



January 28, 2022

SENATE BILL No. 381

DIGEST OF SB 381 (Updated January 27, 2022 2:24 pm - DI 129)

Citations Affected: IC 10-19.

Synopsis: Regulation of radioactive material. Establishes Indiana as a nuclear regulatory agreement state upon approval by the U.S. Nuclear Regulatory Commission (commission) and the signing of an agreement by the governor and the chairman of the commission. Establishes the policies and purposes of the agreement in regulating certain radioactive items. Provides that the Indiana department of homeland security (department) is responsible for carrying out the duties of the agreement. Tasks the department to create rules, regulations, and protocols for the enforcement of the agreement. Requires the department to create licensing procedures for radioactive materials. Provides that the department shall create fee structures for the regulation of various radioactive services. Establishes the radiation site closure and disposal fund and the radiation long term care fund. Permits the department to enter public and private property to ensure compliance with radiation regulations under certain conditions. Provides that the governor and the department may enter into agreements with the commission. Supersedes municipality or county regulation of certain radioactive materials. Prohibits the use or possession of certain radioactive materials unless licensed by the department. Grants the department emergency authority to impound radioactive materials in the possession of a person who is not in compliance with the department. Provides civil penalties for violations of certain rules.

Effective: July 1, 2022.

Crider, Ford Jon, Boots

January 11, 2022, read first time and referred to Committee on Homeland Security and Transportation.
January 24, 2022, reassigned to Committee on Appropriations pursuant to Rule 68(b).
January 27, 2022, amended, reported favorably — Do Pass.

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January 28, 2022

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

SENATE BILL No. 381

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 10-19-3-3, AS AMENDED BY P.L.187-2021,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 3. The executive director shall do the following:
4 (1) Serve as the chief executive and administrative officer of the
5 department.
6 (2) Serve as the director of the council.
7 (3) Administer the application for, and disbursement of, federal
8 and state homeland security money for all Indiana state and local
9 governments.
10 (4) Develop a single strategic plan for preparing and responding
11 to homeland security emergencies in consultation with the
12 council.
13 (5) Serve as the state coordinating officer under federal law for all
14 matters relating to emergency and disaster mitigation,
15 preparedness, response, and recovery.
16 (6) Use and allocate the services, facilities, equipment, personnel,
17 and resources of any state agency, on the governor's behalf, as is

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- 1 reasonably necessary in the preparation for, response to, or
- 2 recovery from an emergency or disaster situation that threatens or
- 3 has occurred in Indiana.
- 4 (7) Develop a plan to protect key state assets and public
- 5 infrastructure from a disaster or terrorist attack.
- 6 (8) Partner with state agencies, including the state department of
- 7 health and state educational institutions, to develop public safety
- 8 education and outreach programs.
- 9 (9) Appoint an individual to serve as the state emergency medical
- 10 services medical director as provided in section 3.5 of this
- 11 chapter.

(10) Carry out the provisions of IC 10-19-12.

SECTION 2. IC 10-19-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 12. Nuclear Regulatory Agreement

Sec. 1. This agreement shall be effective immediately upon:

- 18 (1) approval by the U.S. Nuclear Regulatory Commission; and
- 19 (2) signing by the governor and the chairman of the U.S.
- 20 Nuclear Regulatory Commission.

Sec. 2. It is the policy of the state in furtherance of its responsibility to protect the occupational health and safety, public health and safety, and environment to:

- 24 (1) institute and maintain a regulatory program for sources
- 25 of ionizing radiation and nonionizing radiation so as to
- 26 provide for compatibility and equivalency with the standards
- 27 and regulatory programs of the federal government, an
- 28 integrated effective system of regulation within the state, and
- 29 a system consonant insofar as possible with those of other
- 30 states;
- 31 (2) institute and maintain a program to permit development
- 32 and use of sources of radiation for peaceful purposes
- 33 consistent with the health and safety of the public; and
- 34 (3) provide for the availability of capacity either within or
- 35 outside Indiana for the disposal of low-level radioactive waste
- 36 generated within Indiana except for waste generated as a
- 37 result of defense or federal research and development
- 38 activities and to recognize that such radioactive waste can be
- 39 most safely and efficiently managed on a regional basis.

