4.2 Regulatory Requirements Program Elements

A State may adopt regulatory requirements in a State specific format or adopt the NRC regulations by reference. Alternatively, the State may use the Suggested State Regulations (SSR), published by the Conference of Radiation Control Program Directors, as a model for its regulations.

The State of Indiana is incorporating the required and relevant Parts of the Code of Federal Regulations (CFR) by reference to maintain compatibility with NRC regulations. The Indiana Radioactive Material Rules refers to the Parts incorporated by Reference, and the exceptions to incorporation. A complete copy of the Indiana Radioactive Material Rules is attached as Appendix 4.2-1. Parts 19, 20,30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 61, 70, 71, 150 and 170 of the CFR are incorporated by reference with the exception of those sections reserved to the NRC or otherwise states in the rule.

By incorporating these Parts of the CFR by reference, the State of Indiana will remain compatible in Compatibility Categories A, B, and C, as well as all program elements identified as having a health and safety role.

Indiana Standards for Protection Against Radiation are based on those of 10 CFR 20, including the dose limits for occupationally exposed persons and members of the public; limits on the concentration and quantity of materials released to the environment; and technical definitions and terminology, units of radioactivity and radiation dose, radiation symbols, labels, and warning signs.

Indiana has adopted those regulatory requirements designated by the NRC with significant transboundary implications. These provide the requirements that affect the movement of materials across State borders, provide certain other regulations, such as the concentrations of materials where the end user is exempt from licensing, and other requirements where a consistent nationwide approach is necessary.

By incorporating Parts of the CFR by reference, Indiana's regulations will provide what is needed for an orderly pattern of regulation, avoiding conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulations of agreement material on a nationwide basis and will not result in undesirable consequences.

Indiana's regulations cover all categories of material being requested under the Agreement, and do not claim any intent to regulate materials or activities over which the NRC retains jurisdiction.

4.2.1 Regulations or Legally Binding Requirements

SA-700 4.2.1.1

1. Indiana has adopted those NRC requirements designated as Compatibility Category A as defined in the Handbook to Management Directive 5.9. The NRC program elements in Category A are those that are basic radiation protection standards and scientific terms and definitions that are necessary to understand radiation protection concepts. The program elements adopted by the State of Indiana are identical to those of the NRC and provide uniformity in the regulation of agreement material. This is because the State is incorporating by reference Parts 19, 20, 30, 31, 32, 33, 34, 35, 37, 39, 40, 61 70, 71, 150, and 170 of the Code of Federal Regulations (CFR), except for those sections exclusively reserved for the NRC.

   The State of Indiana has incorporated by reference, the applicable section of 10 CFR 20, regarding Standards for Protection Against Radiation. Future amendments are incorporated by reference in accordance with IC 10-19-12-5(c)(3) whenever the NRC's regulations change.

2. Indiana has adopted those regulatory requirements that satisfy the criteria for Compatibility Category B as defined in the Handbook to Management Directive 5.9. The NRC program elements in Category B are those that apply to activities that have direct and significant transboundary implications. The program elements adopted by the state of Indiana are identical to those of the NRC and provide uniformity in the regulation of agreement material.
3. Indiana has adopted those regulatory requirements that satisfy the criteria for Compatibility Category C as defined in the Handbook to Management Directive 5.9. The NRC program elements in Category C are those that do not meet the criteria of Category A or B, but the essential objectives of which an Agreement State should adopt to avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on

a nationwide basis. The program elements adopted by the State of Indiana are identical to those of the NRC and provide uniformity in the regulation of agreement material. This is because the State is incorporating by reference Parts 19, 20,30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 61, 70, 71, 150, and 170 of the Code of Federal Regulations (CFR), except for those sections exclusively reserved for the NRC.

The State of Indiana is incorporating the required parts of 10 CFR by reference to eliminate the possibility of duplications, gaps, or other conflicts in regulation, including duplications, gaps, or conflicts between the State and the NRC, State agencies, or State and local agencies. NRC staff has reviewed the State of Indiana regulations for adequacy and compatibility categories as identified in NRC's MD 5.9.

Preventing duplications, gaps, and conflicts between State agencies is addressed at IC 10-19-12-13 which states that "Ordinances, resolutions, or regulations, now or hereafter in effect, of the governing body of a municipality or country or of state agencies, other than the department under section 5 of this chapter, relating to byproduct, source, and special nuclear materials shall be superseded by this chapter." Duplications, gaps, and conflicts between the State and other State agencies, or State and local agencies are reduced through IC 10-19-12-5:

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

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

(2) Review, before and after, the holding of any public hearing required under the provisions of this chapter prior to promulgation, the proposed rules and regulations of any state agencies that relate to the use and control of radiation, to assure that the rules and regulations are consistent with other agencies. Proposed rules and regulations are not

effective until thirty (30) days after submission to the department, unless either the governor or the department waives all or part of the thirty (30) day period. The waiting period runs concurrently with any other waiting period required by state law.

(3) Consult with state agencies in an effort to resolve inconsistencies if the department determines that a proposed rule or regulation is inconsistent with an existing rule or regulation.

Indiana, in requesting an Agreement to regulate byproduct and/or source material as provided in the Atomic Energy Act, as amended, shall not have jurisdiction over areas under NRC jurisdiction on the date that the Agreement becomes effective. An orderly pattern of regulation ensures a transfer of regulatory authority to the State of Indiana from the Nuclear Regulatory Commission, on the date the Agreement becomes effective. IC Codes 10-19-12-13 and 10-19-12-5 ensure that state programs and regulations avoid conflict, duplication, gaps, or other conditions that would jeopardize an orderly pattern in the regulation of agreement material on a nationwide basis, and that, if not adopted, would result in undesirable consequences.

4. Indiana has adopted those regulations that satisfy the criteria for the health and safety category as defined in the Handbook to Management Directive 5.9. These are NRC program elements that are not required for compatibility (i.e., Category D), but that have been identified as having a health and safety role (i.e., adequacy) in the regulation of agreement material within the State. Failures could lead to an exposure to an individual in excess of the basic radiation protection standard in Category A if its essential objectives were not adopted.

