant or other place of use specified in the~~
18 ~~cabinet license, or if transport is on a public highway, or who delivers licensed material to~~
19 ~~a carrier for transport, shall:~~

20 ~~(a) Comply with the applicable requirements, appropriate to the mode of transport, of~~
21 ~~the regulations of the U.S. Department of Transportation in 49 C.F.R. 107, 171 through~~
22 ~~180, and 390 through 397; and~~

23 ~~(b) Assure that special instructions needed to open the package safely are sent to, or~~

1 have been made available to, the consignee for the consignee's use in accordance with
2 902-KAR-100:019, Section 28(5).

3 ~~(2) If the regulations of the U.S. Department of Transportation (DOT) are not~~
4 ~~applicable to a shipment of licensed material, the licensee shall conform to the standards~~
5 ~~and requirements of the Department of Transportation regulations, specified in subsection~~
6 ~~(1)(a) of this section, to the same extent as if the shipment was subject to the DOT~~
7 ~~regulations.~~

8 ~~Section 5. General Licenses for Carriers. (1) A general license shall be issued to a~~
9 ~~common or contract carrier, not exempt under Section 3 of this administrative regulation,~~
10 ~~to receive, possess, transport, and store radioactive material in the regular course of~~
11 ~~carriage for another, or storage incident to the transportation and storage, if the~~
12 ~~transportation and storage is in accordance with the applicable requirements, appropriate~~
13 ~~to the mode of transport, of the U.S. Department of Transportation relating to the loading~~
14 ~~and storage of packages, placarding of the transporting vehicle, and incident reporting.~~

15 ~~(2) A general license shall be issued to a private carrier to transport radioactive~~
16 ~~material, if the transportation is in accordance with the applicable requirements,~~
17 ~~appropriate to the mode of transport, of the U.S. Department of Transportation relating to~~
18 ~~the loading and storage of packages, placarding of the transporting vehicle, and incident~~
19 ~~reporting.~~

20 ~~(3) The notification of incidents referred to in the U.S. Department of Transportation~~
21 ~~requirements identified in subsection (1) of this section shall be filed with, or made to, the~~
22 ~~cabinet.~~

23 ~~(4) A person authorized by a general license described in this section, who transports~~

1 radioactive material, is exempt from the requirements of 902 KAR 100:019 and 902 KAR
2 100:165.

3 ~~Section 6. General License: NRC Approved Packages. (1) A general license shall be~~
4 ~~issued to a licensee of the cabinet to transport or to deliver to a carrier for transport,~~
5 ~~licensed material in a package for which a license, certificate of compliance (CoC), or~~
6 ~~other approval has been issued by the NRC.~~

7 ~~(2) The general license shall apply only to a licensee who:~~

8 ~~(a) Has a quality assurance program approved by the NRC as satisfying the provisions~~
9 ~~of 10 C.F.R. 71.101 through 137;~~

10 ~~(b) Has a copy of the certificate of compliance, or other approval of the package, and~~
11 ~~has the drawings and other documents referenced in the approval relating to the use and~~
12 ~~maintenance of the packaging and to the actions to be taken prior to shipment;~~

13 ~~(c) Complies with the terms and conditions of the license, certificate, or other approval,~~
14 ~~as applicable, and the applicable requirements of this administrative regulation and 10~~
15 ~~C.F.R. 71.0 through 71.11, 71.81 through 71.100, and 71.101 through 71.137; and~~

16 ~~(d) Submits in writing to Document Control Desk, Director, Spent Fuel Project Office,~~
17 ~~Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission,~~
18 ~~Washington, DC 20555-0001, using an appropriate method listed in 10 C.F.R. 71.1(a),~~
19 ~~before the licensee's first use of the package, the licensee's name and license number~~
20 ~~and the package identification number specified in the package approval.~~

21 ~~(3) The general license identified in subsection (1) of this section shall apply only if~~
22 ~~the package approval authorizes use of the package under the general license.~~

23 ~~(4) For a Type B or fissile material package, the design of which was approved by the~~

1 ~~NRC before April 1, 1996, the general license shall be subject to additional restrictions~~
2 ~~contained in Section 7 of this administrative regulation.~~

3 ~~Section 7. Previously Approved Type B Packages. (1) A Type B package previously~~
4 ~~approved by the NRC, but not designated as B(U) or B(M) in the NRC Certificate of~~
5 ~~Compliance, may be used under the general license of Section 6 of this administrative~~
6 ~~regulation, with the following limitations:~~

7 ~~(a) Fabrication of the packaging was satisfactorily completed before August 31, 1986,~~
8 ~~as demonstrated by its model number, in accordance with NRC regulations;~~

9 ~~(b) The package shall not be used for a shipment to a location outside the United~~
10 ~~States after August 31, 1986, except under multilateral approval by the U.S. Department~~
11 ~~of Transportation, as defined in 49 C.F.R. 173.403; and~~

12 ~~(2) A serial number that uniquely identifies each package that conforms to the~~
13 ~~approved design is assigned to, and legibly and durably marked on, the outside of each~~
14 ~~package.~~

15 ~~(3) A Type B(U) package, a Type B(M) package, an LSA material package, or a fissile~~
16 ~~material package, previously approved by the NRC but without the designation "-85" in~~
17 ~~the identification number of the NRC Certificate of Compliance, may be used under the~~
18 ~~general license of Section 6 of this administrative regulation, with the following conditions:~~

