

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Carrie M. Safford, Secretary
FROM: Commissioner Marzano
SUBJECT: SECY-26-0053: Proposed Agreement Between the State of Indiana and the Commission Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended

Approved X Disapproved Abstain Not Participating

COMMENTS: Below Attached X None

Entered in STAR

Yes X
No

Signature
Matthew J. Marzano

Date

NUCLEAR REGULATORY COMMISSION

[NRC-2026-1387]

**State of Indiana: NRC Staff Assessment of a Proposed Agreement Between the
Nuclear Regulatory Commission and the State of Indiana**

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed state agreement; request for comment.

SUMMARY:

As required by Section 274e. of the Atomic Energy Act of 1954, as amended (AEA), the U.S. Nuclear Regulatory Commission (NRC or Commission) is publishing the proposed Agreement for public comment (Appendix A). The NRC is also publishing the summary of a draft assessment by the NRC staff of the State of Indiana's regulatory program. Comments are requested on the proposed Agreement and its effect on public health and safety. Comments are also requested on the draft staff assessment, the adequacy of the State of Indiana's program, and the adequacy of the staffing of the State's program, as discussed in this document.

DATES: Submit comments by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the **Federal Rulemaking**

Website:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2026-1387. Address questions about Docket IDs in Regulations.gov to Bridget Curran; telephone: 301-415-1003; email:

Bridget.Curran@nrc.gov. For technical questions, contact the individuals listed in the "For Further Information Contact" section of this document.

- **Mail comments to:** Office of Administration, Mail Stop: TWFN-5-A85, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Sherrie Flaherty, telephone: 301-415-7288; email: Sherrie.Flaherty@nrc.gov staff of the Office of Nuclear Material Safety and Safeguards at the U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2026-1387 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2026-1387.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to PDR.Resource@nrc.gov. For the convenience of the

reader, instructions about obtaining materials referenced in this document are provided in the “Availability of Documents” section.

- **NRC’s PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the **Federal Rulemaking Website** (<https://www.regulations.gov>). Please include Docket ID NRC-2026-1387 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

SUPPLEMENTARY INFORMATION:

By letter received January 29, 2026, Governor Mike Braun of the State of Indiana requested that the U.S. Nuclear Regulatory Commission (NRC or Commission) enter

into an Agreement with the State of Indiana as authorized by Section 274b. of the AEA. Under the proposed Agreement, the Commission would discontinue, and the State of Indiana would assume, regulatory authority over certain types of byproduct materials as defined in the AEA, source material, and special nuclear material in quantities not sufficient to form a critical mass.

II. Additional Information on Agreements Entered Under Section 274 of the AEA

Under the proposed Agreement, the NRC would discontinue its authority over 213 licenses and would transfer its regulatory authority over those licenses to the State of Indiana. The NRC periodically reviews the performance of the Agreement States to assure compliance with the provisions of Section 274.

Section 274e. of the AEA requires that the terms of the proposed Agreement be published in the *Federal Register* for public comment once each week for four consecutive weeks. This document is being published in fulfillment of that requirement.

III. Proposed Agreement with the State of Indiana

Background

(a) Section 274b. of the AEA provides the mechanism for a State to assume regulatory authority from the NRC over certain radioactive materials and activities that involve use of these materials. The radioactive materials, sometimes referred to as "Agreement materials," are byproduct materials as defined in Sections 11e.(1), 11e.(2), 11e.(3), and 11e.(4) of the AEA; source material as defined in Section 11z. of the AEA; and special nuclear material as defined in Section 11aa. of the AEA, restricted to quantities not sufficient to form a critical mass.

The radioactive materials and activities (which together are usually referred to as the "categories of materials") that the State of Indiana requests authority over are:

1. The possession and use of byproduct material as defined in Section 11e.(1) of the Act;

2. The possession and use of byproduct material as defined in Section 11e.(3) of the Act;
3. The possession and use of byproduct material as defined in Section 11e.(4) of the Act;
4. The possession and use of source material as defined in Section 11z. of the Act; and
5. The possession and use of special nuclear material as defined in Section 11aa. of the Act, in quantities not sufficient to form a critical mass.

