



UNITED STATES  
**NUCLEAR REGULATORY COMMISSION**  
WASHINGTON, D.C. 20555-0001

April 20, 2022

Ms. Alyssa Schroeder, Legislative Director  
Indiana Department of Homeland Security  
302 W. Washington St, Room E208  
Indianapolis, IN 46204

Dear Ms. Schroeder:

We have reviewed the Indiana legislation in the Senate Enrolled Act 381 received by our office on March 22, 2022. This legislation was reviewed by comparison to the Council of State Governments Suggested State Legislation (SSL), 1983, Volume 42, and NMSS procedure SA-700 Handbook, *Processing an Agreement*. We will discuss our review of the legislation with you during the next scheduled meeting on May 4, 2022.

As a result of our review, we have five comments that have been identified in the enclosure. The comments are discussed in more detail in the enclosed comment table.

If you have any questions regarding the comments, or the SSL used in the review, please contact Michelle Beardsley, State Regulation Review Coordinator, at 301-415-0275 ([michelle.beardsley@nrc.gov](mailto:michelle.beardsley@nrc.gov)).

Sincerely,

A handwritten signature in black ink that reads "B. C. Anderson".

Signed by Anderson, Brian  
on 04/20/22

Brian C. Anderson, Chief  
State Agreement and Liaison Programs Branch  
Division of Materials Safety, Security, State,  
and Tribal Programs  
Office of Nuclear Material Safety  
and Safeguards

Enclosure: Comment table

SUBJECT: INDIANA LEGISLATION IN THE SENATE ENROLLED ACT 381  
DATE APRIL 20, 2022

DISTRIBUTION: SP[07]  
DIR RF (22-29)  
DWhite, NMSS  
DPiccirillo, RSAO  
Indiana File

ADAMS Accession No. ML pkg ML22082A052 and ML22110A086 letter

OFFICE	NMSS/MSST	OGC	NMSS/MSST
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DATE	04/20/22	04/19/22	04/20/22

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**COMMENTS ON INDIANA SENATE ENROLLED ACT (SEA) ACT 381**

STATE SECTION		STATE SUGGESTED LEGISLATION (SSL) SECTION	SUBJECT and COMMENTS
1	Section 5	Section 5	<p><b>State Radiation Control Agency</b></p> <p>Indiana SEA 381 omits the word “loans” in Section 5(c)(6). Please provide an explanation or insert this word in Section 5(c)(6).</p> <p><b>Comment modified from NRC letter dated January 6, 2022.</b></p>
2	Section 16	Section 13	<p><b>Conflicting Laws</b></p> <p>Indiana’s legislation in IC Sec. 13 states that ordinances, resolutions, and regulations of state agencies, other than the department under section 5, shall be superseded by this chapter.</p> <p>If all other agency provisions are superseded by this chapter, please explain whether this impacts IHD’s regulations if there is an overlap of responsibilities. Does IHD have similar provisions?</p> <p><b>Comment stands from NRC letter dated January 6, 2022.</b></p>
3	Section 14	Section 17(g)	<p><b>Administrative Procedure and Judicial Review</b></p> <p>Indiana omits the phrase in SSL Sec. 17(g) that states, “Any final agency action or order entered in any proceeding under subsections (a), (b), (c) and (f) above shall be subject to judicial review by the [appropriate court] in the manner prescribed in [cite appropriate state act setting out procedure for appeal.]”</p> <p>Please explain why this phrase is omitted.</p> <p><b>Comment stands from NRC letter dated January 6, 2022.</b></p>
4	--	Section 21(a)	<p><b>Penalties</b></p> <p>Indiana omits SSL Sec. 21(a) Criminal penalties.</p> <p>Please explain why this section is omitted.</p> <p><b>Comment stands from NRC letter dated January 6, 2022.</b></p>

STATE SECTION		STATE SUGGESTED LEGISLATION (SSL) SECTION	SUBJECT and COMMENTS
5	Section 18	Section 21	<p><b>Penalties</b></p> <p>Indiana legislation Sec. 18(b) states, “Whenever the department proposes to subject a person to the imposition of a civil penalty under the provisions of this section, it shall issue an order in accordance with IC 4-21.5.”</p> <p>Please confirm whether the information contained in Indiana notice provisions are comparable to SSL Sec. 21(b)(2).</p> <p>Additionally, IC Sec. 18(d) states that all money collected from civil penalties shall be deposited in the fire and building services fund established by IC 22-12-6-1.</p> <p>Please explain why the legislation was revised from the department to the “fire and building services fund.” Please clarify how is this fund used? Can the fund cover the department’s general operating expenses?</p> <p><b>Comment modified from NRC letter dated January 6, 2022.</b></p>