19 ~~(a) Fabrication of the package shall have been satisfactorily completed by April 1,~~
20 ~~1999, as demonstrated by its model number, in accordance with NRC regulations, 10~~
21 ~~C.F.R. 71;~~

22 ~~(b) A package used for shipment to a location outside the United States shall be~~
23 ~~subject to multilateral approval by the U.S. Department of Transportation, as defined in~~

1 ~~49 C.F.R. 173.403; and~~

2 ~~(c) A serial number that uniquely identifies each package that conforms to the~~
3 ~~approved design shall be assigned to, and legibly and durably marked on the outside of,~~
4 ~~each package.~~

5 ~~Section 8. General License: DOT Specification Container. (1) A general license shall~~
6 ~~be issued to a licensee of the cabinet to transport, or to deliver to a carrier for transport,~~
7 ~~licensed material in a specification container for fissile material, or for a Type B quantity~~
8 ~~of radioactive material, as specified in 49 C.F.R. Parts 173 and 178.~~

9 ~~(2) The general license shall apply only to a licensee who:~~

10 ~~(a) Has a quality assurance program approved by the cabinet as satisfying the~~
11 ~~requirements of 10 C.F.R. 71.101 through 71.137;~~

12 ~~(b) Has a copy of the specification; and~~

13 ~~(c) Complies with the terms and conditions of the specification, and the applicable~~
14 ~~requirements of this administrative regulation and 10 C.F.R. 71.0 through 71.11, 71.81~~
15 ~~through 71.100, and 71.101 through 71.137.~~

16 ~~(3) The general license shall be subject to the limitation that the specification container~~
17 ~~shall not be used for a shipment to a location outside the United States except by~~
18 ~~multilateral approval, as defined in 49 C.F.R. 173.403.~~

19 ~~(4) This section expires October 1, 2008.~~

20 ~~Section 9. General License: Use of Foreign Approved Package. (1)(a) A general~~
21 ~~license shall be issued to a licensee of the cabinet to transport, or to deliver to a carrier~~
22 ~~for transport, licensed material in a package, the design of which has been approved in a~~
23 ~~foreign national competent authority certificate and revalidated by the U.S. Department~~

1 ~~of Transportation as meeting the applicable requirements of 49 C.F.R. 171.12.~~

2 ~~(b) Except as provided in this section, the general license shall apply only to a licensee~~
3 ~~who has a quality assurance program approved by the NRC as satisfying the applicable~~
4 ~~provisions of 10 C.F.R. 71.101 through 71.137.~~

5 ~~(2) The general license shall apply only to shipments made to or from locations outside~~
6 ~~the United States.~~

7 ~~(3) The general license shall apply to a licensee who:~~

8 ~~(a) Has copies of the applicable certificate, the revalidation, the drawings, and other~~
9 ~~documents referenced in the certificate relating to the:~~

10 ~~1. Use and maintenance of the packaging; and~~

11 ~~2. Actions to be taken prior to shipment; and~~

12 ~~(b) Complies with the terms and conditions of the certificate and revalidation, and with~~
13 ~~the applicable requirements of this administrative regulation and 10 C.F.R. 71.0 through~~
14 ~~71.11, 71.81 through 71.100, and 71.101 through 71.137.~~

15 ~~(4) With respect to the quality assurance provisions of 10 C.F.R. 71.101 through~~
16 ~~71.137, the licensee shall be exempt from design, construction, and fabrication~~
17 ~~considerations.~~

18 ~~Section 10. Preliminary Determinations. Before the first use of a packaging for the~~
19 ~~shipment of radioactive material:~~

20 ~~(1) The licensee shall ascertain that there are no cracks, pinholes, uncontrolled voids,~~
21 ~~or other defects that may significantly reduce the effectiveness of the packaging;~~

22 ~~(2) If the maximum normal operating pressure will exceed thirty five (35) kilopascal~~
23 ~~(five (5) lbf/in²) gauge, the licensee shall test the containment system at an internal~~

1 pressure at least fifty (50) percent higher than the maximum normal operating pressure
2 to verify the capability of that system to maintain its structural integrity at that pressure;
3 and

4 (3) The licensee shall mark the packaging, conspicuously and durably, with its model
5 number, serial number, gross weight, and a package identification number assigned by
6 the NRC. Before applying the model number, the licensee shall determine that the
7 packaging has been fabricated in accordance with the design approved by the NRC.

8 Section 11. Routine Determinations. Before making a shipment of licensed material,
9 the licensee shall ensure that the package with its contents satisfies the applicable
10 requirements of this administrative regulation and of the license. The licensee shall
11 determine that:

12 (1) The package is proper for the contents to be shipped;

13 (2) The package is in unimpaired physical condition except for superficial defects,
14 such as marks or dents;

15 (3) Each closure device of the packaging, including any required gasket, is properly
16 installed and secured and free of defects;

17 (4) A system for containing liquid is adequately sealed and has adequate space or
18 other specified provision for expansion of the liquid;

19 (5) A pressure relief device is operable and set in accordance with written procedures;

20 (6) The package has been loaded and closed in accordance with written procedures;

21 (7) For fissile material, any moderator or neutron absorber, if required, is present and
22 in proper condition;

23 (8) A structural part of the package that could be used to lift or tie down the package

1 during transport is rendered inoperable for that purpose unless it satisfies design
2 requirements specified by 10 C.F.R. 71.45.