   Although not required for compatibility, Indiana adopts program elements in this category, based on those of NRC, because of particular health and safety considerations. The State of Indiana incorporates health and safety elements that are identical to those of the NRC because the State of Indiana is incorporating by reference Parts 19, 20,30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 61, 70, 71, 150 and 170 of the Code of Federal Regulations (CFR), except for those sections

exclusively reserved for the NRC. Incorporation is found in the Indiana Radioactive Material Rules. The Rule in its entirety is attached as Appendix 4.2-1.

SA 700 Section 4.2.1.2

1. The state regulations satisfy the criteria for adequacy and compatibility categories as identified in NRC's MD 5.9.
2. The state regulations apply to all materials covered by the Agreement. The State regulations will apply to all sources of ionizing radiation by incorporating by reference 10 CFR 20 for total occupational dose to individuals for radioactive materials and non-radioactive material sources of radiation.
3. The State adopts the NRC regulations by reference with exceptions and disclaims any intent to regulate materials or activities which over the NRC retains jurisdiction.

Appendix 4.2-1 Title 290 Article 3 Standards for Protection Against Radiation

Title 290. Department of Homeland Security

Article 3. Standards for Protection Against Radiation

Rule 1. General Provisions

290 IAC 3-1-1. Applicability

Sec. 1 (a) This Article, except as otherwise specifically provided, applies to all persons who use, store, produce, transport, possess or dispose of radioactive materials within the state of Indiana.

(b) This Article does not apply to any person to the extent such a person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC).

290 IAC 3-1-2 Reconciliation of Differences

Sec. 2. (a) To reconcile differences between this Article and the incorporated language, the following words and phrases shall be substituted for the language in the incorporated material as follows:

(1) Unless otherwise specified in this section, any reference to "Department" means Indiana Department of Homeland Security.

(2) A reference to "NRC", "Commission", "Regional Office", "Director, Office of Nuclear Material Safety and Safeguards or his/her designee", "United States Nuclear Regulatory Commission", "U.S. Nuclear Regulatory Commission",

“Administrator of the appropriate Regional Office”, “Regional Administrator”, or “Atomic Energy Commission”, means the Indiana Department of Homeland Security, except when used in:

(A) the definition of “Agreement State” in 10 CFR 30.4, 35.2, 37.5. 40.4, 70.4, and 150.3;

(B) the definition of “Sealed Source and Device Registry” in 10 CFR 32.2 and 35.2;

(C) 10 CFR 35 when referring to the NRC's Medical Uses Licensee Toolkit web page;

(D) the reference to master material license or licensee in 10 CFR 35;

(E) the definition of “Fingerprint orders” in 10 CFR 37.5;

(F) 10 CFR 37.25(b)(2);

(G) 10 CFR 37.27(a) and (c);

(H) 10 CFR 37.29(a)(1) and (a)(7);

(I) 10 CFR 37.31(d);

(J) the reference to the NRC’s license verification system in 10 CFR 37.71(a)-(c);

(K) 10 CFR 39.63(l);

(L) 10 CFR 40.4;

(M) 10 CFR 40.35(f);

(N) 10 CFR 61.55(a)(2)(iv);

(O) 10 CFR 70.19(a)(2), (a)(3), and (c)(3);

(P) 10 CFR 71.17(e);

(M) 10 CFR 71.88(a)(4);

(M) 10 CFR 71.93(c);

(O) The definitions of “Certificate Holder” and “Certificate of Compliance” in 10 CFR 71.4;

(3) Any reference to “NRC or Agreement State”, “Commission or the licensing agency of an Agreement State”, “Commission or the appropriate agency of an Agreement State”, “Commission or the Atomic Energy Commission or an Agreement State”, “Atomic Energy Commission, the Commission, or an Agreement State”, “with the Commission or with an Agreement State”, “U.S. Nuclear Regulatory Commission or the legally binding requirements issued by Agreement

States", "Commission or Agreement State", or "Commission or an Agreement State" means the "Indiana Department of Homeland Security, the NRC, or Agreement State";

(4) A reference to "or equivalent Agreement State regulations" means "NRC regulations in Chapter 10 of the Code of Federal Regulations, or equivalent Agreement State regulations." A reference to "or equivalent Agreement State requirements" means "NRC requirements, or equivalent Agreement State requirements". A reference to "comparable provisions of an Agreement State" means "comparable provisions of the NRC or of an Agreement State". A reference to "an Agreement State" means "an Agreement State or the NRC". A reference to "equivalent regulations of an Agreement State" means "NRC regulations in Chapter 10 of the Code of Federal Regulations, or equivalent regulations of an Agreement State".

(5) Any reference to the Advisory Committee on the Medical Uses of Isotopes (ACMUI) shall be deemed to be a reference to the Department's Radiation Advisory Committee.

(6) Any notifications, communications, reports, correspondence, or oath and affirmations referenced in the incorporated sections of the Code of Federal Regulations shall be directed to the Department using the contact information specified in section 5 of this chapter. However,

(A) fingerprints for FBI criminal history records check and related fees shall be submitted to the NRC in accordance with 10 CFR 37.27;

(B) the submission required before the first use of an NRC approved package shall be sent in accordance with 10 CFR 71.17(c)(3), to the NRC, ATTN: Document Control Desk, Director, Division of Spent Fuel Storage and Transportation, Office of Nuclear Material Safety and Safeguards, using the appropriate methos listed in 10 CFR 71.1(a), the licensee's name and license number and the package identification number specified in the package approval;

(7) Any requirement to utilize an NRC Form may also be satisfied by use of an equivalent form approved by the Department.

(8) In 10 CFR 30.32(g); 31.5(b)(1)(ii); 31.5(c)(3)(ii); 31.5(c)(5); 31.5(c)(13)(iv); 31.6; 31.7(a); ; 31.8(b); 31.8(c)(3); 31.10(a); 31.10(b)(1); 31.11(c)(4); 31.11(d)(1); 31.12(c)(4); 32.51a(b); 32.51a(b)(1) and (4); 32.51a(e); 32.52(b); 32.52(b)(7); 32.55(d); 32.56; 32.62(e); 32.74(a)(3); 34.89(b)(12); 39.41(f); 39.51; 39.75(e); 40.25(b); 40.25(d)(3); 40.35(d)(2) and (e)(2); 40.55(d)(2); 170.31, Table 1, Category 16, "Reciprocity"; 170.31(1); and 171.17(b)(2), where a reference is made to "an Agreement State", or "non-Agreement State" it means "an Agreement State or the NRC";

(9) In 10 CFR 31.6 and 31.8(a)(1), where the words “any non-agreement state” or “offshore waters” are used substitute the words “State of Indiana”;

(10) In 10 CFR 39.51, where the phrase “or by an Agreement State” is used, substitute the words “by the NRC or by an Agreement State”;

(11) In 10 CFR 70.19(a)(1), reference to “a non-agreement State” means “the State of Indiana”;

(12) In 10 CFR 37.77(a)(1), the following language is preserved; “The contact information including telephone and mailing addresses, of governors and governors’ designees, is available on the NRC’s Web site at https://scp.nrc.gov/special/designess.pdf. A list of the contact information is also available upon request from the Director, Division of Materials Safety, Security, State, and tribal Programs, Office of Nuclear Materials Safet and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 2055-0001.” Additionally, the language in 10 CFR 37.77(d) is preserved.;

(13) Required statements for labeling referenced in 10 CFR are preserved.