Sec. 3. It is the purpose of this chapter to provide:

- 41 (1) a program of effective regulation of sources of radiation
- 42 for the protection of the occupational health and safety and



1 public health and safety;

2 (2) a program to promote an orderly regulatory pattern
3 within Indiana, among the states, and between the federal
4 government and Indiana, and facilitate intergovernmental
5 cooperation with respect to use and regulation of sources of
6 radiation to the end that duplication of regulation may be
7 minimized;

8 (3) a program to establish procedures for assumption and
9 performance of certain regulatory responsibilities with
10 respect to byproduct, source, and special nuclear materials;
11 and

12 (4) a program to permit use of sources of radiation consistent
13 with the health and safety of the public.

14 Sec. 4. As used in this chapter:

15 (1) "Byproduct material" means:

16 (A) any radioactive material (except special nuclear
17 material) yielded in or made radioactive by exposure to the
18 radiation incident to the process of producing or utilizing
19 special nuclear material;

20 (B) the tailings or wastes produced by the extraction or
21 concentration of uranium or thorium from any ore
22 processed primarily for its source material content;

23 (C) any discrete source of radium-226 that is produced,
24 extracted, or converted after extraction for use for a
25 commercial, medical, or research activity;

26 (D) any material that has been made radioactive by use of
27 a particle accelerator and is produced, extracted, or
28 converted after extraction for use for a commercial,
29 medical, or research activity; and

30 (E) any discrete source of naturally occurring radioactive
31 material, other than source material, that is extracted or
32 converted after extraction for use in a commercial,
33 medical, or research activity, if the governor, after
34 determination by the NRC, declares by order that the
35 source would pose a threat similar to the threat posed by
36 a discrete source of radium-226 to the public health and
37 safety.

38 (2) "Civil penalty" means any monetary penalty levied on a
39 licensee or registrant because of violations of statutes,
40 regulations, licenses, or registration certificates, but does not
41 include criminal penalties.

42 (3) "Closure" or "site closure" means all activities performed



- 1 at a waste disposal site, such as stabilization and contouring,
 2 to assure that the site is in a stable condition so that only
 3 minor custodial care, surveillance, and monitoring are
 4 necessary at the site following termination of a licensed
 5 operation.
- 6 (4) "Decommissioning" means final operational activities at
 7 a facility to dismantle site structures, to decontaminate site
 8 surfaces and remaining structures, to stabilize and contain
 9 residual radioactive material, and to carry out any other
 10 activities to prepare the site for postoperational care.
- 11 (5) "Department" means the Indiana department of homeland
 12 security established by IC 10-19-2-1.
- 13 (6) "Disposal of low-level radioactive waste" means the
 14 isolation of such waste from the biosphere by emplacement in
 15 a land burial facility.
- 16 (7) "General license" means a license effective under
 17 regulations promulgated by the department without the filing
 18 of an application with the department or the issuance of
 19 licensing documents to particular persons to transfer, acquire,
 20 own, possess, or use quantities of, or devices or equipment
 21 utilizing, radioactive material.
- 22 (8) " High-level radioactive waste" means:
- 23 (A) irradiated reactor fuel;
- 24 (B) liquid wastes resulting from the operation of the first
 25 cycle solvent extraction system, or equivalent, and the
 26 concentrated wastes from subsequent extraction cycles, or
 27 equivalent, in a facility for reprocessing irradiated reactor
 28 fuel; and
- 29 (C) solids into which such liquid wastes have been
 30 converted.
- 31 (9) "Ionizing radiation" means gamma rays and x-rays, alpha
 32 and beta particles, high-speed electrons, neutrons, protons,
 33 and other nuclear particles; but not sound or radio waves, or
 34 visible, infrared, or ultraviolet light.
- 35 (10) " Low-level radioactive waste" means radioactive waste
 36 not classified as high-level radioactive waste, transuranic
 37 waste, spent nuclear fuel, or byproduct material.
- 38 (11) "Nonionizing radiation" means the following:
- 39 (A) Any electromagnetic radiation, other than ionizing
 40 electromagnetic radiation.
- 41 (B) Any sonic, ultrasonic, or infrasonic wave.
- 42 (12) "Person" means any individual, corporation,