3 (9) ~~The level of nonfixed, or removable, radioactive contamination on the external~~
4 ~~surfaces of each package offered for shipment is ALARA, and within the limits specified~~
5 ~~by the U.S. Department of Transportation in 49 C.F.R. 173.443;~~

6 (10) ~~External radiation levels around the package and around the vehicle, if~~
7 ~~applicable, shall not exceed the limits specified in 49 C.F.R. 71.47 during transportation.~~

8 (11) ~~Accessible package surface temperatures shall not exceed the limits specified in~~
9 ~~10 C.F.R. 71.43(g) at any time during transportation.~~

10 ~~Section 12. Air Transport of Plutonium. In addition to the requirements of a general~~
11 ~~license and exemptions stated in this administrative regulation or included by citation of~~
12 ~~U.S. Department of Transportation regulations, as may be applicable, the licensee shall~~
13 ~~assure that plutonium in any form, whether for import, export, or domestic shipment, is~~
14 ~~not transported by air or delivered to a carrier for air transport unless:~~

15 (1) ~~The plutonium is contained in a medical device designed for individual human~~
16 ~~application;~~

17 (2) ~~The plutonium is contained in a material in which the specific activity is less than~~
18 ~~or equal to the activity concentration values for plutonium specified in 10 C.F.R. 71,~~
19 ~~Appendix A and in which the radioactivity is essentially uniformly distributed;~~

20 (3) ~~The plutonium is shipped in a single package containing no more than an A₂~~
21 ~~quantity of plutonium in an isotope or form and is shipped in accordance with Section 4~~
22 ~~of this administrative regulation;~~

23 (4) ~~The plutonium is shipped in a package specifically authorized for the shipment of~~

1 plutonium by air in the Certificate of Compliance for that package issued by the NRC; or

2 (5) For a shipment of plutonium by air which is subject to subsection (4) of this section,
3 the licensee shall, through special arrangement with the carrier, require compliance with
4 49 C.F.R. 175.704, applicable to the air transport of plutonium;

5 (6) Nothing in this section shall be interpreted as removing or diminishing the
6 requirements of 10 C.F.R. 73.24.

7 Section 13. Advance Notification of Transport of Irradiated Reactor Fuel and Nuclear
8 Waste. (1)(a) Before the transport of nuclear waste outside of the confines of the
9 licensee's facility or other place of use or storage, or before the delivery of nuclear waste
10 to a carrier for transport, a licensee shall provide advance notification of the transport to
11 the governor, or governor's designee, of each state through which the waste will be
12 transported.

13 (b) Advance notification shall be required for shipments of irradiated reactor fuel in
14 quantities less than that subject to advance notification requirements in 10 C.F.R.
15 73.37(f).

16 (2) Advance notification shall also be required for licensed material, other than
17 irradiated fuel, if:

18 (a) The nuclear waste is required to be in Type B packaging for transportation;

19 (b) The nuclear waste is being transported to, through, or across a state boundary to
20 a disposal site, or to a collection point for transport to a disposal site; and

21 (c) The quantity of licensed material in a single package exceeds the least of the
22 following:

23 1. 3,000 times the A_1 value of the radionuclides as specified in 10 C.F.R. 71, Appendix

1 A for special form radioactive material;
2 2. ~~3,000 times the A₂ value of the radionuclides as specified in 10 C.F.R. 71 Appendix~~

3 A for normal form radioactive material; or

4 3. ~~27,000 curies (1000 TBq).~~

5 ~~(3) Each advance notification shall be in writing and contain the following information:~~

6 ~~(a) The name, address, and telephone number of the shipper, carrier, and receiver of~~
7 ~~the shipment;~~

8 ~~(b) A description of the nuclear waste contained in the shipment as required by 49~~
9 ~~C.F.R. 172.202 and 172.203(d);~~

10 ~~(c) The point of origin of the shipment and the seven (7) day period during which~~
11 ~~departure of the shipment is estimated to occur;~~

12 ~~(d) The seven (7) day period during which arrival of the shipment at state boundaries~~
13 ~~is estimated to occur;~~

14 ~~(e) The destination of the shipment, and the seven (7) day period during which arrival~~
15 ~~of the shipment is estimated to occur; and~~

16 ~~(f) A point of contact with a telephone number for current shipment information.~~

17 ~~(4) The notification shall be made in writing to the office of each appropriate governor~~
18 ~~or governor's designee and to the cabinet.~~

19 ~~(a) A notification delivered by mail shall be postmarked at least seven (7) days before~~
20 ~~the beginning of the seven (7) day period during which departure of the shipment is~~
21 ~~estimated to occur.~~

22 ~~(b) A notification delivered by messenger shall reach the office of the governor, or~~
23 ~~governor's designee, at least four (4) days before the beginning of the seven (7) day~~

1 period during which departure of the shipment is estimated to occur. A copy of the
2 notification shall be retained by the licensee for three (3) years.

3 (5) The licensee who finds that schedule information previously furnished will not be
4 met, shall telephone a responsible individual in the office of the governor, or governor's
5 designee, and the cabinet and inform that individual of the extent of the delay beyond the
6 schedule originally reported. The licensee shall maintain for three (3) years a record of
7 the name of the individual contacted.