(14) In 10 CFR 71.97(c)(3)(ii) and (iii) and in 71.97(f) the language is preserved;

(15) In 10 CFR 30.12; 30.41(b)(1), the definition of “Department of Energy” in 10 CFR 40.4 and 70.4; 40.11; 40.14(c); 40.51(b)(1); 70.11; and 70.42(b)(1); the word “Department” means the “US Department of Energy”;

(16) In 10 CFR 30.41(b)(2); 40.51(b)(2); and 70.42(b)(2), “agency in any Agreement State” means “agency in any Agreement State or agency under NRC jurisdiction”.

(17) In 10 CFR 30.41(b)(4); 40.51(b)(4); and 70.42(b)(4); where a reference is made to “any person in an Agreement State, subject to the jurisdiction of that State, who has been exempted from the licensing requirements and regulations of that State” it means, “any person in an Agreement State or in NRC jurisdiction, subject to the jurisdiction of that State or the NRC, who has been exempted from the licensing requirements and regulation of that State or the NRC”.

(18) For purposes of 10 CFR Part 71, Subpart H, and 10 CFR 170 and 171 only, the terms “certificate of compliance”, “compliance holder”, “certificate holder”, or “applicant for certificate of compliance” apply to the NRC as they are the sole authority for issuing a package certificate of compliance.

(19) In 10 CFR 150.20, where the words:

(A) “non-agreement states”, “areas of exclusive federal jurisdiction within agreement states”, or “offshore waters” are used in (a)(1)(i), (ii), (iii); (b), (b)(3), and (b)(4) means “The State of Indiana”,

(B) “agreement state license” means “agreement state license of Nuclear regulatory Commission license”,

(C) “license issued by an agreement state” means “license issued by an agreement state or the Nuclear Regulatory Commission”,

(D) “license from an agreement state” means “license from an agreement state of the Nuclear Regulatory Commission”.

(20) In 10 CFR 19.15; 19.16; 30.12; 30.13; 30.14; 30.15; 30.18; 30.19; 30.20; 30.21; 30.22; 30.34; 30.41(b)(3); 30.61(b); 40.31(d); 40.32(a); 40.41(a), (b), and (e)(4); 40.51(b)(3); 40.71; 70.21(b); 70.31(a); 70.32(a)(3); 70.32(b)(5); 70.36; 70.42(b)(3); 70.81; and 150.20(b), reference to “the Act”, “Atomic Energy Act of 1954”, “act”, Section 81 of the Act”, “Section 81 and 82 of the Act”, or “section 182 of the Act”, should mean Indiana Code 10-19-12, entitled, “Nuclear Regulatory Agreement.

(21) References to parts of Chapter 10 of the Code of Federal Regulations that remain under the NRC’s regulatory authority (e.g., 10 CFR Parts 50, 52, 54, 60, 63, 72, 76, and 110; and the phrase “common defense and security”) are not incorporated.

(22) In 10 CFR 19.11(a)(4); 30.10(b); 40.10(b); 70.10(b); and 71.8(c) the reference to 10 CFR 2, subpart B is replaced with Indiana Code 10-19-12-18 [equivalent state regulations and provisions].

(23) In 10 CFR 40.31(c), the reference to 10 CFR Parts 2 and 9, relating to public records, is replaced with Indiana Code 5-14-3.Similarly, in 10 CFR 70.21(d), the reference to part 2 is replaced with Indiana Code 5-14-3.

(24) In 10 CFR 30.32(f); 30.33; 40.31(f); and 40.32(e) the reference to 10 CFR Part 51 is replaced with Indiana Code 13[equivalent state regulations and provisions].

(25) In 10 CFR 71.101(c)(1), using an appropriate method listed in § 71.1(a), each licensee shall file a description of its quality assurance program, including a discussion of which requirements of this subpart are applicable and how they will be satisfied, by submitting the description to the address specified in 290 IAC 3-1-4(a).

(26) In 10 CFR 61.55(a)(2)(iv) the reference to “part 60 or 63 of this chapter” is replaced with “10 CFR 60 or 63”.

(27) In 10 CFR 39.11, reference to the definition of “person” in 10 CFR 30.4 is a reference to the definition of “person” in Indiana Code 10-19-12.

(28) In 10 CFR 31.2; 31.5(b)(10); 31.7(b); 31.8(c); 31.11(f); 31.12(b); 40.13; 40.22(d); and 70.19(c) the reference to “21 of this chapter” is replaced by “10 CFR Part 21”.

(29) In 10 CFR 34.45(a)(9) and in 10 CFR 39.63(l), the phrase “as required by part 21 of this chapter” is excluded.

(30) Any reference to “part 73 of this chapter” is a reference to 10 CFR Part 73.

(31) In 10 CFR 150.20, “74.11, 74.15, and 74.19 of this chapter” is replaced by “10 CFR 74.11, 74.15, and 74.19”.

290 IAC 3-1-3 Definitions

Sec. 3. (a) The following definitions apply, as indicated, throughout this Article:

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

(2) "Closure" or "site closure" means all activities performed at a waste disposal site, such as stabilization and contouring, to assure that the site is in a stable condition so that only minor custodial care, surveillance, and monitoring are necessary at the site following termination of a licensed operation.

(3) "Decommissioning" means final operational activities at a facility to dismantle site structures, to decontaminate site surfaces and remaining structures, to stabilize and contain residual radioactive material, and to carry out any other activities to prepare the site for post-operational care.

(4) "Department" means the Indiana department of homeland security established by IC 10- 19-2-1.