(b) The proposed Agreement contains articles that:

- i) Specify the materials and activities over which authority is transferred;
- ii) Specify the materials and activities over which the Commission will retain regulatory authority;
- iii) Continue the authority of the Commission to safeguard special nuclear material, protect restricted data, and protect common defense and security;
- iv) Commit the State of Indiana and the NRC to exchange information as necessary to maintain coordinated and compatible programs;
- v) Provide for the reciprocal recognition of licenses;
- vi) Provide for the suspension or termination of the Agreement; and
- vii) Specify the effective date of the proposed Agreement.

The Commission reserves the option to modify the terms of the proposed Agreement in response to comments, to correct errors, and to make editorial changes. The final text of the proposed Agreement, with the effective date, will be published after the Agreement is approved by the Commission and signed by the NRC Chairman and the Governor of Indiana.

(c) The regulatory program is authorized by law under the Indiana Code (IC) Title 10, Article 19, Chapter 12, Section 11(a) (IC 10-19-12-11(a)), which provides the Governor with the authority to enter into an Agreement with the Commission. The State

of Indiana law contains provisions for the orderly transfer of regulatory authority over affected licenses from the NRC to the State. In a letter received January 29, 2026, Governor Braun certified that the State of Indiana has a program for the control of radiation hazards that is adequate to protect public health and safety within the State of Indiana for the materials and activities specified in the proposed Agreement, and that the State desires to assume regulatory responsibility for these materials and activities. After the effective date of the Agreement, licenses issued by the NRC would continue in effect as State of Indiana licenses until the licenses expire or are replaced by State-issued licenses.

(d) The draft staff assessment finds that the Indiana Department of Homeland Security (IDHS) and Radioactive Materials Control Program (RMCP) is adequate to protect public health and safety and is compatible with the NRC's regulatory program for the regulation of Agreement materials. However, the NRC staff identified several limited, section-specified inconsistencies sections-of within the Indiana Radioactive Materials regulations that were not fully compatible with the corresponding NRC requirements. In communications dated January 21, 2026 (ML26026A076), and February 27, 2026 (ML26068A068), the State of Indiana committed to making the necessary compatibility changes in the next rulemaking.

Summary of the Draft NRC Staff Assessment of the State of Indiana's Program for the Regulation of Agreement Materials

The NRC staff has examined the State of Indiana's request for an Agreement with respect to the ability of the State's radiation control program to regulate Agreement materials. The examination was based on the Commission's Policy Statement, "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement," (46 FR 7540, January 23, 1981, as

amended by Policy Statements published at 46 FR 36969, July 16, 1981, and at 48 FR 33376, July 21, 1983) (Policy Statement), and the Office of Nuclear Material Safety and Safeguards Procedure SA-700, "Processing an Agreement." The Policy Statement has 28 criteria that serve as the basis for the NRC staff's assessment of the State of Indiana's request for an Agreement. The following section will reference the appropriate criteria numbers from the Policy Statement that apply to each section.

(a) Organization and Personnel. The NRC staff reviewed these areas under Criteria 1, 2, 20, and 24 in the draft staff assessment. The State of Indiana's proposed Agreement materials program for the regulation of radioactive materials is called the "Radioactive Materials Control Program" (RMCP) and will be located within the Radiation Programs section of the IDHS.

The educational requirements for the RMCP staff are specified in the State of Indiana's personnel position descriptions and meet the NRC criteria with respect to formal education or combined education and experience requirements. All current staff members meet the requirements of a bachelor's degree in the physical, life science or engineering; or an equivalent combination of education and experience has been substituted for the degree. All have training and work experience in radiation protection. Supervisory level staff each have at least five years of working experience in radiation protection.

The State of Indiana performed an analysis of the expected workload under the proposed Agreement. Based on the NRC staff review of the State of Indiana's analysis, the State has an adequate number of staff to regulate radioactive materials under the terms of the proposed Agreement. The State of Indiana will employ the equivalent of four full-time equivalent professional and technical staff to support the Radioactive Materials Program.

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Commented [A2R1]: Fixed

Commented [A3]: Is there a missing "and" or a missing ","?