8 (6) A licensee who cancels a nuclear waste shipment, for which advance notification
9 has been sent, shall send a cancellation notice to the governor, or governor's designee,
10 of each appropriate state and to the cabinet. The licensee shall state in the notice that it
11 is a cancellation and shall identify the advance notification that is being cancelled. A copy
12 of the notice shall be retained by the licensee for three (3) years.

13 Section 14. Exemption from Classification as Fissile Material. Fissile material meeting
14 the requirements of at least one (1) of the subsections (1) through (6) of this section are
15 exempt from classification as fissile material and from the fissile material package
16 standards of 10 C.F.R. 71.55 and 71.59, but are subject to all other requirements of this
17 administrative regulation, except as noted. (1) Individual package containing two (2)
18 grams or less fissile material;

19 (2) Individual or bulk packaging containing fifteen (15) grams or less of fissile material
20 provided the package has at least 200 grams of solid nonfissile material for every gram
21 of fissile material. Lead, beryllium, graphite, and hydrogenous material enriched in
22 deuterium may be present in the package but shall not be included in determining the
23 required mass for solid nonfissile material;

1 ~~(3)(a) Low concentrations of solid fissile material commingled with solid nonfissile~~
2 ~~material, if:~~

3 ~~1. There is at least 2,000 grams of solid nonfissile material for every gram of fissile~~
4 ~~material; and~~

5 ~~2. There is no more than 180 grams of fissile material distributed within 360 kilograms~~
6 ~~of contiguous nonfissile material.~~

7 ~~(b) Lead, beryllium, graphite, and hydrogenous material enriched in deuterium may~~
8 ~~be present in the package but shall not be included in determining the required mass of~~
9 ~~solid nonfissile material.~~

10 ~~(4) Uranium enriched in uranium-235 to a maximum of one (1) percent by weight, and~~
11 ~~with total plutonium and uranium content of up to one (1) percent of the mass of uranium-~~
12 ~~235, provided that the mass of any beryllium, graphite, and hydrogenous material~~
13 ~~enriched in deuterium constitutes less than five (5) percent of the uranium mass;~~

14 ~~(5) Liquid solutions of uranyl nitrate enriched in uranium-235 to a maximum of two (2)~~
15 ~~percent by mass, with a total plutonium and uranium-233 content not exceeding two one-~~
16 ~~thousands (0.002) percent of the mass of uranium, and with a minimum nitrogen to~~
17 ~~uranium atomic ratio (N/U) of two (2). The material shall be contained in at least a DOT~~
18 ~~Type A package.~~

19 ~~(6) Packages containing, individually, a total plutonium mass of not more than 1,000~~
20 ~~grams, of which not more than twenty (20) percent by mass may consist of plutonium-~~
21 ~~239, plutonium-241, or any combination of these radionuclides.~~

22 ~~Section 15. General License: Fissile Material (1) A general license is issued to any~~
23 ~~licensee of the cabinet to transport fissile material, or to deliver fissile material to a carrier~~

1 for transport, if the material is shipped in accordance with this section of this
2 administration regulation. The fissile material need not be contained in a package which
3 meets the standards of 10 C.F.R. 71.41 through 71.65 and 71.71 through 71.77, however,
4 the material shall be contained in a Type A package. The Type A package shall also meet
5 the DOT requirements of 49 C.F.R. 173.417(a).

6 (2) The general license shall apply only to a licensee who has a quality assurance
7 program approved by the U.S. Nuclear Regulatory Commission as satisfying the
8 provisions of 10 C.F.R. 71.101 through 71.137.

9 (3) The general license shall apply only when a package's contents:

10 (a) Contain less than a Type A quantity of radioactive material; and

11 (b) Contain less than 500 total grams of beryllium, graphite, or hydrogenous material
12 enriched in deuterium.

13 (4) The general license shall apply only to packages containing fissile material that
14 are labeled with a Criticality Safety Index (CSI) that:

15 (a) Has been determined in accordance with subsection (5) of this section;

16 (b) Has a value less than or equal to ten (10); and

17 (c) For a shipment of multiple packages containing fissile material, the sum of the
18 CSIs shall be less than or equal to fifty (50), for shipment on a nonexclusive use
19 conveyance, and less than or equal to 100, for shipment on an exclusive use conveyance.

20 (5)(a) The value for the CSI shall be greater than or equal to the number calculated
21 by the following equation:

22
$$CSI = 10 \left(\frac{\text{grams of U-235}}{x} + \frac{\text{grams of U-233}}{y} + \frac{\text{grams of Pu}}{z} \right)$$

23 (b) The calculated CSI shall be rounded up to the first decimal place;

1 ~~(c) The values of X, Y, and Z used in the CSI equation shall be taken from 10 C.F.R.~~
2 ~~Tables 71—1 or 71—2, as appropriate;~~

3 ~~(d) If 10 C.F.R. Table 71—2 is used to obtain the value of X, then the values of the~~
4 ~~terms in the equation for uranium-233 and plutonium shall be assumed to be zero (0);~~
5 ~~and~~

6 ~~(e) 10 C.F.R. Table 71—1 values for X, Y, and Z shall be used to determine the CSI~~
7 ~~if:~~

8 ~~1. Uranium-233 is present in the package;~~

9 ~~2. The mass of plutonium exceeds one (1) percent of the mass of uranium-235;~~

10 ~~3. The uranium is of unknown uranium-235 enrichment or greater than twenty four~~
11 ~~(24) percent enrichment; or~~