- 1 partnership, firm, association, trust, estate, public or private
2 institution, group, state agency other than the department,
3 political subdivision of this state, any other state or political
4 subdivision or agency thereof, and any legal successor,
5 representative, agent, or agency of the foregoing, but not
6 including federal government agencies.
- 7 (13) "Radiation" means ionizing radiation and nonionizing
8 radiation.
- 9 (14) "Radiation generating equipment" means any
10 manufactured product or device, or component part of such
11 a product or device, or any machine or system that during
12 operation can generate or emit radiation except those that
13 emit radiation only from radioactive material.
- 14 (15) "Radioactive material" means material (solid, liquid, or
15 gas) that emits ionizing radiation spontaneously. It includes
16 accelerator produced, byproduct, naturally occurring, source,
17 and special nuclear materials.
- 18 (16) "Registration" means registration with the department
19 in accordance with rules and regulations adopted pursuant to
20 this chapter.
- 21 (17) "Source material" means uranium or thorium, or any
22 combination thereof, in any physical or chemical form, or ores
23 which contain by weight one-twentieth of one percent (0.05%)
24 or more of uranium, thorium, or any combination thereof.
25 Source material does not include special nuclear material.
- 26 (18) "Source material mill tailings" means the tailings or
27 wastes produced by the extraction or concentration of
28 uranium or thorium from any ore processed primarily for its
29 source material content, including discrete surface wastes
30 resulting from underground solution extraction processes, but
31 not including underground ore bodies depleted by such
32 solution extraction processes.
- 33 (19) "Source material milling" means any processing of ore,
34 including underground solution extraction of unmined ore,
35 primarily for the purpose of extracting or concentrating
36 uranium or thorium that results in the production of source
37 material mill tailings.
- 38 (20) "Sources of radiation" means collectively, radioactive
39 material and radiation generating equipment.
- 40 (21) "Special nuclear material" means plutonium, uranium
41 233, and uranium enriched in the isotope 233 or in the isotope
42 235, but does not include source material; or any material



1 artificially enriched by any of the foregoing, but does not
2 include source material.

3 (22) "Specific license" means a license, issued to a named
4 person upon application filed under the regulations
5 promulgated under this chapter, to use, manufacture,
6 produce, transfer, receive, acquire, or possess quantities of, or
7 devices or equipment utilizing, radioactive material.

8 (23) "Spent nuclear fuel" means irradiated nuclear fuel that
9 has undergone at least one (1) year's decay since being used as
10 a source of energy in a power reactor. Spent fuel includes the
11 special nuclear material, byproduct material, source material,
12 and other radioactive material associated with fuel
13 assemblies.

14 (24) "Transuranic waste" means radioactive waste containing
15 alpha emitting transuranic elements, with radioactive
16 half-lives greater than five (5) years, in excess of ten (10)
17 nanocuries per gram.

18 Sec. 5. (a) The Indiana department of homeland security is
19 designated as the state agency responsible for carrying out the
20 duties of this chapter.

21 (b) The executive director of the department may use the
22 authority granted under IC 10-19-3-4 and IC 10-19-3-5 to carry
23 out the duties of this chapter.

24 (c) The department shall, for the protection of the occupational
25 health and safety, public health and safety, and environment, do
26 the following:

27 (1) Develop programs for evaluation and control of hazards
28 associated with use of sources of radiation.

29 (2) Develop programs with due regard for compatibility with
30 federal programs for regulation of byproduct, source, and
31 special nuclear materials.

32 (3) Adopt rules and regulations, which may provide for
33 licensing and registration, relating to control of sources of
34 radiation with due regard for compatibility with the
35 regulatory programs of the federal government.