(5) "Registration" means registration with the department in accordance the Indiana Administrative Procedure Act, IC 4-21.5 and IC 4-22.

(6) "General license" means a license effective under regulations promulgated by the department without the filing of an application with the department or the issuance of licensing documents to particular persons to transfer, acquire, own, possess, or use quantities of, or devices or equipment utilizing, radioactive material.

(7) “Government agency” means any board, commission, department, agency, authority, or other entity, by whatever name designated, exercising a portion of the executive, administrative, or legislative power of the state.

(8) "High-level radioactive waste" means:

(A) irradiated reactor fuel;

(B) liquid wastes resulting from the operation of the first cycle solvent extraction system, or equivalent, and the concentrated wastes from subsequent extraction cycles, or equivalent, in a facility for reprocessing irradiated reactor fuel; and (C) solids into which such liquid wastes have been converted.

(9) "Low-level radioactive waste" means radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material.

(10) "Disposal of low-level radioactive waste" means the isolation of such waste from the biosphere by emplacement in a land burial facility.

(11) "Sources of radiation" means collectively, radioactive material and radiation generating equipment.

(12) "Radiation" means ionizing radiation and nonionizing radiation.

(13) "Ionizing radiation" means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(14) "Nonionizing radiation" means the following: (A) Any electromagnetic radiation, other than ionizing electromagnetic radiation. (B) Any sonic, ultrasonic, or infrasonic wave.

(15) "Radiation generating equipment" means any manufactured product or device, or component part of such a product or device, or any machine or system that during operation can generate or emit radiation except those that emit radiation only from radioactive material.

(16) "Radioactive material" means material (solid, liquid, or gas) that emits ionizing radiation spontaneously. It includes accelerator produced, byproduct, naturally occurring, source, and special nuclear materials.

(17) "Source material mill tailings" means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes, but not including underground ore bodies depleted by such solution extraction processes.

(18) "Source material milling" means any processing of ore, including underground solution extraction of unmined ore, primarily for the purpose of extracting or concentrating uranium or thorium that results in the production of source material mill tailings.

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

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

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

290 IAC 3-1-4 Communications

Sec. 4. (a) In accordance with IC 10-19-2.1-1 and except where specifically stated otherwise, all notifications, correspondence, communications, and reports, or oath and affirmation certifications required to be submitted under this Article shall be submitted electronically in writing and addressed to the Department at rmcp@dhs.in.gov.

Submissions made by paper shall be made out to:

Indiana Department of Homeland Security

Radioactive Materials Control Program

302 W. Washington St. Room E208

Indianapolis, IN 46204

(b) In case of an emergency, or when an immediate or 24-hour notification is required, notification shall be made telephonically to (317) 233-6611.

290 IAC 3-1-5 Implementation

Sec. 5. (a) On the date the State of Indiana becomes an agreement state as published in the Federal Register, a person who possesses a general or specific license issued by the NRC for source, byproduct, or special nuclear material in

quantities not sufficient to form a critical mass, is deemed to possess a like license issued under this section. The license shall expire on the earlier of 90 days after receipt from the Department of a notice of expiration of the license, or the date of expiration specified in the NRC license.

290 IAC 3-1-6 Inspections

Sec. 6. (a) Requirements regarding Inspections are as required by the materials incorporated by reference.

(b) This section does not limit the authority granted in IC 10-19-11-3.

290 IAC 3-1-7 Violation

Sec. 7. Violations of this Article may be enforced pursuant to IC 10-19-12-15 and IC 10-19-12-18.

290 IAC 3-1-8 Records

Sec. 8. (a) Unless, otherwise stated in this Article, requirements regarding records are as required by the material incorporated by reference. In addition, for the purpose of this Article, records shall be provided in the form of printed materials, or electronic records capable of producing legible, accurate, and complete records during the required retention period. It shall not be provided on microform. The licensee shall maintain adequate safeguards against tampering with and loss of records. Records such as letters, drawings and specification, must include all pertinent information such as stamps, initials, and signatures.

290 IAC 3-1-9 Reports

Sec. 9. (a) Unless otherwise stated in this Article, requirements regarding reports of theft or loss of licensed material are as required by the materials incorporated by reference.

(b) The requirement in 10 CFR 20.2201(a)(1)(ii) and (b)(1) is modified from 30 to 15 days.

(c) Reports required by 10 CFR 20.2201 shall include, to the extent that the information is available at the time of notification, the following information:

(1) The name of the person making the report and their call-back telephone number;

(2) Time and date of the event, and;

(3) The exact location of the event, if available.

290 IAC 3-1-10 Vacating Premises

Sec. 10. Each specific licensee shall, no less than thirty (30) days before vacating or relinquishing possession or control of premises which may have been contaminated with radioactive material as a result of his or her activities, notify the Department in writing of intent to vacate. When deemed necessary by the Department, the licensee shall decontaminate the premises in such a manner as the Department may specify.

Rule 2. Standards for Protection Against Radiation

290 IAC 3-2-1 Applicability

Sec. 1 (a) This Article, except as otherwise specifically provided, applies to all persons who use, store, produce, transport, possess or dispose of radioactive materials within the state of Indiana.

(b) This Article does not apply to any person to the extent such a person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC).

(c) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 also apply.

290 IAC 3-2-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 20 is incorporated by reference.

(b) The following requirements of 10 CFR Part 20 are not incorporated in this Article:

1. 20.1001

2. 20.1002

3. 20.1003 (Definitions of “Byproduct material”, “Commission”, “Decommission”, “Department”, “Generally applicable environmental radiation standards”, “Source material”, and “Special Nuclear Material”)

4. 20.1007

5. 20.1008

6. 20.1009

7. 20.1205

8. 20.1406(b)

9. 20.1905(g)

10. 20.2106(d)

11. 20.2109

12. 20.2110

13. 20.2203(c) and (d)

14. 20.2206(a)(1), (3), (4), (5), and (6)

15. 20.2401

16. 20.2402

17. Appendix D to 10 CFR Part 20

18. Appendix F to 10 CFR Part 20

Rule 3. Notices, Instructions, and Reports to Workers; Inspections and Compliance Procedures

290 IAC 3-3-1 Applicability

Sec. 1 (a) This Article, except as otherwise specifically provided, applies to all persons who use, store, produce, transport, possess or dispose of radioactive materials within the state of Indiana.