12 ~~4. Substances having a moderating effectiveness (an average hydrogen density~~
13 ~~greater than water), such as certain hydrocarbons oils or plastics, are present in any form,~~
14 ~~except as polyethylene used for packaging or wrapping.~~

15 ~~Section 16. General License: Plutonium-beryllium Special Form Material. (1) A~~
16 ~~general license is issued to any licensee of the cabinet to transport fissile material in the~~
17 ~~form of plutonium-beryllium (Pu-Be) special form sealed sources, or to deliver Pu-Be~~
18 ~~sealed sources to a carrier for transport, if the material is shipped in accordance with this~~
19 ~~section of this administrative regulation. This material need not be contained in a package~~
20 ~~which meets the standards of 10 C.F.R. 71.41 through 71.65 and 71.71 through 71.77,~~
21 ~~however, the material shall be contained in a Type A package. The Type A package shall~~
22 ~~also meet the DOT requirements of 49 C.F.R. 173.417(a).~~

1 ~~(2) The general license shall apply only to a licensee who has a quality assurance~~
2 ~~program approved by the U.S. Nuclear Regulatory Commission as satisfying the~~
3 ~~provisions of 10 C.F.R. 71 Subpart H.~~

4 ~~(3) The general licensee applies only if a package's contents:~~

5 ~~(a) Contain less than a Type A quantity of radioactive material; and~~

6 ~~(b) Contain less than 1,000 grams of plutonium, provided that plutonium-239,~~
7 ~~plutonium-241, or any combination of these radionuclides, constitutes less than 240~~
8 ~~grams of the total quantity of plutonium in the package.~~

9 ~~(4) The general license applies only to packages labeled with a CSI that:~~

10 ~~(a) Have been determined in accordance with subsection (5) of this section;~~

11 ~~(b) Have a value less than or equal to 100; and~~

12 ~~(c) For a shipment of multiple packages containing Pu-Be sealed sources, the sum of~~
13 ~~the CSIs shall be less than or equal to fifty (50), for shipment on a nonexclusive use~~
14 ~~conveyance and less than or equal to 100, for shipment on an exclusive use conveyance.~~

15 ~~(5)(a) The value for the CSI shall be greater than or equal to the number calculated~~
16 ~~by the following equation:~~

$$\left(\frac{\text{grams of Pu-239} + \text{grams of Pu-241}}{24} \right)$$

19

20 ~~CSI = 10~~ and:

21 ~~(b) The calculated CSI shall be rounded up to the first decimal place.~~

22 ~~Section 17. External Radiation Standards for all Packages. (1) Except as provided in~~
23 ~~subsection (2) of this section, a package of radioactive materials offered for transportation~~

1 shall be designed and prepared for shipment so that under conditions normally incident
2 to transportation the radiation level shall not exceed 200 millirem/hour (mrem/h) (2
3 milliserviets/h) (2 mSv/h) at any point on the external surface of the package, and the
4 transport index shall not exceed ten (10).

5 (2) A package that exceeds the radiation level limits specified in subsection (1) of this
6 section shall be transported by exclusive use shipment only, and the radiation levels for
7 the shipment shall not exceed the following during transportation:

8 (a) 200 mrem/h (2 mSv/h) on the external surface of the package, unless the following
9 conditions are met, in which case the limit is 1,000 mrem/h (10 mSv/h);

10 1. The shipment is made in a closed transport vehicle;

11 2. The package is secured within the vehicle so that its position remains fixed during
12 transportation; and

13 3. There are no loading or unloading operations between the beginning and end of
14 the transportation;

15 (b) 200 mrem/h (2 mSv/h) at any point on the outer surface of the vehicle, including
16 the top and underside of the vehicle, or in case of a flat-bed style vehicle, at any point on
17 the vertical planes projected from the outer edges of the vehicle, on the upper surface of
18 the load or enclosure, if used, and on the lower external surface of the vehicle; and

19 (c) 1. Ten (10) mrem/h (0.1 mSv/h) at any point eighty (80) inches (2 meters) from the
20 outer lateral surface of the vehicle, excluding the top and underside of the vehicle; or

21 2. In the case of a flat-bed style vehicle, at any point six and six tenths (6.6) feet (2
22 meters) from the vertical planes projected by the outer edges of the vehicle, excluding the
23 top and underside of vehicle; and

1 ~~(d) Two (2) mrem/h (0.02 mSv/h) in any normally occupied space, except that this~~
2 ~~provision shall not apply to private carriers, if exposed personnel under their control wear~~
3 ~~radiation dosimetry devices as required by 902 KAR 100:019, Section 13.~~

4 ~~(3) For shipments made under the provisions of subsection (2) of this section, the~~
5 ~~shipper shall provide specific written instructions to the carrier for maintenance of the~~
6 ~~exclusive use shipment controls. The instructions shall be included with the shipping~~
7 ~~paper information.~~

8 ~~(4) The written instructions required for exclusive use shipments shall be sufficient so~~
9 ~~that, if followed, they will cause the carrier to avoid actions that will unnecessarily delay~~
10 ~~delivery or unnecessarily result in increased radiation levels or radiation exposure to~~
11 ~~transport workers or members of the general public.~~

