

211.863 Control of commerce of low-level radioactive waste in and out of Kentucky -- Prohibitions -- Exemption -- Regulation of TENORM.

- (1) Unless otherwise authorized by the commission:
 - (a) After July 15, 1998, no person shall deposit at a facility in Kentucky any low-level radioactive waste not generated within the region;
 - (b) After July 15, 1998, no person shall accept at a facility in Kentucky low-level radioactive waste not generated within the region;
 - (c) No person shall deposit at any regional facility in Kentucky any low-level radioactive waste that is owned or generated by the United States Department of Energy, owned or generated by the United States Navy as a result of decommissioning of vessels of the United States Navy, or owned or generated as the result of any research, development, testing, or production of any atomic weapon;
 - (d) No person shall accept at any regional facility in Kentucky any low-level radioactive waste that is owned or generated by the United States Department of Energy, owned or generated by the United States Navy as a result of decommissioning of vessels of the United States Navy, or owned or generated as the result of any research, development, testing, or production of any atomic weapon;
 - (e) No person shall export from the region low-level radioactive waste that is generated in Kentucky, other than low-level radioactive waste that is owned or generated by the United States Department of Energy, owned or generated by the United States Navy as a result of decommissioning of vessels of the United States Navy, or owned or generated as the result of any research, development, testing, or production of any atomic weapon;
 - (f) No person shall dispose of low-level radioactive waste in Kentucky except at a regional disposal facility; and
 - (g) No person who provides a service by arranging for the collection, transportation, treatment, storage, or disposal of low-level radioactive waste from outside the region shall dispose of any low-level radioactive waste, regardless of origin, at a facility in Kentucky without prior specific approval by the commission.
- (2) No person shall treat or store low-level radioactive waste at a facility other than a regional facility, if the treatment or storage is prohibited by the commission.
- (3) Technologically enhanced naturally occurring radioactive material (TENORM) and naturally occurring radioactive material (NORM) as defined in KRS 211.862 shall be the exclusive regulatory responsibility of the states, except that no person shall import technologically enhanced naturally occurring radioactive material (TENORM) from outside the region for disposal in Kentucky, arrange for disposal of, or dispose of such imported material in Kentucky, if the imports or disposal are inconsistent with policies of the commission.
- (4) Any low-level radioactive waste which is not the responsibility of the Commonwealth of Kentucky or the Central Midwest Interstate Low-Level Radioactive Waste Commission pursuant to 42 U.S.C. sec. 2297h-11 shall be exempt from the provisions of KRS 211.861 to 211.869 and from the provisions

of KRS 211.859.

- (5) Drill cuttings generated from wells permitted and regulated by the Energy and Environment Cabinet pursuant to KRS Chapter 353 that contain naturally occurring radioactive materials that have been made more accessible shall not be regulated as TENORM under this chapter.
- (6) Except as provided in subsection (5) of this section, the cabinet may, by executive order or administrative regulation, regulate as TENORM any naturally occurring radioactive material made more accessible by human activity, or naturally occurring radioactive material that has radionuclide concentrations increased by human activities above levels encountered in the natural state.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 116, sec. 2, effective June 29, 2017. --
Created 1998 Ky. Acts ch. 46, sec. 3, effective July 15, 1998.