(b) This Article does not apply to any person to the extent such a person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC)

(c) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 also apply.

290 IAC 3-3-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 19 is incorporated by reference.

(b) The following requirements of 10 CFR Part 19 are not incorporated in this rule:

1. 19.1

2. 19.2

3. 19.5

4. 19.8

5. Any references to 10 CFR 52 in 19.11(a)

6. 19.11(b) and (e)

7. 19.14(a)

8. 19.18

9. 19.20

10. 19.30

11. 19.32

12. 19.40

Rule 4. Rules of General Applicability to Domestic Licensing of Byproduct Material

290 IAC 3-4-1 Applicability

Sec. 1 (a) This Article, except as otherwise specifically provided, applies to all persons who use, store, produce, transport, possess or dispose of radioactive materials within the state of Indiana.

(b) This Article does not apply to any person to the extent such a person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC)

(c) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 also apply.

290 IAC 3-4-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 30 are incorporated by reference.

(b) The following requirements of 10 CFR Part 30 are not incorporated in this rule:

1. 30.1
2. 30.3(b), (c), and (d)

3. 30.4 (Paragraph (2) of the definition of “Commencement of Construction”, and paragraph (9)(ii) of the definition of “Construction”, “Byproduct material”, “Decommission”, “Government agency”, “Person”, “Production facility”, “Source material”, “Special nuclear material”, and “Utilization facility”)

4. 30.6

5. 30.7

6. 30.8

7. 30.11(b) and (c)

8. 30.21(c)

9. 30.34(d), (e)(1) and (3), (k)

10. 30.41(b)(6)

11. 30.52

12. 30.55

13. 30.63

14. 30.64

Rule 5. General Domestic Licenses for Byproduct Material

290 IAC 3-5-1 Applicability

Sec. 1 (a) This Article, except as otherwise specifically provided, applies to all persons who use, store, produce, transport, possess or dispose of radioactive materials within the state of Indiana.

(b) This Article does not apply to any person to the extent such a person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC)

(c) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 also apply.

290 IAC 3-5-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 31 are incorporated by reference.

(b) The following requirements of 10 CFR Part 31 are not incorporated in this rule:

1. 31.1

2. 31.3

3. 31.4

4. 31.5(a) exclude “Federal”

5. 31.13

6. 31.14

7. 31.15

8. 31.16

9. 31.17

10. 31.18

11. 31.19

12. 31.20

13. 31.21

14. 31.22

15. 31.23

Rule 6. Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material

290 IAC 3-6-1 Applicability

Sec. 1 (a) This Article, except as otherwise specifically provided, applies to all persons who use, store, produce, transport, possess or dispose of radioactive materials within the state of Indiana.

(b) This Article does not apply to any person to the extent such a person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC).

(c) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 also apply.

290 IAC 3-6-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 32 are incorporated by reference.

(b) The following requirements of 10 CFR Part 32 are not incorporated in this rule:

1. 32.1
2. 32.3
3. 32.8
4. 32.11
5. 32.12
6. 32.14
7. 32.15
8. 32.16
9. 32.18
10. 32.19
11. 32.20
12. 32.21
13. 32.21a

14. 32.22

15. 32.23

16. 32.25

17. 32.26

18. 32.27

19. 32.28

20. 32.29

21. 32.30

22. 32.31

23. 32.32

24. 32.210(a)-(h)

25. 32.211

26. 32.301

27. 32.303

290 IAC 3-6-3 Requirements for License to Manufacture, Prepare, or Transfer for Commercial Distribution of Radioactive Drugs Containing Material for Medical Use Under Rule 13

Sec. 3. In addition to the provisions of 10 CFR §32.72(b)(4), an individual may function as an authorized nuclear pharmacist only if they are licensed as a pharmacist by the Indiana State Board of Pharmacy.

290 IAC 3-6-4 Registration of Product Information

Sec. 4. The Department does not administer a sealed source and device registration program. Any manufacturer or initial distributor of a sealed source or device containing a sealed source who is subject to this Article shall submit a request for evaluation of radiation safety information about its product and for its registration to the Nuclear Regulatory Commission pursuant to 10 CFR §32.210.

Rule 7. Specific Domestic Licenses of Broad Scope for Byproduct Material

290 IAC 3-7-1 Applicability

Sec. 1 (a) This Article, except as otherwise specifically provided, applies to all persons who use, store, produce, transport, possess or dispose of radioactive materials within the state of Indiana.

(b) This Article does not apply to any person to the extent such a person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC).

(c) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 also apply.

290 IAC 3-7-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 33 are incorporated by reference.

(b) The following requirements of 10 CFR Part 33 are not incorporated in this rule:

1. 33.1

2. 33.8

3. 33.21

4. 33.23

Rule 8. Licenses for Industrial Radiography and Radiation Safety Requirements for Industrial Radiographic Operations

290 IAC 3-8-1 Applicability

Sec. 1. (a) This rule establishes radiation safety requirements for persons utilizing sources of radiation for industrial radiography operations.

(b) Except for industrial radiation machines regulated pursuant to I.C. 16-41-35, the requirements in this rule apply to all licensees or registrants who use sources of radiation for industrial radiography; provided, however, that nothing in this rule shall apply to the use of sources of radiation in the healing arts.

(c) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 also apply.

290 IAC 3-8-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 34 is incorporated by reference.

(b) The following provisions of 10 CFR Part 34 are not incorporated in this rule:

1. 34.1

2. 34.8

3. 34.87

4. 34.121

5. 34.123

290 IAC 3-8-3 Reconciliation of differences

Sec. 3. To reconcile differences between this rule and the incorporated sections of 10 CFR Part 34, the following words and phrases shall be substituted for the language in 10 CFR Part 34 as follows:

(1) Any reference to licensee shall be deemed to include registrant.

(2) Any reference to license shall be deemed to include registration.

(3) Any referenced to licensed shall be deemed to include registered.

Rule 9. Medical Use of Radioactive Material

290 IAC 3-9-1 Applicability

Sec. 1 (a) This Article, except as otherwise specifically provided, applies to all persons who use, store, produce, transport, possess or dispose of radioactive materials within the state of Indiana.

(b) This Article does not apply to any person to the extent such a person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC).

(c) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, and 18 also apply.