Commented [A4R3]: [Mention was removed] I agree with AB I think something is missing. Unless you mean physics, life science or engineering.

Commented [A5R3]: [Mention was removed] for WY we wrote it as "degree in the physical, life science or engineering; or a combination " It looks like template language

The State of Indiana has indicated that the RMCP has an adequate number of trained and qualified staff in place. The State of Indiana has developed qualification procedures for license reviewers and inspectors that are similar to the NRC's procedures. The RMCP staff has accompanied the NRC staff on inspections of NRC licensees in Indiana and participated in licensing training at NRC's Region III with Division of Radiological Safety and Security staff. The Radioactive Materials Program staff is also actively supplementing its experience through meetings, discussions, and facility visits with the NRC licensees in the State of Indiana and through self-study, in-house training, and formal training.

Overall, the NRC staff concluded that the RMCP staff identified by the State of Indiana to participate in the Agreement materials program has sufficient knowledge and experience in radiation protection, the use of radioactive materials, the standards for the evaluation of applications for licensing, and the techniques of inspecting licensed users of Agreement materials.

(b) Legislation and Regulations. The NRC staff reviewed these areas under Criteria 1-15, 17, 19, and 21-28 in the draft staff assessment. IC 10-19-12-11(a) provides the Governor of Indiana the authority to enter into the Agreement, and IC 10-19-12-5 establishes the IDHS as the lead agency for carrying out the duties of the State's Agreement state program. The IDHS has the requisite authority to promulgate regulations under the IC 10-19-12-5(c) and 10-19-12-14 for protection against radiation. IC 10-19-12-5(c), IC 10-19-12-6, IC 10-19-12-9, and IC 10-19-12-18(a) provide the IDHS the authority to issue licenses and orders; conduct inspections; and enforce compliance with regulations, license conditions, and orders. IC 10-19-12-9 requires licensees to provide access to inspectors.

The NRC staff verified that the State of Indiana adopted by reference the relevant NRC regulations in parts 19, 20, 30, 31, 32, 33, 34, 35, 36, 37, 39, 40, 61, 70, 71, and 150 of title 10 of the *Code of Federal Regulations* (10 CFR) into the Indiana Administrative Code Title 290 Article 3, Standards for Protection Against Radiation. With State of Indiana's commitment to address the remaining compatibility comments, the State of Indiana adopted an adequate and compatible set of radiation protection regulations that apply to byproduct materials, source material, and special nuclear material in quantities not sufficient to form a critical mass. The NRC staff also verified that the State of Indiana will not attempt to enforce regulatory matters reserved to the Commission.

(c) Storage and Disposal. The NRC staff reviewed these areas under Criteria 8, 9a, and 11 in the draft staff assessment. The State of Indiana has adopted NRC compatible requirements for the handling and storage of radioactive material, including regulations equivalent to the applicable standards contained in 10 CFR part 20, which address the general requirements for waste disposal, and 10 CFR part 61, which addresses waste classification and form. These regulations are applicable to all licensees covered under this proposed Agreement.

(d) Transportation of Radioactive Material. The NRC staff reviewed this area under Criteria 10 in the draft staff assessment. The State of Indiana has adopted compatible regulations to the NRC regulations in 10 CFR part 71. Part 71 contains the requirements licensees must follow when preparing packages containing radioactive material for transport. Part 71 also contains requirements related to the licensing of packaging for use in transporting radioactive materials.

(e) Recordkeeping and Incident Reporting. The NRC staff reviewed this area under Criteria 1 and 11 in the draft staff assessment. The State of Indiana has adopted

compatible regulations to the sections of the NRC regulations that specify requirements for licensees to keep records and to report incidents or accidents involving the State's regulated Agreement materials specified in the proposed Agreement.

(f) Evaluation of License Applications. The NRC staff reviewed this area under Criteria 1, 7, 8, 9a, 13, 14, 15, 20, 23, and 25 in the draft staff assessment. The State of Indiana has adopted compatible regulations to the NRC regulations that specify the requirements to obtain a license to possess or use radioactive materials. The State of Indiana has also developed licensing procedures and adopted NRC licensing guides for specific uses of radioactive material for use by the program staff when evaluating license applications.