12 ~~Section 18. Assumption as to Unknown Properties. If the isotopic abundance, mass,~~
13 ~~concentration, degree of moderation, or other pertinent property of fissile material in any~~
14 ~~package is not known, the licensee shall package the fissile material as if the unknown~~
15 ~~properties have credible values that will cause the maximum neutron multiplication.~~

16 ~~Section 19. Opening Instructions. Before delivery of a package to a carrier for~~
17 ~~transport, the licensee shall ensure that any special instructions needed to safely open~~
18 ~~the package have been sent to, or otherwise made available to, the consignee for the~~
19 ~~consignee's use in accordance with 902 KAR 100:019, Section 28(5).~~

20 ~~Section 20. Quality Assurance Requirements. (1) The requirements in Sections 20~~
21 ~~through 28 shall apply to design, purchase, fabrication, handling, shipping, storing,~~
22 ~~cleaning, assembly, inspection, testing, operation, maintenance, repair, and modification~~
23 ~~of components of packaging important to safety. As used in this administrative regulation,~~

1 ~~quality assurance comprises all those planned and systematic actions necessary to~~
2 ~~provide adequate confidence that a system or component will perform satisfactorily in~~
3 ~~service.~~

4 ~~(2) Quality assurance includes quality control, which comprises those quality~~
5 ~~assurance actions related to control of the physical characteristics and quality of the~~
6 ~~material or component to predetermined requirements.~~

7 ~~(3) The licensee, certificate holder, and applicant for a CoC are responsible for the~~
8 ~~quality assurance requirements as they apply to design, fabrication, testing, and~~
9 ~~modification of packaging.~~

10 ~~(4) A licensee is responsible for the quality assurance provision that applies to its use~~
11 ~~of a packaging for the shipment of licensed material subject to this administrative~~
12 ~~regulation.~~

13 ~~(5) A licensee, certificate holder, and applicant for a CoC shall:~~

14 ~~(a) Establish, maintain, and execute a quality assurance program satisfying each of~~
15 ~~the applicable criteria of 10 C.F.R. 71.101 through 71.137 and satisfying any specific~~
16 ~~provisions that are applicable to the licensee's activities including procurement of~~
17 ~~packaging; and~~

18 ~~(b) Execute the applicable criteria in a graded approach to an extent that is~~
19 ~~commensurate with the quality assurance requirement's importance to safety.~~

20 ~~(6) A licensee shall, before the use of a package for the shipment of licensed material~~
21 ~~subject to this administrative regulation, obtain U.S. Nuclear Regulatory Commission~~
22 ~~approval of its quality assurance program. Using an appropriate method listed in 10~~
23 ~~C.F.R. 71.1(a), a licensee shall file a description of its quality assurance program,~~

1 including a discussion of which requirements of this administrative regulation are
2 applicable and how they will be satisfied, by submitting the description to: Attention:
3 Document Control Desk, Director, Spent Fuel Project Office, Office of Nuclear Material
4 Safety and Safeguards.

5 (7) A program for transport container inspection and maintenance limited to
6 radiographic exposure devices, source changers, or packages transporting these devices
7 and meeting the requirements of 902 KAR 100:100, Section 9(3) shall satisfy the
8 requirements of Section 6(2)(a) and subsection (5) of this section.

9 Section 21. Quality Assurance Organization. (1) The licensee, certificate holder, and
10 applicant for a Certificate of Compliance (CoC) shall be responsible for the establishment
11 and execution of the quality assurance program. The licensee, certificate holder, and
12 applicant for a CoC may delegate to others, such as contractors, agents, or consultants,
13 the work of establishing and executing the quality assurance program, or any part of the
14 quality assurance program, but shall retain responsibility for the program. These activities
15 shall include performing the functions associated with attaining quality objectives and the
16 quality assurance functions.

17 (2) The quality assurance functions shall:

18 (a) Assure an appropriate quality assurance program is established and effectively
19 executed; and

20 (b) Verify, by procedures such as checking, auditing, and inspection, that activities
21 affecting the functions that are important to safety have been correctly performed.

22 (3) The persons and organizations performing quality assurance functions shall have
23 sufficient authority and organizational freedom to:

- 1 (a) Identify quality problems;
- 2 (b) Initiate, recommend, or provide solutions; and
- 3 (c) Verify implementation of solutions.

4 ~~(4) While the term "licensee" is used, the requirements in this section shall be~~
5 ~~applicable to whatever design, fabrication, assembly, and testing of the package is~~
6 ~~accomplished with respect to a package before the time a package approval is issued.~~

7 ~~Section 22. Quality Assurance Program. (1) The licensee, certificate holder, and~~
8 ~~applicant for a Certificate of Compliance (CoC) shall establish, at the earliest practicable~~
9 ~~time consistent with the schedule for accomplishing the activities, a quality assurance~~
10 ~~program that complies with the requirements of 10 C.F.R. 71.101 through 71.137. The~~
11 ~~licensee, certificate holder, and applicant for a CoC shall document the quality assurance~~
12 ~~program by written procedures or instructions and shall carry out the program in~~
13 ~~accordance with those procedures throughout the period during which the packaging is~~
14 ~~used. The licensee, certificate holder, and applicant for a CoC shall identify the material~~
15 ~~and components to be covered by the quality assurance program, the major organizations~~
16 ~~participating in the program, and the designated functions of these organizations.~~