36 (4) Issue such orders or modifications thereof as may be
37 necessary in connection with proceedings under this chapter.

38 (5) Advise, consult, and cooperate with other state agencies,
39 the federal government, other states and interstate agencies,
40 political subdivisions, and other organizations concerned with
41 control of sources of radiation.

42 (6) Have the authority to accept and administer grants, or



1 other funds or gifts, conditional or otherwise, in furtherance
2 of its functions, from the federal government and from other
3 sources, public or private.

4 (7) Encourage, participate in, or conduct studies,
5 investigations, training, research, and demonstrations relating
6 to control of sources of radiation.

7 (8) Collect and disseminate information relating to control of
8 sources of radiation, including maintenance of a file of:

9 (A) all license applications, issuances, denials,
10 amendments, transfers, renewals, modifications,
11 suspensions, and revocations;

12 (B) registrants possessing sources of radiation requiring
13 registration under the provisions of this chapter and any
14 administrative or judicial action pertaining thereto; and

15 (C) all of the department's rules and regulations relating
16 to regulation of sources of radiation, pending or
17 promulgated, and proceedings thereon.

18 (d) Registration of radiation generating equipment and
19 regulations regarding the use of radiation generating equipment
20 shall be in accordance with IC 16-41-35.

21 (e) The department shall coordinate the registration, regulation,
22 and use of radiation generating equipment under subsection (d).
23 The department shall do the following in carrying out the duties of
24 this subsection:

25 (1) Consult with and review regulations and procedures of a
26 state agency or department that regulates, in part, radiation
27 or radiation generating equipment to prevent unnecessary
28 duplication, inconsistencies, or gaps in regulatory
29 requirements.

30 (2) Review, before and after, the holding of any public hearing
31 required under the provisions of this chapter prior to
32 promulgation, the proposed rules and regulations of any state
33 agencies that relate to the use and control of radiation, to
34 assure that the rules and regulations are consistent with other
35 agencies. Proposed rules and regulations are not effective
36 until thirty (30) days after submission to the department,
37 unless either the governor or the department waives all or
38 part of the thirty (30) day period. The waiting period runs
39 concurrently with any other waiting period required by state
40 law.

41 (3) Consult with state agencies in an effort to resolve
42 inconsistencies if the department determines that a proposed



1 rule or regulation is inconsistent with an existing rule or
2 regulation.

3 (4) Notify the governor if an inconsistency under subdivision
4 (3) has not been resolved. Upon notification, the governor may
5 find that the proposed rules and regulations or parts thereof
6 are inconsistent with the rules and regulations of other
7 agencies of the state and may issue an order to that effect in
8 which event the proposed rules or regulations or parts thereof
9 shall not become effective. The governor may, in the
10 alternative, upon a similar determination, direct the
11 appropriate agency or agencies to amend or repeal existing
12 rules or regulations to achieve consistency with the proposed
13 rules or regulations.

14 (f) The agencies of the state shall keep the department fully and
15 currently informed as to their activities relating to development
16 and regulation of sources of radiation.

17 Sec. 6. (a) The department shall adopt rules under IC 4-22-2 for
18 general and specific licensing of radioactive material, or devices or
19 equipment utilizing such material. The rules must provide for the
20 amendment, suspension, or revocation of licenses. The rules must
21 also provide the following:

22 (1) Each application for a specific license shall be in writing
23 and shall state such information as the department, by rule or
24 regulation, may determine to be necessary to decide the
25 technical and financial qualifications or any other
26 qualifications of the applicant as the department may deem
27 reasonable and necessary to protect the occupational health
28 and safety and public health and safety. The department may
29 at any time after the filing of the application, and before the
30 expiration of the license, require further written statements
31 and may make such inspections as the department may deem
32 necessary in order to determine whether the license should be
33 modified, suspended, or revoked. All applications and
34 statements shall be signed by the applicant or licensee. The
35 department may require any applications or statements to be
36 made under oath or affirmation.

37 (2) Each license shall be in such form and contain such terms
38 and conditions as the department may by rule or regulation
39 prescribe.