(g) Inspections and Enforcement. The NRC staff reviewed these areas under Criteria 1, 16, 18, 19, and 23 in the draft staff assessment. The State of Indiana has adopted a schedule providing for the inspection of licensees as frequently as, or more frequently than, the inspection schedule used by the NRC. The State of Indiana's Radioactive Materials Control Program has adopted procedures for the conduct of inspections, reporting of inspection findings, and reporting inspection results to the licensees. Additionally, the State of Indiana has also adopted procedures for the enforcement of regulatory requirements.

(h) Regulatory Administration. The NRC staff reviewed this area under Criterion 23 in the draft staff assessment. The State of Indiana is bound by requirements specified in its State law for rulemaking, issuing licenses, and taking enforcement actions. The State of Indiana has also adopted administrative procedures to assure fair and impartial treatment of license applicants. The State of Indiana law prescribes standards of ethical conduct for State employees.

(i) Cooperation with Other Agencies. The NRC staff reviewed this area under Criteria 25, 26, and 27 in the draft staff assessment. The State of Indiana law provides for the recognition of existing NRC and Agreement State licenses and the State has a process in place for the transition of active NRC licenses. Upon the effective date of the Agreement, all active NRC radioactive materials licenses that are for materials covered by the proposed Agreement and were issued to facilities in the State of Indiana will be recognized as IDHS licenses.

The State of Indiana also provides for “timely renewal.” This provision affords the continuance of licenses for which an application for renewal has been filed more than 30 days prior to the date of expiration of the license. NRC licenses transferred while in timely renewal are done in a manner to minimize the effects of the transition on the licensee. The NRC and the State of Indiana will collaborate to ensure a seamless and successful transition of NRC licenses under timely renewal.

The State of Indiana regulations in Indiana Administrative Code, Title 290, Article 3, Standards for Protection Against Radiation, provide exemptions from the State’s requirements for the NRC and the U.S. Department of Energy contractors or subcontractors. The proposed Agreement commits the State of Indiana to use its best efforts to cooperate with the NRC and the other Agreement States in the formulation of standards and regulatory programs for the protection against hazards of radiation, and to assure that the State’s program will continue to be compatible with the Commission’s program for the regulation of Agreement materials. The proposed Agreement specifies the desirability of reciprocal recognition of licenses and commits the Commission and the State of Indiana to use their best efforts to accord such reciprocity. Consistent with NRC requirements, the State of Indiana would be able to recognize the licenses of other jurisdictions by general license, as appropriate.

Staff Conclusion

Section 274d. of the AEA provides that the Commission shall enter into an Agreement under Section 274b. with any State if:

(a) The Governor of that State certifies that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the Agreement materials within the State, and that the State desires to assume regulatory responsibility for the Agreement materials; and

(b) The Commission finds that the State program is in accordance with the requirements of Subsection 274o, and in all other respects compatible with the Commission's program for regulation of such materials, and that the State program is adequate to protect the public health and safety with respect to the materials covered by the proposed Agreement.

The NRC staff has reviewed the proposed Agreement, the certification of Indiana Governor Braun, and the supporting information provided by the RMCP of the IDHS. Based upon this review, the NRC staff concludes that the State of Indiana Radioactive Material Control Program satisfies the Section 274d. criteria as well as the criteria in the Commission's Policy Statement "Criteria for Guidance of States and NRC in Discontinuance of NRC Regulatory Authority and Assumption Thereof by States Through Agreement." The NRC staff also concludes that the proposed State of Indiana program to regulate Agreement materials, as comprised of statutes, regulations, procedures, and staffing, is compatible with the Commission's program and is adequate to protect the public health and safety with respect to the materials covered by the proposed Agreement. Therefore, the proposed Agreement meets the requirements of Section 274 of the AEA.

Commented [A6]: Excuse my ignorance, why do you call 274o a Subsection and 274b/d a Section? To my eyes, they should all have the same moniker?

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IV. Executive Order Reviews

Executive Order (E.O.) 12866

The Office of Information and Regulatory Affairs has determined that this proposed agreement is not a significant regulatory action under E.O. 12866.

