

IC 10-19-11

Chapter 11. Radiation and Radioactive Material Control

IC 10-19-11-1

Public policy

Sec. 1. Whereas radiation may improve the health, welfare, and productivity of the public if used properly, but may impair the health of the public and the industrial and agricultural potentials of Indiana if used improperly, it is the public policy of Indiana to encourage constructive uses of radiation and to control the harmful effects of radiation.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-2

Definitions

Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Agency" refers to the department of homeland security established by IC 10-19-2-1.

(c) "Agreement state" means a state with which the United States Atomic Energy Commission or the Nuclear Regulatory Commission has entered into an agreement under subsection 274b of the federal Atomic Energy Act of 1954 (42 U.S.C. 2021b).

(d) For purposes of this chapter, exposures are "as low as is reasonably achievable" if every reasonable effort has been made to maintain exposures to ionizing radiation as far below the dose limits as is practical:

- (1) consistent with the purpose for which the licensed activity is undertaken;
- (2) taking into account the state of technology and the economics of improvements; and
- (3) in relation to:
 - (A) benefits to the public health and safety;
 - (B) other societal and socioeconomic considerations; and
 - (C) utilization of nuclear energy and licensed materials in the public interest.

(e) "Atomic Energy Act of 1954" refers to the federal Atomic Energy Act of 1954, 42 U.S.C. 2011 et seq., as in effect January 1, 2014.

(f) "Byproduct material" means any of the following:

- (1) Radioactive material, except special nuclear material, yielding in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.
- (2) The tailings or wastes produced by the extraction or concentration of uranium or thorium from ore.
- (3) Any discrete source of radium-226 that is produced, extracted, or converted after extraction for use for a

commercial, medical, or research activity.

(4) Any material that:

(A) has been made radioactive by use of a particle accelerator; and

(B) is:

(i) produced;

(ii) extracted; or

(iii) converted after extraction;

for use for a commercial, medical, or research activity.

(5) Any discrete source of naturally occurring radioactive material, other than source material, that:

(A) is determined by the Nuclear Regulatory Commission, in consultation with the administrator of the United States Environmental Protection Agency, the United States Secretary of Energy, the United States Secretary of Homeland Security, and the head of any other appropriate federal agency, to pose a threat similar to the threat posed by a discrete source of radium-226 to the public health and safety or the common defense and security; and

(B) is:

(i) extracted; or

(ii) converted after extraction;

for use in a commercial, medical, or research activity.

(g) "General license" means an export or import license that:

(1) is issued through rulemaking by the Nuclear Regulatory Commission;

(2) is effective without the filing of a specific application with the Nuclear Regulatory Commission or the issuance of licensing documents to a particular person;

(3) is not an exemption from the requirements of the Nuclear Regulatory Commission; and

(4) does not relieve a person from complying with other applicable Nuclear Regulatory Commission, federal, or state requirements.

(h) "Inspection" means an official examination or observation by the agency. The term includes tests, surveys, and monitoring to determine compliance with this chapter and the rules adopted under this chapter.

(i) "Ionizing radiation" means:

(1) alpha particles;

(2) beta particles;

(3) gamma rays;

(4) x-rays;

(5) neutrons;

(6) high-speed electrons;

(7) high-speed protons; and

(8) other particles capable of producing ions.

The term does not include nonionizing radiation such as radio waves,

microwaves, and visible light, infrared light, or ultraviolet light.

(j) "License" means a license issued under the Nuclear Regulatory Commission regulations or by an agreement state as stated in 10 CFR Parts 30 through 36, 39, 40, 50, 60, 61, 63, 70, or 72.

(k) "Licensed material" means:

- (1) source material;
- (2) special nuclear material; or
- (3) byproduct material;

that is received, possessed, used, transferred, or disposed of under a general or specific license issued by the Nuclear Regulatory Commission or the agency.

(l) "Nuclear Regulatory Commission" refers to the United States Nuclear Regulatory Commission.

(m) "Person" means an individual, a firm, a partnership, an association, a fiduciary, an executor or administrator, a governmental entity, a limited liability company, or a corporation.

(n) "Radioactive material" means:

- (1) byproduct material;
- (2) source material;
- (3) special nuclear material; or
- (4) any solid, liquid, or gas that emits radiation spontaneously.

(o) "Registration" means registration with the agency.