290 IAC 3-9-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 35 is incorporated by reference.

(b) The following provisions of 10 CFR Part 35 are not incorporated in this rule:

1. 35.1

2. 35.8

3. 35.11(c)(1)

4. 35.13(a)(1)

5. 35.4001

6. 35.4002

290 IAC 3-9-3 Reports

Sec. 3. (a) In addition to the requirements outlined in 10 CFR 35 Subpart M, the licensee shall notify the Department by telephone upon discovery, but no later than the next business day, that:

(1) A patient or human research subject has departed from the licensee's facility without authorization under 10 CFR 35.75; or

(2) A patient or human research subject containing radioactive material has died, and it is possible that any individual could receive an effective dose equivalent in excess of the dose limits set forth in 10 CFR 20.1301 as a result of the deceased's body.

(b) In addition to the requirements outlined in 10 CFR 35 Subpart M, the licensee shall submit a written report to the Department within thirty (30) days after the discovery of an event listed in subsection (a) of this section. The written report must include:

(1) The licensee's name;

(2) The date and time of the unauthorized departure or date of death, as appropriate;

(3) The date and time when patient release was expected to occurred, if applicable;

(4) The address of the patient's or human research subject's home or anticipated destination following unauthorized departure, if applicable;

(5) The radionuclide, chemical and physical form, and calculated activity at the time of unauthorized departure or death;

(6) The apparent reason(s) for the unauthorized departure or death prior to authorized released, if applicable;

(7) The names (or titles) and address(es) of known individuals who might have received a TEDE exceeding five (5) mSv (one half (0.5) rem); and

(8) A description of any changes in the licensee's patient release criteria or patient instructions that are designed to avoid a recurrence of such an event.

Rule 10. Licenses and Radiation Safety Requirements for Irradiators

290 IAC 3-10-1 Applicability

Sec. 1. (a) This rule establishes requirement for the issuance of a license authorizing radioactive materials in irradiators used to irradiate objects or material using gamma radiation. This rule also establishes radiation safety requirements for operating irradiators.

(b) This rule applies to panoramic irradiators that have either dry or wet storage of the radioactive sealed sources and to under-water irradiators in which both the source and the product being irradiated are under water. Irradiators whose dose rate exceeds 5 grays (500 rads) per hour at 1 meter from the radioactive sealed sources in air or in water, as applicable for the irradiator type, are covered by this rule.

(c) The requirements set out in this rule do not apply to self-contained dry-source-storage irradiators (those in which both the source and the area subject to irradiation are contained within a device and are not accessible by personnel), medical radiology or teletherapy, radiography (the irradiation of materials for nondestructive testing purposes), gauging, or open-field (agricultural) irradiations.

(d) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, and 18 also apply.

(e) Nothing in this Rule relieves the licensee from complying with other applicable federal, state, and local regulations governing the siting, zoning, land use, and building code requirements for industrial facilities.

290 IAC 3-10-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 36 is incorporated by reference.

(b) The following provisions of 10 CFR Part 36 are not incorporated in this rule:

1. 36.1(a)

2. 36.2 (Paragraph (2) of the definition of "Commencement of Construction" and paragraph (9)(ii) of the definition "Construction").

3. 36.8

4. 36.91

5. 36.93

290 IAC 3-10-3 Reconciliation of differences

Sec. 3. To reconcile difference between this rule and the incorporated sections of 10 CFR Part 36, the following words and phrases shall be substituted for the language in 10 CFR Part 36 as follows:

(1) Any reference to licensee shall be deemed to include registrant.

(2) Any reference to license shall be deemed to include registration.

(3) Any reference to licensed shall be deemed to include registered.

Rule 11. Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material

290 IAC 3-11-1 Applicability

Sec. 1 (a) This Article, except as otherwise specifically provided, applies to all persons who use, store, produce, transport, possess or dispose of radioactive materials within the state of Indiana.

(b) This Article does not apply to any person to the extent such a person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC).

(c) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, and 18 also apply.

290 IAC 3-11-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 37 is incorporated by reference.

(b) The following requirements of 10 CFR Part 37 are not incorporated in this rule:

1. 37.1

2. 37.3

3. 37.5 (definition of “Byproduct material”, “Commission”, “Government Agency”, “Person”)

4. 37.7

5. 37.13

6. 37.101

7. 37.107

8. 37.109

Rule 12. Licenses for Well Logging and Radiation Safety Requirements for Well Logging Operations

290 IAC 3-12-1 Applicability

Sec. 1. (a) This rule prescribes requirements for the issuance of a license authorizing the use of sources of radiation in well logging in a single well. This rule also prescribes radiation safety requirements for persons using sources of radiation in these operations.

(b) This rule applies to all licensees who use sources of radiation for well logging operations including mineral logging, radioactive markers, or subsurface tracer studies.

(c) The requirements set out in this rule do not apply to the issuance of a license authorizing the use of sources of radiation in tracer studies involving multiple wells, such as field flooding studies, or to the use of sources of radiation auxiliary to well logging but not lowering into wells.

(d) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, and 18 also apply.

290 IAC 3-12-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 39 is incorporated by reference.

(b) The following provisions of 10 CFR Part 39 are not incorporated in this rule:

1. 39.1

2. 39.8

3. 39.101

4. 39.103

Rule 13. Domestic Licensing of Source Material

290 IAC 3-13-1 Applicability

Sec. 1 (a) This Article, except as otherwise specifically provided, applies to all persons who use, store, produce, transport, possess or dispose of radioactive materials within the state of Indiana.

(b) This Article does not apply to any person to the extent such a person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC).

(c) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 18 also apply.

290 IAC 3-13-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 40 are incorporated by reference.

(b) The following requirements of 10 CFR Part 40 are not incorporated in this rule:

1. 40.1

2. 40.2

3. 40.2a

4. 40.4 (definition of “Byproduct material”, “Reconciliation”, paragraph (2) in the definition of “Commencement of Construction”, “Commission”, paragraph (9)(ii) in the definition of “Construction”, “Decommission”, "Foreign obligations”, “Government agency”, “Persons”, “Source material”, and “Special nuclear material” only)

5. 40.5

6. 40.7

7. 40.8

8. 40.12(b)

9. 40.13(c)(5)(iv)

10. 40.20(b) and (c)

11. 40.22(a) exclude “Federal”

12. 40.23

13. 40.26

14. 40.27

15. 40.28

16. 40.31(g), (j)-(m)

17. 40.32(d) and (g), and any portion of (e) which applies to uranium enrichment & uranium hexafluoride facilities.