40 (3) No license issued under the authority of this chapter and
41 no right to possess or use sources of radiation granted by any
42 license shall be assigned or in any manner disposed of unless



1 the department shall, after securing full information, find that
 2 the transfer is in accordance with the provisions of this
 3 chapter, and shall give its consent in writing.

4 (4) The terms and conditions of all licenses shall be subject to
 5 amendment, revision, or modification by rules, regulations, or
 6 orders issued in accordance with the provisions of this
 7 chapter.

8 (b) The department is authorized to require registration or
 9 licensing of other sources of radiation.

10 (c) The department is authorized to exempt certain sources of
 11 radiation or kinds of uses or users from the licensing or
 12 registration requirements set forth in this section when the
 13 department makes a finding that the exemption of such sources of
 14 radiation or kinds of uses or users will not constitute a significant
 15 risk to the health and safety of the public.

16 (d) Rules and regulations promulgated under this chapter may
 17 provide for recognition of other state or federal licenses as the
 18 department shall deem desirable, subject to such registration
 19 requirements as the department may prescribe.

20 Sec. 7. (a) The department shall prescribe and collect such fees
 21 as may be established by regulation for radiation protection
 22 services provided under this chapter. Fees collected under this
 23 section shall be deposited in the fire and building services fund
 24 established under IC 22-12-6-1. Services for which fees may be
 25 established include the following:

26 (1) Registration of sources of radiation.

27 (2) Issuance, amendment, and renewal of licenses for
 28 radioactive materials.

29 (3) Inspections of registrants or licensees.

30 (4) Environmental surveillance activities to assess the
 31 radiological impact of activities conducted by licensees.

32 (b) In determining rates of such fees, the department shall, as an
 33 objective, obtain sufficient funds therefrom to reimburse the state
 34 for all or a substantial portion of the direct and indirect costs of the
 35 radiation protection services specified in subsection (a). The
 36 department shall take into account any special arrangements
 37 between the state and a registrant, a licensee, another state, or a
 38 federal agency whereby the cost of the services is otherwise
 39 partially or fully recovered.

40 (c) The department may, upon application by an interested
 41 person, or on its own initiative, grant such exemptions from the
 42 requirements of this section as it determines are in the public



1 interest. Applications for exemption under this subsection may
2 include activities such as, but not limited to, the use of licensed
3 materials for educational or noncommercial displays or scientific
4 collections.

5 (d) When a registrant or licensee fails to pay the applicable fee,
6 the department may suspend or revoke the registration or license
7 or may issue an appropriate order.

8 Sec. 8. (a) For licensed activities involving disposal of low-level
9 radioactive waste, the department shall, and for other classes of
10 licensed activity the department may, establish by rule or
11 regulation standards and procedures to ensure that the licensee
12 will provide an adequate surety or other financial arrangement to
13 permit the completion of all requirements established by the
14 department for the decontamination, closure, decommissioning,
15 and reclamation of sites, structures, and equipment used in
16 conjunction with such licensed activity, in case the licensee should
17 default for any reason in performing such requirements.

18 (b) All sureties required under subsection (a) that are forfeited
19 shall be paid to the department for deposit by the state treasurer
20 in a special fund called the radiation site closure and disposal fund.
21 All money in this fund is hereby appropriated and may be
22 expended by the department as necessary to complete such
23 requirements on which licensees have defaulted. Money in this
24 fund shall not be used for normal operating expenses of the
25 department. Money in the fund shall not revert back to the state
26 general fund.

27 (c) For licensed activities involving the disposal of low-level
28 radioactive waste the department shall, and for other classes of
29 licensed activity when radioactive material that will require
30 surveillance or care is likely to remain at the site after the licensed
31 activities cease, the department may, establish by rule or
32 regulation standards and procedures to ensure that the licensee,
33 before termination of the license, will make available such funding
34 arrangements as may be necessary to provide for long-term site
35 surveillance and care.