17 ~~(2) The licensee, certificate holder, and applicant for a CoC, through its quality~~
18 ~~assurance program, shall provide control over activities affecting the quality of the~~
19 ~~identified materials and components to an extent consistent with their importance to~~
20 ~~safety, and as necessary to assure conformance to the approved design of each~~
21 ~~individual package used for the shipment of radioactive material. The licensee, certificate~~
22 ~~holder, and applicant for a CoC shall assure that activities affecting quality are~~
23 ~~accomplished under suitably controlled conditions. Controlled conditions shall include the~~

1 use of appropriate equipment; suitable environmental conditions for accomplishing the
2 activity, such as adequate cleanliness; and assurance that all prerequisites for the given
3 activity have been satisfied. The licensee, certificate holder, and applicant for a CoC shall
4 take into account the need for special controls, processes, test equipment, tools, and
5 skills to attain the required quality, and the need for verification of quality by inspection
6 and test.

7 (3) The licensee, certificate holder, and applicant for a CoC shall base the
8 requirements and procedures of its quality assurance program on the following conditions
9 concerning the complexity and proposed use of the package and its components:

10 (a) The impact of malfunction or failure of the item to safety;

11 (b) The design and fabrication complexity or uniqueness of the item;

12 (c) The need for special controls and surveillance over processes and equipment;

13 (d) The degree to which functional compliance can be demonstrated by inspection or
14 test; and

15 (e) The quality history and degree of standardization of the item.

16 (4) The licensee, certificate holder, and applicant for a CoC shall provide for
17 indoctrination and training of personnel performing activities affecting quality, as
18 necessary, to assure that suitable proficiency is achieved and maintained.

19 (5) The licensee, certificate holder, and applicant for a CoC shall review the status
20 and adequacy of the quality assurance program at established intervals. Management of
21 other organizations participating in the quality assurance program shall review regularly
22 the status and adequacy of that part of the quality assurance program they are executing.

23 ~~Section 23. Handling, Storage, and Shipping Control. The licensee, certificate holder,~~

1 and applicant for a CoC shall establish measures to control, in accordance with
2 instructions, the handling, storage, shipping, cleaning, and preservation of materials and
3 equipment to be used in packaging to prevent damage or deterioration. If necessary for
4 particular products, special protective environments, such as inert gas atmosphere, and
5 specific moisture content and temperature levels shall be specified and provided.

6 Section 24. Inspection, Test and Operating Status. (1) The licensee, certificate holder,
7 and applicant for a CoC shall establish measures to indicate, by the use of markings such
8 as stamps, tags, labels, routing cards, or other suitable means, the status of inspections
9 and tests performed upon individual items of the packaging. These measures shall
10 provide for the identification of items that have satisfactorily passed required inspections
11 and tests, where necessary to preclude inadvertent by passing of the inspections and
12 tests.

13 (2) The licensee shall establish measures to identify the operating status of
14 components of the packaging, such as tagging valves and switches, to prevent
15 inadvertent operation.

16 Section 25. Nonconforming Materials, Parts, or Components. The licensee, certificate
17 holder, and applicant for a CoC shall establish measures to control materials, parts, or
18 components that do not conform to the licensee's requirements to prevent their
19 inadvertent use or installation. These measures shall include, as appropriate, procedures
20 for identification, documentation, segregation, disposition, and notification to affected
21 organizations. Nonconforming items shall be reviewed and accepted, rejected, repaired,
22 or reworked in accordance with documented procedures.

1 ~~Section 26. Corrective Action. The licensee, certificate holder, and applicant for a~~
2 ~~CoC shall establish measures to assure that conditions adverse to quality, such as~~
3 ~~deficiencies, deviations, defective material and equipment, and nonconformances, are~~
4 ~~promptly identified and corrected. If a significant condition adverse to quality exists, the~~
5 ~~measures shall assure that the cause of the condition is determined and corrective action~~
6 ~~taken to preclude repetition. The identification of the significant condition adverse to~~
7 ~~quality, the cause of the condition, and the corrective action taken shall be documented~~
8 ~~and reported to appropriate levels of management.~~

9 ~~Section 27. Quality Assurance Records. (1) The licensee, certificate holder, and~~
10 ~~applicant for a CoC shall maintain sufficient written records to describe the activities~~
11 ~~affecting quality. The records shall include the instructions, procedures, and drawings~~
12 ~~required by 10 C.F.R. 71.111 to prescribe quality assurance activities and shall include~~
13 ~~closely related specifications such as required qualifications of personnel, procedures,~~
14 ~~and equipment.~~

15 ~~(2) The records shall include the instructions or procedures that establish a records~~
16 ~~retention program that is consistent with applicable regulations and designates factors~~
17 ~~such as duration, location, and assigned responsibility.~~

18 ~~(3) The licensee, certificate holder, and applicant for a CoC shall retain these records~~
19 ~~for three (3) years beyond the date when the licensee, certificate holder, applicant for a~~
20 ~~CoC last engage in the activity for which the quality assurance program was developed.~~
21 ~~If any portion of the written procedures or instructions is superseded, the licensee,~~
22 ~~certificate holder, and applicant for CoC shall retain the superseded material for three (3)~~
23 ~~years after it is superseded.~~

1 ~~Section 28. Audits. (1) The licensee, certificate holder, and applicant for a CoC shall~~
2 ~~carry out a comprehensive system of planned and periodic audits to verify compliance~~
3 ~~with all aspects of the quality assurance program and to determine the effectiveness of~~
4 ~~the program.~~