E.O. 13132

This action does not have federalism implications, as defined in E.O. 13132. It will not significantly limit the rights, roles, and responsibilities of State or local governments.

E.O. 14300

On May 23, 2025, President Donald J. Trump signed E.O. 14300, "Ordering the Reform of the Nuclear Regulatory Commission." Section 5, "Reforming and Modernizing the NRC's Regulations," requires the NRC to undertake a review and wholesale revision of its regulations and guidance documents as guided by the policies set forth in section 2 of the E.O. The NRC is currently in the process of implementing the direction in E.O. 14300. When the NRC finalizes its rules during the implementation of E.O. 14300, the Agreement States will need to update their own regulations, as necessary, to maintain compatibility with the NRC's program within a specific timeframe.

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V. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

DOCUMENT DESCRIPTION	ADAMS ACCESSION NO
Final Indiana Application Section 4.1 Legal Elements (Revised), dated January 2026	ML26068A234
Final Indiana Application Section 4.2 Regulatory Requirements Program Elements (Revised), dated January 2026	ML26068A235
Final Indiana Application Section 4.3 Licensing Program Elements (Revised), dated January 2026	ML26068A236

Final Indiana Application Section 4.4 Inspection Program Elements (Revised), dated January 2026	ML26068A237
Final Indiana Application Section 4.5 Enforcement Program Elements (Revised), dated January 2026	ML26068A238
Final Indiana Application Section 4.6 Technical Staffing and Training Program Elements (Revised), dated January 2026	ML26068A239
Final Indiana Application Section 4.7 Event and Allegation Response Program Elements (Revised), dated January 2026	ML26068A240
Indiana Application Request for Additional Information, dated February 2026	ML26068A127
Indiana Response to RAI, dated March 2026	ML26068A126
Letter from Governor Mike Braun, Indiana, to Chair Nieh requesting agreement be established between the NRC and State of Indiana, received January 29, 2026.	ML26033A182
Staff Requirements memorandum for SECY-XX-XXXX "Proposed Agreement Between the State of Indiana and the Commission Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended"	MLXXXXXXXXXX
SECY-XX-XXXX "Proposed Agreement Between the State of Indiana and the Commission Pursuant to Section 274 of the Atomic Energy Act of 1954, as Amended"	ML26069A564
Draft Staff Assessment of the Proposed Indiana Program	ML26069A567
State Agreement (SA)-700 Processing an Agreement final, dated June 15, 2022.	ML22138A414
SA-700 Handbook for Processing an Agreement Procedure final, dated June 17, 2022.	ML22140A396

Dated: March XX, 2026.

For the Nuclear Regulatory Commission.

Dafna Silberfeld, Acting Director,
Division of Materials Safety, Security, State,
and Tribal Programs,

Office of Nuclear Material Safety and
Safeguards.

APPENDIX A

**AN AGREEMENT BETWEEN THE UNITED STATES NUCLEAR REGULATORY
COMMISSION AND THE STATE OF INDIANA FOR THE DISCONTINUANCE OF
CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY
WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY
ACT OF 1954, AS AMENDED**

WHEREAS, The United States Nuclear Regulatory Commission (hereinafter referred to as "the Commission") is authorized under Section 274 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. Section 2011 *et seq.* (hereinafter referred to as "the Act"), to enter into an agreement with the Governor of the State of Indiana (hereinafter referred to as "the State") providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials as defined in Sections 11e.(1), (3), and (4) of the Act, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and,

WHEREAS, The Governor of the State of Indiana is authorized under IC 10-19-12-11 to enter into this Agreement with the Commission; and,

WHEREAS, The Governor of the State of Indiana certified on January 29, 2026, that the State has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and,

WHEREAS, The Commission found on [date] that the program of the State of Indiana for the regulation of the materials covered by this Agreement is

compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and,

WHEREAS, The State of Indiana and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and,

WHEREAS, The Commission and the State of Indiana recognize the desirability of the reciprocal recognition of licenses, and of the granting of limited exemptions from licensing of those materials subject to this Agreement; and,

WHEREAS, This Agreement is entered into pursuant to the provisions of the Act;