36 (d) All funds collected from licensees under subsection (c) shall
37 be paid to the department for deposit by the state treasurer in a
38 special fund called the radiation long-term care fund. All funds
39 accrued as interest on money deposited in this fund are hereby
40 appropriated and may be expended by the department for the
41 continuing long-term surveillance, maintenance, and other care of
42 facilities from which such funds are collected as necessary for



1 protection of the public health and safety and the environment.
 2 Money in the fund shall not revert back to the state general fund.
 3 Notwithstanding any other provisions of this subsection, if title to
 4 and custody of any radioactive material and its disposal site are
 5 transferred to the United States upon termination of any license for
 6 which funds have been collected for such long-term care, the
 7 collected funds and interest accrued thereon shall be transferred
 8 to the United States.

9 (e) The sureties or other financial arrangements and funds
 10 required by subsections (a) and (c) shall be established in amounts
 11 sufficient to ensure compliance with those standards, if any,
 12 established by the U.S. Nuclear Regulatory Commission pertaining
 13 to closure, decommissioning, reclamation, and long-term site
 14 surveillance and care of such facilities and sites.

15 (f) In order to provide for the proper care and surveillance of
 16 sites subject to subsection (c), the department, on behalf of the
 17 state, may acquire by gift or transfer from another government
 18 agency or private person any land and appurtenances necessary to
 19 fulfill the purposes of this section. Any such gift or transfer is
 20 subject to approval and acceptance by the department.

21 (g) The department may by contract, agreement, lease, or
 22 license with any person, including another state agency, provide for
 23 the decontamination, closure, decommissioning, reclamation,
 24 surveillance, or other care of a site subject to this section as needed
 25 to carry out the purposes of this section.

26 (h) In the event that a person licensed by any governmental
 27 agency other than the department desires to transfer a site to the
 28 state for the purpose of administering or providing long-term care,
 29 a lump sum deposit shall be made to the radiation long-term care
 30 fund. The amount of such deposit shall be determined by the
 31 department taking into account the factors in subsections (c) and
 32 (e).

33 (i) All state, local, or other governmental agencies, shall be
 34 exempt from the requirements of subsections (a) and (c).

35 Sec. 9. The department or its duly authorized representatives
 36 shall have the power to enter at all reasonable times upon any
 37 private or public property for the purpose of determining whether
 38 or not there is compliance with or violation of the provisions of this
 39 chapter and rules and regulations issued thereunder, except that
 40 entry into areas under the jurisdiction of the federal government
 41 shall be effected only with the concurrence of the federal
 42 government or its duly designated representative.



1 **Sec. 10.** The department is authorized to require by rule,
2 regulation, or order the keeping of such records with respect to
3 activities under licenses and registration certificates issued under
4 this chapter as may be necessary to effectuate the purposes of this
5 chapter. These records shall be made available for inspection by,
6 or copies thereof shall be submitted to, the department on request.

7 **Sec. 11. (a)** The governor, on behalf of the state, is authorized to
8 enter into agreements with the U.S. Nuclear Regulatory
9 Commission under Section 274b of the Atomic Energy Act of 1954,
10 as amended, providing for discontinuance of certain of the
11 commission's licensing and related regulatory authority with
12 respect to byproduct, source, and special nuclear materials and the
13 assumption of regulatory authority therefore by this state.

14 **(b)** Any person who, on the effective date of an agreement under
15 subsection (a), possesses a license issued by the U.S. Nuclear
16 Regulatory Commission for radioactive materials subject to the
17 agreement shall be deemed to possess a like license issued under
18 this chapter, which shall expire either ninety (90) days after receipt
19 from the department of a notice of expiration of such license, or on
20 the date of expiration specified in the U.S. Nuclear Regulatory
21 Commission license, whichever is earlier.

22 **Sec. 12. (a)** The department is authorized to enter into an
23 agreement or agreements with the U.S. Nuclear Regulatory
24 Commission under Section 274i of the Atomic Energy Act of 1954,
25 as amended, other federal government agencies as authorized by
26 law, other states or interstate agencies, whereby this state will
27 perform on a cooperative basis with the commission, other federal
28 government agencies, other states, or interstate agencies,
29 inspections or other functions relating to control of sources of
30 radiation.