18. 40.33

19. 40.35(f)

20. 40.38

21. 40.41(d), (e)(1) and (3), (g) and (h)

22. 40.51(b)(6)

23. 40.52

24. 40.53

25. 40.56

26. 40.64

27. 40.66

28. 40.67

29. 40.81

30. 40.82

31. Criterion 11A-F and 12 of Appendix A

Rule 14. Licensing Requirements for Land Disposal of Radioactive Waste

290 IAC 3-14-1 Applicability

Sec. 1 (a) This Article, except as otherwise specifically provided, applies to all persons who use, store, produce, transport, possess or dispose of radioactive materials within the state of Indiana.

(b) This Article does not apply to any person to the extent such a person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC).

(c) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, and 18 also apply.

290 IAC 3-14-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 61 are incorporated by reference.

(b) The following requirements of 10 CFR Part 61 are not incorporated in this rule:

1. 61.1

2. 61.2 definition of “Commission”, “Government agency”, and “Person”

3. 61.3

4. 61.4
5. 61.5
6. 61.6
7. 61.7
8. 61.8
9. 61.9
10. 61.9a
11. 61.9b
12. 61.10
13. 61.11
14. 61.12
15. 61.13
16. 61.14
17. 61.15
18. 61.16
19. 61.20
20. 61.21
21. 61.22
22. 61.23(a)-(l)
23. 61.24
24. 61.25
25. 61.26
26. 61.27
27. 61.28
28. 61.29
29. 61.30
30. 61.31
31. 61.32

32. 61.40

33. 61.41

34. 61.42

35. 61.43

36. 61.44

37. 61.50

38. 61.51

39. 61.52

40. 61.53

41. 61.54

42. 61.58

43. 61.59

44. 61.61

45. 61.62

46. 61.63

47. 61.70

48. 61.71

49. 61.72

50. 61.73

51. 61.80

52. 61.81

53. 61.82

54. 61.83

55. 61.84

Rule 15. Specific Domestic Licenses of Special Nuclear Material

290 IAC 3-15-1 Applicability

Sec. 1 (a) This Article, except as otherwise specifically provided, applies to all persons who use, store, produce, transport, possess or dispose of radioactive materials within the state of Indiana.

(b) This Article does not apply to any person to the extent such a person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC).

(c) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, and 18 also apply.

290 IAC 3-15-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 70 are incorporated by reference.

(b) The following requirements of 10 CFR Part 70 are not incorporated in this rule:

1. 70.1

2. 70.2

3. 70.4 (paragraph (2) in the definition of “Commencement of Construction”, “Commission”, paragraph (9)(ii) in the definition of “Construction”, “Decommission”, “Government agency”, “Person”, “Source material”, and “Special nuclear material”)

4. 70.5

5. 70.7

6. 70.8

7. 70.13

8. 70.14

9. 70.20a

10. 70.20b

11. 70.21(a)(1), (c), (f), (g), & (h)

12. 70.22 (b), (c), (f)-(n)

13. 70.23(a)(1), (a)(6) through (a)(12) and (b)

14. 70.23a
15. 70.24
16. 70.25(a)(1), (c), (d), and (f)
17. 70.31(c), (d), and (e)
18. 70.32(a)(1), (4), (5), (6), and (7) and (b)(1), (3), and (4), and (c)-(k)
19. 70.37
20. 70.40
21. 70.42(b)(6)
22. 70.44
23. 70.51(c)
24. 70.52
25. 70.55(c)
26. 70.59
27. 70.60
28. 70.61
29. 70.62
30. 70.64
31. 70.65
32. 70.66
33. 70.72
34. 70.73
35. 70.74
36. 70.76
37. 70.82
38. 70.91
39. 70.92
40. Appendix A to Part 70

Rule 16. Packaging and Transportation of Radioactive Material

290 IAC 3-16-1 Applicability

Sec. 1. (a) This rule establishes requirements for packaging, preparation for shipment, and transportation of licensed material.

(b) The packaging and transportation of licensed material are also subject to the requirements of other agencies (e.g., the U.S. Department of Transportation, the U.S. Nuclear Regulatory Commission, and the U.S. Postal Service) having jurisdiction over means of transport.

(c) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, and 18 also apply.

(d) This rule applies to any licensee authorized by specific or general license issued by the Department to receive, possess, use, or transfer licensed material, if the licensee delivers that material to a carrier for transport, transports the material outside the site of usage as specified in the Department license, or transports that material on public highways. No provision of this rule authorizes possession of licensed material.

290 IAC 3-16-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 71 is incorporated by reference.

(b) The following provisions of 10 CFR Part 71 are not incorporated in this rule:

1. 71.0(a), (b), (d), (e), (f), and (g)

2. 71.1

3. 71.6

4. 71.9

5. 71.10

6. 71.11

7. 71.14(b)

8. 71.16

9. 71.18

10. 71.19
11. 71.24
12. 71.25
13. 71.31
14. 71.33
15. 71.35
16. 71.37
17. 71.38
18. 71.39
19. 71.41
20. 71.43
21. 71.45
22. 71.51
23. 71.53
24. 71.55
25. 71.57
26. 71.59
27. 71.61
26. 71.63
29. 71.64
30. 71.65
31. 71.70
32. 71.71
33. 71.73
34. 71.74
35. 71.75
36. 71.77
37. 71.85(a), (b), and (c)

38. 71.91(b)

39. 71.99

40. 71.100

41. 71.101 (c)(2), (d), and (e)

42. 71.107

43. 71.109

44. 71.111

45. 71.113

46. 71.115

47. 71.117

48. 71.119

49. 71.121

50. 71.123

51. 71.125

Rule 17. Exemptions and Continued Regulatory Authority in Agreement States and in Offshore Waters Under Section 274

290 IAC 3-17-1 Applicability

Sec. 1 (a) This Article, except as otherwise specifically provided, applies to all persons who use, store, produce, transport, possess or dispose of radioactive materials within the state of Indiana.

(b) This Article does not apply to any person to the extent such a person is subject to regulation by the U.S. Nuclear Regulatory Commission (NRC).

(d) The requirements of this rule are in addition to, and not in substitution for, other requirements of this Article. Provisions of rules 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 18 also apply.