NOW, THEREFORE, it is hereby agreed between the Commission and the Governor of Indiana acting on behalf of the State as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, IV, and V, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7 and 8, and Section 161 of the Act with respect to the following materials:

- A. Byproduct material as defined in Section 11e.(1) of the Act;
- B. Byproduct material as defined in Section 11e.(3) of the Act;
- C. Byproduct materials as defined in Section 11e.(4) of the Act;
- D. Source materials; and
- E. Special nuclear materials, in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for the discontinuance of any authority, and the Commission shall retain authority and responsibility, with respect to:

1. The regulation of the construction, operation, and decommissioning of any production or utilization facility or any uranium enrichment facility;
2. The regulation of byproduct material as defined in Section 11e.(2) of the Act;
3. The regulation of the export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;
4. The regulation of the disposal into the ocean or sea of byproduct, source, or special nuclear material waste as defined in regulations or orders of the Commission;
5. The regulation of the disposal of such other byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed without a license from the Commission;
6. The evaluation of radiation safety information on sealed sources or devices containing byproduct, source, or special nuclear material and the registration of the sealed sources or devices for distribution, as provided for in regulations or orders of the Commission;
7. The regulation of activities not exempt from Commission regulation as stated in 10 CFR Part 150; and
8. The regulation of the land disposal of byproduct, source, or special nuclear material received from other persons;

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ARTICLE III

With the exception of those activities identified in Article II, paragraphs A., C. through E. and G., this Agreement may be amended, upon application by the State and approval by the Commission, to include the additional areas specified in Article II, paragraphs B., F., and H., whereby the State may then exert regulatory authority and responsibility with respect to those activities.

ARTICLE IV

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption for licensing issued by the Commission.

ARTICLE V

This Agreement shall not affect the authority of the Commission under Subsection 161b. or 161i. of the Act to issue rules, regulations, or orders to promote the common defense and security, to protect restricted data, or to guard against the loss or diversion of special nuclear material.

ARTICLE VI

The Commission will cooperate with the State and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for:

(a) protection against hazards of radiation; and (b) to assure that Commission and State programs for protection against the hazards of radiation are coordinated and compatible.

The State agrees to cooperate with the Commission and other Agreement States in the formulation of standards and regulatory programs of the State and the Commission for:

(a) protection against the hazards of radiation; and (b) to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of materials covered by this Agreement.

The State and the Commission agree to keep each other informed of proposed changes in their respective rules and regulations, and to provide each other the opportunity for early and substantive contribution to the proposed changes.

The State and the Commission agree to keep each other informed of events, accidents, and licensee performance that may have generic implication or otherwise be of regulatory interest.

ARTICLE VII

The Commission and the State agree that it is desirable to provide reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any other Agreement State.

Accordingly, the Commission and the State agree to develop appropriate rules, regulations, and procedures by which reciprocity will be accorded.

ARTICLE VIII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of Indiana, may terminate or suspend all or part of this Agreement and reassert the licensing and regulatory authority vested in it under the Act, if the Commission finds that (1) such termination or suspension is required to protect the public health and safety, or (2) the State has not complied with one or more of the requirements of Section 274 of the Act. Pursuant to

Section 274j. of the Act, the Commission may, after notifying the Governor, temporarily suspend all or part of this Agreement without notice or hearing if, in the judgment of the Commission, an emergency situation exists with respect to any material covered by this agreement creating danger which requires immediate action to protect the health and safety of persons either within or outside the State and the State has failed to take steps necessary to contain or eliminate the cause of danger within a reasonable time after the situation arose. The Commission shall periodically review actions taken by the State under this Agreement to ensure compliance with Section 274 of the Act, which requires a State program to be adequate to protect the public health and safety with respect to the materials covered by this Agreement and to be compatible with the Commission's program.

ARTICLE IX

This Agreement shall become effective on XXXXXXXX, 2026, and shall remain in effect unless and until such time as it is terminated pursuant to Article VIII.

Executed at Indianapolis, Indiana, this **[date]** day of **[month]**, 2026.

For the United States Nuclear Regulatory Commission.

Ho K. Nieh,
Chairman of the U.S. Nuclear Regulatory Commission

For the State of Indiana.

Michael Braun,
Governor of Indiana