31 **(b)** The department may institute training programs for the
32 purpose of qualifying personnel to carry out the provisions of this
33 chapter, and may make said personnel available for participation
34 in any program or programs of the federal government, other
35 states, or interstate agencies in furtherance of the purposes of this
36 chapter.

37 **Sec. 13.** Ordinances, resolutions, or regulations, now or
38 hereafter in effect, of the governing body of a municipality or
39 county or of state agencies, other than the department under
40 section 5 of this chapter, relating to byproduct, source, and special
41 nuclear materials shall be superseded by this chapter.

42 **Sec. 14. (a)** Rules shall be promulgated under this chapter in



1 accordance with IC 4-22-2.

2 (b) Orders shall be issued under this chapter in accordance with
3 IC 4-21.5.

4 (c) In any proceeding for licensing ores processed primarily for
5 their source material content and disposal of byproduct material
6 or for licensing disposal of low-level radioactive waste, the
7 department shall provide:

8 (1) an opportunity, after public notice, for written comments
9 and a public hearing, with a transcript;

10 (2) an opportunity for cross-examination; and

11 (3) a written determination of the action to be taken, which is
12 based upon findings included in the determination and upon
13 evidence presented during the public comment period.

14 (d) In any proceeding for licensing ores processed primarily for
15 their source material content and disposal of byproduct material
16 or for licensing disposal of low-level radioactive waste, the
17 department shall prepare, for each licensed activity that has a
18 significant impact on the human environment, a written analysis
19 of the impact of such licensed activity on the environment. The
20 analysis shall be available to the public before the commencement
21 of hearings held pursuant to subsection (c) and shall include the
22 following:

23 (1) An assessment of the radiological and nonradiological
24 impacts to the public health.

25 (2) An assessment of any impact on any waterway and
26 groundwater.

27 (3) Consideration of alternatives, including alternative sites
28 and engineering methods, to the activities to be conducted.

29 (4) Consideration of the long-term impacts, including
30 decommissioning, decontamination, and reclamation of
31 facilities and sites associated with the licensed activities and
32 management of any radioactive materials that will remain on
33 the site after such decommissioning, decontamination, and
34 reclamation.

35 (e) The department shall prohibit any major construction with
36 respect to any activity for which an environmental impact analysis
37 is required by subsection (d) prior to completion of such analysis.

38 (f) Whenever the department finds that an emergency exists
39 requiring immediate action to protect the public health and safety,
40 the department may adopt emergency rules under IC 4-22-2-37.1
41 or issue emergency orders under IC 4-21.5-4 to address the
42 emergency.



1 **Sec. 15. Whenever, in the judgment of the department, any**
2 **person has engaged in or is about to engage in any acts or practices**
3 **that constitute or will constitute a violation of any provision of this**
4 **chapter, or any rule, regulation, or order issued thereunder, the**
5 **department may, in lieu of issuing an administrative order, apply**
6 **for an order from a circuit or superior court in the county in which**
7 **the person takes a substantial step toward violating a law, or a**
8 **violation occurs. Upon a showing by the department that such**
9 **person has engaged or is about to engage in any such acts or**
10 **practices, a permanent or temporary injunction, a restraining**
11 **order, or other order may be granted.**

12 **Sec. 16. It shall be unlawful for any person to use, manufacture,**
13 **produce, distribute, sell, transport, transfer, install, repair, receive,**
14 **acquire, own, or possess any source of radiation unless licensed by**
15 **or registered with the department in conformance with rules and**
16 **regulations, if any, promulgated in accordance with the provisions**
17 **of this chapter.**

18 **Sec. 17. The department shall have the authority in the event of**
19 **an emergency to impound or order the impounding of sources of**
20 **radiation in the possession of any person who is not equipped to**
21 **observe or fails to observe the provisions of this chapter or any**
22 **rules or regulations issued thereunder.**