5 ~~(2) The audits shall be performed in accordance with written procedures or checklists~~
6 ~~by appropriately trained personnel not having direct responsibilities in the areas being~~
7 ~~audited.~~

8 ~~(3) Audited records shall be documented and reviewed by management having~~
9 ~~responsibility in the area audited.~~

10 ~~(4) Follow-up action, including reaudit of deficient areas, shall be taken as indicated.~~

11 ~~Section 29. Determination of A₁ and A₂. Values of A₁ and A₂ shall be determined as~~
12 ~~described in 10 C.F.R. 71 Appendix A.]~~

902 KAR 100:070

REVIEWED:

Jeffrey D. Howard, Jr., M.D. Date
Commissioner, Department for Public Health

APPROVED:

Adam Meier, Date
Secretary, Cabinet for Health and Family Services

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this administrative regulation shall, if requested, be held on August 27, 2018, at 9:00 a.m. in Suites A & B, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621. Individuals interested in attending this hearing shall notify this agency in writing by August 20, 2018, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until August 31, 2018. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Laura Begin, Legislative and Regulatory Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, KY 40621, Phone: 502-564-6746, Fax: 502-564-2767; Laura.Begin@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 902 KAR 100:070

Agency Contact: Julie Brooks

Phone Number: (502) 564-3970

Email: julied.brooks@ky.gov

Contact Person: Laura Begin

Phone Number: (502) 564-6746

Email: laura.begin@ky.gov

Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for licensure for the packaging and transportation of radioactive material.

(b) The necessity of this administrative regulation: This administrative regulation outlines the requirements for those entities packaging and transporting radioactive materials to ensure materials are transported in a safe manner to prevent any unnecessary exposure to radioactive materials.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 194A.050(1) requires the secretary to promulgate administrative regulations necessary to operate the programs and fulfill the responsibilities vested in the cabinet. KRS 211.844 requires the secretary to provide by administrative regulation the registration and licensing of the possession or use of any source of ionizing or electronic product radiation and the handling and disposal of radioactive waste; and to protect the public from unnecessary radiation exposure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation ensures that all those who participate in the packaging and transportation of radioactive materials are properly licensed for the class of radioactive material and mode of transportation of radioactive materials. The proper packaging and transportation of radioactive materials helps to protect the public from unnecessary radiation exposures.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment adopts by reference the applicable Nuclear Regulatory Commission (NRC) regulations for packaging and transporting radioactive materials which eliminates any discrepancies between state and federal licensing requirements.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary as the agreement between NRC and the Commonwealth requires the Radiation Health Branch to be compatible with NRC regulations.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment is consistent with the authorizing statutes, which require the secretary to adopt regulations for the registration and licensing of the possession of any source of ionizing or electronic product radiation necessary to protect the public from unnecessary radiation exposure.

(d) How the amendment will assist in the effective administration of the statutes: This amendment ensures all entities licensed for the packaging and transportation of radioactive materials are in full compliance with state and national regulations.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 200 specific licensees of the cabinet and all licensees of the NRC or another agreement state who perform activities within the Commonwealth under reciprocal recognition pursuant to 902 KAR 100:065.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in questions (3) will have to take to comply with this administrative regulation or amendment: Affected entities are required to be in compliance with NRC regulations so there will be no new actions required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the identities identified in question (3): There is no cost of compliance.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Regulated entities will be in full compliance with NRC regulations.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This program is already operating. There is no cost to implement this amendment.

(b) On a continuing basis: This program is already operating. There is no cost to implement this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This amendment does not affect funding.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change, if it is an amendment: An increase in fees or funding is not necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees. There are no fees established in this regulation.

(9) TIERING: Is tiering applied? (Explain why or why not.) No. This administrative regulation affects all radioactive materials licensees subject to 902 KAR Chapter 100 regulations.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Administrative Regulation: 902 KAR 100:070

Agency Contact: Julie Brooks

Phone Number: (502) 564-3970

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Contact Person: Laura Begin

Phone Number: (502) 564-6746

Email: laura.begin@ky.gov

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Radiation Health Branch in the Department for Public Health administers this program.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to adopt administrative regulations necessary to protect the health of the individual citizens of the Commonwealth and necessary to operate the programs and fulfill the responsibilities vested in the Cabinet. KRS 211.844(1) requires the Cabinet to provide by administrative regulation for the registration and licensing of the possession or use of sources of ionizing or electronic product radiation and to regulate the handling and disposal of radioactive waste. 10 C.F.R. Part 71 establishes the requirements for packaging, preparation for shipment and transportation of licensed material.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation generates no revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation generates no revenue.

(c) How much will it cost to administer this program for the first year? This administrative regulation does not add costs to the agency.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation does not add cost to the agency.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

Administrative Regulation: 902 KAR 100:070

Agency Contact: Julie Brooks

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(1) Federal statute or regulation constituting the federal mandate. The Atomic Energy Act of 1954, as amended, the Energy Policy Act of 2005 and 10 C.F.R. Part 71.

(2) State compliance standards. This regulation adopts the federal standards for packaging and transportation of radioactive materials.

(3) Minimum or uniform standards contained in the federal mandate. The federal mandate requires state regulations to be compatible with the equivalent federal regulations.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There are no different, stricter, or additional responsibilities or requirements.