

**§664. Responsibility of facility licensees**

The responsibility of facility licensees is as follows. [PL 1997, c. 686, §5 (AMD).]

**1. Records.** Each facility licensee shall permit the inspection and copying, for the purposes of this chapter, of its books and records, maintained in any form, except that books and records that are privileged as a matter of law, proprietary, security-related or restricted by federal law, are not open to inspection. Subject to the approval of the United States Nuclear Regulatory Commission and of the facility licensee, access to books and records that are proprietary, security-related or restricted by federal law may be granted if the State Nuclear Safety Inspector, on behalf of the State, enters into a nondisclosure agreement. For purposes of this section, proprietary information includes personnel records, manufacturers' proprietary information, licensee proprietary information and trade secrets. For purposes of this subsection, "trade secrets" means any confidential formula, pattern, process, device, information or compilation of information, including chemical name, that is used in any employer's business that gives the employer an opportunity to obtain any advantage over competitors who do not know or use it.

[PL 2007, c. 539, Pt. KK, §3 (AMD).]

**2. Monitoring.** Each facility licensee shall permit monitoring, for the purposes of this chapter, of the premises, equipment and materials, including source, special nuclear and by-product materials, in its possession or use, or subject to its control and any vehicle or means of transportation used to remove materials or equipment from the site, including, but not limited to, by rail, water, roadway or air. Monitoring of vehicles or other means of transportation used to remove materials or equipment from the site must be undertaken in a manner that is safe, that employs properly calibrated instruments and that does not result in unreasonable delays in the removal of materials or equipment from the site.

For the purposes of this subsection, "monitoring" means any one or combination of the following:

A. Observing the conduct of operations, including maintenance, quality assurance activities, the preparation, transportation and handling of radioactive waste, emissions monitoring, radiation protection and the observation of emergency preparedness tests and drills; [PL 1999, c. 739, §1 (NEW).]

B. Taking analytical radiological measurements using properly calibrated instruments to confirm:

- (1) The results of quality assurance activities undertaken by or on behalf of the facility licensee;
- (2) That the preparation, transportation and handling of radioactive waste is undertaken in accordance with applicable standards;
- (3) The results of emissions monitoring undertaken by or on behalf of the facility licensee; or
- (4) That adequate radiation protection measures are in place; and [PL 2005, c. 254, Pt. B, §4 (AMD).]

C. Taking radiological measurements for the purpose of verifying compliance with applicable state laws, including, but not limited to, Title 38, section 1455, and confirming and verifying compliance with the standards of the United States Nuclear Regulatory Commission for unrestricted license termination, provided that the taking of such measurements employs techniques, protocols, instruments and quality assurance practices in accordance with generally accepted scientific or industry practices, including, but not limited to, those described in the federal Multi-Agency Radiation Survey and Site Investigation Manual. [PL 1999, c. 739, §1 (NEW).]

The licensee shall, upon request, provide split samples to the State Nuclear Safety Inspector. All analytical measurements taken pursuant to this subsection must be shared with the licensee. The licensee may provide data to explain any conflicts between measurements taken by the licensee and measurements taken pursuant to this subsection.

[PL 2007, c. 539, Pt. KK, §4 (AMD).]

**3. Access.**

[PL 2005, c. 254, Pt. B, §5 (RP).]

**4. On-site facilities.**

[PL 2005, c. 254, Pt. B, §5 (RP).]

**5. Fees.**

[PL 2005, c. 254, Pt. B, §5 (RP).]

**SECTION HISTORY**

PL 1987, c. 519, §1 (NEW). PL 1987, c. 882, §2 (AMD). PL 1991, c. 496, §1 (AMD). PL 1993, c. 664, §6 (AMD). PL 1997, c. 395, §F1 (AMD). PL 1997, c. 686, §5 (AMD). PL 1999, c. 57, §B1 (AMD). PL 1999, c. 739, §1 (AMD). PL 2005, c. 254, §§B3-5 (AMD). PL 2007, c. 539, Pt. KK, §§3, 4 (AMD).

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