23 **Sec. 18. (a) Any person who violates any licensing or**
24 **registration provision of this chapter or any rule, regulation, or**
25 **order issued thereunder, or any term, condition, or limitation of**
26 **any license or registration certificate issued thereunder, or**
27 **commits any violation for which a license or registration certificate**
28 **may be revoked under rules or regulations issued under this**
29 **chapter may be subject to a civil penalty, to be imposed by the**
30 **department, not to exceed ten thousand dollars (\$10,000). If any**
31 **violation is a continuing one, each day of such violation shall**
32 **constitute a separate violation for the purpose of computing the**
33 **applicable civil penalty. The department shall have the power to**
34 **compromise, mitigate, or remit such penalties.**

35 **(b) Whenever the department proposes to subject a person to**
36 **the imposition of a civil penalty under the provisions of this section,**
37 **it shall issue an order in accordance with IC 4-21.5.**

38 **(c) The department is authorized to institute a civil action to**
39 **collect a penalty imposed pursuant to this section. The department**
40 **shall have the exclusive power to compromise, mitigate, or remit**
41 **such civil penalties as are referred to the department for collection.**

42 **(d) All money collected from civil penalties under this section**



1 shall be deposited in the fire and building services fund established
2 by IC 22-12-6-1.



REPORT OF THE PRESIDENT
PRO TEMPORE

Madam President: Pursuant to Senate Rule 68(b), I hereby report that Senate Bill 381, currently assigned to the Committee on Homeland Security and Transportation, be reassigned to the Committee on Appropriations.

BRAY

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 381, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 35, delete "low level" and insert "**low-level**".

Page 3, line 19, delete "and".

Page 3, line 22, delete "content." and insert "**content;**".

Page 3, between lines 22 and 23, begin a new line double block indented and insert:

"(C) any discrete source of radium-226 that is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity;

(D) any material that has been made radioactive by use of a particle accelerator and is produced, extracted, or converted after extraction for use for a commercial, medical, or research activity; and

(E) any discrete source of naturally occurring radioactive material, other than source material, that is extracted or converted after extraction for use in a commercial, medical, or research activity, if the governor, after determination by the NRC, declares by order that the source would pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety."

Page 3, line 40, delete "low level" and insert "**low-level**".

Page 4, line 7, delete "High level" and insert "**High-level**".

Page 4, line 18, delete "particles" and insert "**particles;**".

Page 4, line 20, delete "Low level" and insert "**Low-level**".

Page 4, line 21, delete "high level" and insert "**high-level**".



Page 5, line 23, delete "means radioactive material" and insert **"means collectively, radioactive material and"**.

Page 5, line 27, delete "source material" and insert **"source material;"**.

Page 7, line 16, delete "act" and insert **"chapter"**.

Page 7, line 18, delete "agency" and insert **"agencies"**.

Page 7, line 20, delete "agency" and insert **"agencies"**.

Page 8, line 3, delete "material, devices," and insert **"material, or devices"**.

Page 9, line 35, delete "low level" and insert **"low-level"**.

Page 10, line 12, delete "low level" and insert **"low-level"**.

Page 10, line 16, delete "may" and insert **"may,"**.

Page 10, line 19, delete "long term" and insert **"long-term"**.

Page 10, line 23, delete "long term" and insert **"long-term"**.

Page 10, line 26, delete "long term" and insert **"long-term"**.

Page 10, line 28, after "safety and" insert **"the"**.

Page 10, line 33, delete "long term" and insert **"long-term"**.

Page 10, line 40, delete "long term" and insert **"long-term"**.

Page 11, line 13, delete "long term" and insert **"long-term"**.

Page 11, line 14, delete "long term" and insert **"long-term"**.

Page 12, line 33, delete "low level" and insert **"low-level"**.

Page 13, line 1, delete "low level" and insert **"low-level"**.

Page 13, line 14, delete "long term" and insert **"long-term"**.

and when so amended that said bill do pass.

(Reference is to SB 381 as introduced.)

MISHLER, Chairperson

Committee Vote: Yeas 12, Nays 0.