(p) "Source material" means:

- (1) natural uranium, depleted uranium, thorium, or any other combination of natural uranium, depleted uranium, and thorium, in any physical or chemical form other than special nuclear material; or
- (2) ores that contain by weight at least five-hundredths of one percent (0.05%) of:
 - (A) natural uranium;
 - (B) depleted uranium;
 - (C) thorium; or
 - (D) any combination of natural uranium, depleted uranium, and thorium.

(q) "Special nuclear material" means:

- (1) plutonium;
- (2) uranium-233; or
- (3) uranium enriched above seven hundred eleven thousandths of one percent (0.711%) by weight in the isotope uranium-235.

(r) "Specific license" means an export or import license document that is issued to a named person and authorizes the export or import of specified nuclear equipment or materials based upon the review and approval of an NRC Form 7 (Application for NRC Export or Import License, amendment, renewal, or consent request(s)) application.

(s) "Unnecessary radiation" means radiation used in such a manner as to be injurious or dangerous to health, life, or property.

(t) "The state" refers to the state of Indiana.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-3

Inspection and investigation

Sec. 3. (a) The agency or the agency's agent may enter at any reasonable time any private or public property for the purpose of an inspection and investigation of conditions relating to radiation control.

(b) An owner or tenant of private or public property shall, upon reasonable notice, make available to the agency for inspection records maintained in accordance with 10 CFR 20, this chapter, and the rules adopted under this chapter.

(c) An owner or tenant of private or public property shall permit the agency to:

(1) perform radiation surveys in the air using portable survey equipment; and

(2) take environmental samples for analysis;

as the agency considers appropriate and necessary for public health and safety.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-4

Regulation of byproduct material, source material, and special nuclear material; agreement with Nuclear Regulatory Commission

Sec. 4. (a) Byproduct material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission for the state to assume regulation of the use of byproduct material under subsection (d).

(b) Source material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission for the state to assume regulation of the use of source materials under subsection (d).

(c) Special nuclear material shall be licensed and regulated in Indiana by the Nuclear Regulatory Commission until the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission to assume regulation of the use of special nuclear material under subsection (d).

(d) The governor, or the governor's appointee on behalf of the state, may enter into an agreement with the Nuclear Regulatory Commission to assume regulation, as authorized under the federal Atomic Energy Act of 1954, of the use of the following:

(1) Byproduct material.

(2) Source material.

(3) Special nuclear material.

(e) An agreement entered into under subsection (d) may provide for the federal government to relinquish certain of its responsibilities

with respect to sources of ionizing radiation and for the state to assume those responsibilities.

(f) After the governor, on behalf of the state, enters into an agreement with the Nuclear Regulatory Commission under subsection (d), the agency may adopt rules under IC 4-22-2 to implement the agreement, including emergency rules in the manner provided under IC 4-22-2-37.1.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-5

Duty to register source of radiation

Sec. 5. If a person receives, possesses, uses, transfers, owns, or acquires any source of radiation before the governor enters into an agreement with the Nuclear Regulatory Commission under section 4 of this chapter, the person shall register the source of radiation with the agency on forms prescribed by the agency.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-6

Registration or licensing of person that produces, uses, stores, or disposes of radioactive materials

Sec. 6. (a) A person shall not produce, use, store, or dispose of radioactive materials until the person:

- (1) is registered or licensed in Indiana under this chapter; or
- (2) registers in writing with the agency, giving the pertinent information the agency requires, in accordance with the procedures prescribed by the agency.

(b) A person that uses, stores, or disposes of radioactive materials may be exempted by the agency from licensure or registration under this chapter if the agency determines that the person's use, storage, or disposal of radioactive materials is not a material hazard to public health, safety, and welfare.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-7

Duty of person transporting, handling, using, or storing ionizing radiation sources

Sec. 7. A person transporting, handling, using, storing, or keeping ionizing radiation sources shall:

- (1) transport, handle, use, store, or keep the ionizing radiation sources so as to prevent unnecessary radiation; and
- (2) make every effort to keep exposures as low as is reasonably achievable.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-8

Rules

Sec. 8. In addition to adopting rules under section 4(f) of this

chapter, the agency may adopt rules under IC 4-22-2 to effectuate the purposes of this chapter, including rules imposing fees for licensure and registration under this chapter.

As added by P.L.29-2014, SEC.2.

IC 10-19-11-9

Violations

Sec. 9. A person who:

(1) produces radiation; or

(2) produces, uses, stores, sells, or otherwise disposes of radioactive materials;

in violation of this chapter commits a Class B misdemeanor. Each day a violation continues, after notification in writing of the offense by the agency, constitutes a separate offense.

As added by P.L.29-2014, SEC.2.