

TCA 11-1-102. Records and equipment of various divisions kept by department.

(a) All records, equipment and properties of the division of geology and the former Tennessee state park and forestry commission shall be kept in the department of environment and conservation.

(b) All records, equipment and properties of the division of forestry shall be kept in the department of agriculture.

(c) Notwithstanding any law to the contrary, the following records as defined by § 10-7-301 of any division of the department of environment and conservation shall be confidential and shall not be open for inspection by members of the public:

(1) Concerning radioactive materials regulated by the United States nuclear regulatory commission or by a state under an agreement with the nuclear regulatory commission pursuant to § 274(b) of the Atomic Energy Act, codified in 42 U.S.C. § 2021(b); or

(2) Disclosing the specific location of threatened, endangered, or rare species that would not be available to the public under the federal law or regulation.

[Acts 1937, ch. 33, § 70-a; 1949, ch. 283, § 1; C. Supp. 1950, § 255.64 (Williams, § 255.74); impl. am. Acts 1959, ch. 9, § 11; impl. am. Acts 1963, ch. 169, § 3; T.C.A. (orig. ed.), § 11-102; Acts 1992, ch. 693, § 10; 2007, ch. 198, § 1.]

0400-20-05-.138 RECORDS OF TESTING ENTRY CONTROL DEVICES FOR VERY HIGH RADIATION AREAS.

- (1) Each licensee and registrant shall maintain records of tests made under parts (1)(l)1, 2, and 3 of Rule 0400-20-05-.82 on entry control devices for very high radiation areas. These records shall include the date, time, and results of each such test of function.
- (2) The licensee or registrant shall retain the records required by paragraph (1) of this rule for 3 years after the record is made.

Authority: T.C.A. §§ 68-202-201 et seq., and 4-5-201 et seq. **Administrative History:** Original rule filed February 22, 2012; effective May 22, 2012.

0400-20-05-.139 FORM OF RECORDS.

Each record required by this chapter shall remain legible throughout the retention period. The record may be the original or a reproduced copy or a microform provided that the copy or microform is authenticated by authorized personnel. The microform shall be capable of producing a clear copy throughout the retention period. The record may also be stored in electronic media capable of producing legible, accurate, and complete records during the retention period. Records such as letters, drawings, and specifications shall include all pertinent information, such as stamps, initials, and signatures. The licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.

Authority: T.C.A. §§ 68-202-201 et seq., and 4-5-201 et seq. **Administrative History:** Original rule filed February 22, 2012; effective May 22, 2012.

0400-20-05-.140 REPORTS OF THEFT OR LOSS OF LICENSED MATERIAL.

- (1) Telephone reports.
 - (a) Each licensee shall report:
 1. Immediately after learning of any lost, stolen or missing radioactive material:
 - (i) In an aggregate quantity equal to or greater than 1,000 times the quantity specified in Schedule RHS 8-31; and
 - (ii) Under such circumstances that it appears to the licensee that an exposure could result to persons in unrestricted areas; or
 2. Within 30 days after learning of any lost, stolen or missing radioactive material:
 - (i) In a quantity greater than 10 times the quantity specified in Schedule RHS 8-31; and
 - (ii) That is still missing at this time.
 - (b) Reports shall be made to the Division, telephone (615) 532-0364, during the hours of 7:00 a.m. Central Time to 4:30 p.m. Central Time except weekends and holidays. At all other times, reports can be made through the Tennessee Emergency Management Agency (615) 741-0001.
- (2) Written reports

(Rule 0400-20-10-.25, continued)

- (a) Notify the Division in writing at least 3 days prior to engaging in such use. Such notification shall indicate the location, period, and type of proposed use within the State. If, for a specific case, the 3-day period would impose an undue hardship, he may, upon application to the Division obtain permission to proceed sooner;
- (b) Register the radiation machines with this Division on Form RHS 8-4 prior to entry into the State; and
- (c) Comply with all applicable regulations of the Division including the payment of the fee for the Class, as appropriate, contained in paragraph (3) of Rule 0400-20-10-.24.

Authority: T.C.A. §§ 68-202-101 et seq., 68-202-201 et seq., and 4-5-201 et seq. **Administrative History:** Original rule filed February 22, 2012; effective May 22, 2012.

0400-20-10-.26 RECORDS.

- (1) Each person who receives radioactive material pursuant to a license issued pursuant to these rules shall keep records showing the receipt, transfer, and disposal of the radioactive material as follows:
 - (a) The licensee shall retain each record of receipt of radioactive material as long as the material is possessed and for 3 years following transfer or disposal of the material.
 - (b) The licensee who transferred the material shall retain each record of transfer for 3 years after each transfer, unless a specific requirement in another part of these rules dictate otherwise.
 - (c) The licensee who disposed of the material shall retain each record of disposal of radioactive material until the Division terminates each license that authorizes disposal of the material.
- (2) A licensee shall retain each record that is required by these rules or by license condition for the period specified by the appropriate rule or license condition. If a retention period is not otherwise specified by rule or license condition, the record must be retained until the Division terminates each license that authorizes the activity that is subject to the recordkeeping requirement.
- (3) Records which must be maintained pursuant to this rule may be the original or a reproduced copy. The record may also be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period. Records such as letters, drawings, specifications, must include all pertinent information such as stamps, initials, and signatures. A licensee shall maintain adequate safeguards against tampering with and loss of records.
- (4) Prior to license termination, each licensee authorized to possess radioactive material with a half-life greater than 120 days, in an unsealed form, shall forward the following records to the Division:
 - (a) Records of disposal of licensed material made under Rules 0400-20-05-.121 (including burials authorized before January 28, 1981), 0400-20-05-.122, 0400-20-05-.123, 0400-20-05-.124; and
 - (b) Records required by subparagraph (2)(d) of Rule 0400-20-05-.132.

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Availability of records.

§ 9.15 Availability of records.

The NRC will make available for public inspection and copying any reasonably described agency record in the possession and control of the NRC under the provisions of this subpart, and upon request by any person. Records will be made available in any form or format requested by a person if the record is readily reproducible by NRC in that form or format. NRC will make reasonable efforts to maintain its records in forms or formats that are reproducible. NRC will make reasonable efforts to search for records in electronic form or format when requested, except when these efforts would significantly interfere with the operation of any of the NRC's automated information systems. Records that the NRC routinely makes publicly available are described in § 9.21. Procedures and conditions governing requests for records are set forth in § 9.23.

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