290 IAC 3-17-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 150 are incorporated by reference.

(b) The following requirements of 10 CFR Part 150 are not incorporated in this rule:

1. 150.1

2. 150.2

3. 150.3 (Definitions of “Byproduct material”, “Commission”, “Foreign obligations”, “Government Agency”, “Person”, “Production Facility”, “Reconciliation”, “Source material”, and “Special Nuclear Material”, and “Utilization facility”)

4. 150.4

5. 150.7

6. 150.8

7. 150.10

8. 150.14

9. 150.15

10. 150.15a

11. 150.16

12. 150.17

13. 150.17a

14. 150.19

15. 150.21

16. 150.30

17. 150.31

18. 150.32

19. 150.33

290 IAC 3-17-3 Medical Use Limitation

Sec. 3. (a) The Department will not accept any applications for reciprocity under this rule with respect to activities authorized pursuant to regulations that are equivalent to Rule 13 of this Article entitled “Medical Use of Radioactive Material.”

These activities will only be authorized under the provision of a specific license issued by the Department.

Rule 18. Fees

290 IAC 3-18-1 Applicability

Sec. 1. (a) This section applies to any person who is an applicant for, or holder of, a radioactive materials license issued under 290 IAC Article 3 “Standards for Protection Against Radiation”.

290 IAC 3-18-2 Incorporated Material

Sec. 2. (a) Except as provided in this rule and to the extent that the provisions are not inconsistent with this Article, 10 CFR Part 170 and 171 are incorporated by reference.

(b) The following provisions of 10 CFR Part 170 and 171 are not incorporated in this rule:

1. 170.1

2. 170.2

3. 170.3

4. 170.4

5 170.5

6. 170.8

7. 170.11(a)

8. 170.12(c)(1), (c)(3), and (d) through (f)

9. 170.21

10. 170.51

11. 171.1

12. 171.3

13. 171.5

14. 171.7

15. 171.8

16. 171.9

17. 171.11(b) and (d)

18. 171.13

19. 171.15

20. 171.16(a)(1)(v) and (a)(2)

21. 171.17(a)

22. 171.19

23. 171.23

24. 171.25

25. 171.26

26. In 10 CFR 170.31 and 171.16 the following categories of materials licenses and types of fees are also not incorporated: 1.A, 1.B, 1.E, 1.F, 2.A.(1), 2.A.(1)-(2), 2.A.(4), 2.C, 3.D, 3.H, 4.A, 8, 9, 10, 11, 12, 13, 15, 17, and 18.

290 IAC 3-18-3 Radioactive Materials Fees

Sec. 2. (a) Annual license fees for radioactive materials shall be those set forth in 10 CFR 170 and other radioactive materials fees as described in 10 CFR 171.

(1) No refund shall be made if a license is terminated or suspended.

(2) If, by amendment or otherwise, a license changes to another fee category, the fee for the new category will take effect on the anniversary date of the license.

(b) Fees shall be paid utilizing a method approved by the Department.

(c) An initial application for a license shall be accompanied by the appropriate fees set forth in 10 CFR 170. Thereafter, if the Department approves the license application, the Department shall issue an annual fee invoice in accordance with the appropriate fee schedule in 10 CFR Part 171 on a quarterly basis. Invoice quarter will be based on the month of license issuance. Invoices will be issued during the quarter prior. Fees shall be paid by the last day of the quarter as shown on the license fee invoice. This subdivision shall not apply to full cost recovery licenses.

(d) An application for reciprocal recognition of a license shall be accompanied by the fees set forth in 10 CFR 170 and 10 CFR 171.

(e) The Department shall not accept an initial application for a license or reciprocal recognition of a license prior to payment of the fees required by subsections (c) and (d) of this section.

(f) If a single license authorizes more than one activity (e.g. human use and irradiator activities), annual fees will be assessed for each fee category applicable to the license. If a person holds more than one license, the total annual fee assessed will be the cumulative total of the annual fees applicable to each license held.

(g) Special provisions for calculating annual fees during the agreement state transition period.

(1) The annual fees for the NRC licenses that are transferred to the State of Indiana on the date the State of Indiana becomes an agreement state shall be invoiced during the next invoice quarter based on the month of license issuance.

(2) During the first year after the date the Department attains agreement state status, the annual fee for each NRC license transferred to the State of Indiana shall be prorated, based on the schedule of fees in 10 CFR 171, for the period from the date agreement state status is attained until the license's next invoice quarter.

290 IAC 3-18-4 Eligibility for Waiver of Annual Fee

Sec. 3. (a) Any broad-scope (academic or medical) licensee that provides in-kind services to the Department and/or performs services pursuant to an accepted written agreement with the Department, and which are valued at an equal of greater amount than their annual license fee, must submit a written request for a waiver from payment of the annual license fee. Upon approval by the Department, this waiver shall only remain in effect for the annual licensing period. A new waiver must be submitted for each subsequent annual licensing period.

(b) Any licensee which is a governmental agency of the State of Indiana must submit a written request for a waiver from payment of the annual license fee. Upon approval by the Department, this waiver shall remain in effect until the expiration of the license. A new waiver request must be submitted with each subsequent license renewal.

(c) Revocation of Annual Fee Waiver

(1) Upon written notice of noncompliance to the licensee, the Department may revoke any waiver, approved pursuant to subsections (a) or (b) of this section, for failure to provide or perform all services pursuant to the accepted written agreement.

(2) The Department may also invoice the licensee for any difference between the originally waived annual fee and the value of services already performed during that annual licensing period.

290 IAC 3-18-5 Reciprocity Fees

Sec. 4. (a) Each annual application to operate in Indiana under reciprocity shall be accompanied by the applicably fee listed in 10 CFR 170.31 Table 1. Reciprocity fees are non-refundable. There will be no pro-rating of reciprocity fees.

(b) A reciprocity application shall not be considered prior to payment of the full amount specified. Reciprocity applications for which no remittance is received shall be returned to the applicant.

(c) No additional reciprocity fees shall be required for the same category of activity during the remainder of that calendar year. All reciprocity authorizations shall expire on December 31 of the year in which the application was submitted. Any additional reciprocity activity beyond December 31 of that year shall require a new reciprocity application.

(d) Any person who holds a specific license issued by the U.S. Nuclear Regulatory Commission or any Agreement State and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained and is applying for reciprocity for the sole purpose of providing federally sponsored radiation training, the licensee may request in writing that the required reciprocity fee be waived.