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MEMO TO : Radioactive Material Licensees in North Dakota

FROM : Terry L. O'Clair, P.E.
Director
Division of Air Quality *TCO*

RE : U.S. Nuclear Regulatory Commission Information
Notice 2006-12: Exercising Due Diligence When
Transferring Radioactive Materials.

DATE : January 22, 2007

FILE

The U.S. Nuclear Regulatory Commission (NRC) issued the enclosed Information Notice (IN) to alert licensees to the due diligence that should continue to be exercised before and during transfer of radioactive material. It is expected that the recipients will review the information for applicability to their radiation safety programs, and consider actions, as appropriate. Recommendations contained in this IN do not contain new NRC requirements; therefore, neither specific action nor written response is required.

Please contact the North Dakota Department of Health Radiation Control Program at (701)328-5188 if you have any questions.

CS:csc
Enc:

UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF NUCLEAR MATERIAL SAFETY AND SAFEGUARDS
WASHINGTON, D.C. 20555

July 6, 2006

NRC INFORMATION NOTICE 2006-12: EXERCISING DUE DILIGENCE WHEN
TRANSFERRING RADIOACTIVE MATERIALS

ADDRESSEES

All material licensees.

PURPOSE

The U.S. Nuclear Regulatory Commission (NRC) is issuing this Information Notice (IN) to alert licensees to the due diligence that should continue to be exercised before and during transfer of radioactive material. It is expected that the recipients will review the information for applicability to their radiation safety programs, and consider actions, as appropriate. However, recommendations contained in this IN do not contain new NRC requirements; therefore, no specific action nor written response is required.

DESCRIPTION OF CIRCUMSTANCES

Since September 11, 2001, NRC has particularly emphasized the security and control of radioactive materials, because of the risk associated with their potential use in malevolent activities. It has taken aggressive measures through a graded, risk-informed approach, to issue Orders for licensees that are authorized to possess risk-significant quantities of radioactive material [i.e., those radionuclides and quantities, described as Category 2 and above, by the International Atomic Energy Agency (IAEA), in its "Code of Conduct on Safety and Security of Radioactive Sources"].

In addition, all NRC licensees are subject to the regulatory requirements, in 10 CFR Parts 30, 40, and 70, when transferring any byproduct, source, or special nuclear material, respectively. In particular, the regulations specify that licensees shall verify that the transferee's (i.e., the recipient's) license authorizes the receipt of the type, form, and quantity of material to be transferred. This IN is alerting licensees to exercise extra caution to ensure that only legitimate, licensed entities are on the receiving end of transfers of licensed material. The following discussion illustrates considerations that should be taken into account when a transfer of licensed material occurs.

DISCUSSION

A licensee seeking to transfer licensed material must verify that the transferee's license authorizes the receipt of the type, form, and quantity of material to be transferred, pursuant to 10 CFR Parts 30.41(c), 40.51(c), and 70.42(c). This verification, before transfer, ensures that the recipient is aware of the regulatory requirements associated with the receipt and possession

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of the material. This also provides a level of security that the material will be used as intended, and not for malevolent purposes. Both the transferor and transferee may be subject to enforcement actions in cases where a licensee transfers licensed material to unlicensed or unauthorized entities.

When transferring material to a licensed recipient, the transferor must verify that the recipient possesses a license authorizing the receipt of the material. Section 10 CFR Parts 30.41(d), 40.51(d), and 70.42(d) provide acceptable methods for such verification.

Transferors may encounter situations when extra care is warranted. For instance, when a long time has transpired since the last transfer or, any time there is a change in procedure or routine that stimulates suspicion, a licensee transferring material should pursue further information to alleviate the concern. Changes in routine could include: 1) a significant increase in the quantity of material ordered; 2) a change in location where the material is delivered; 3) a change in type or form of material; or 4) a change in key personnel, without prior notice. Any of these changes could be (and generally are) legitimate, but they could also be precursors to the diversion of materials for other than their authorized use. In the event that any of these changes in routine occur, you may contact the NRC or licensing agency of an Agreement State with any concerns regarding the legitimacy of the license.

RELATED GENERIC COMMUNICATIONS

NRC Information Notice 98-06, "Unauthorized Use of License to Obtain Radioactive Materials, and Its Implications under the Expanded Title 18 of the U.S. Code," describes an unauthorized use of a broad-scope academic medical license to obtain radioactive materials.

CONTACT

This information notice requires no specific action nor written response. If you have any questions about the information in this IN, please contact the technical contact listed below or the appropriate regional office.

/RA/

Charles L. Miller, Director
Division of Industrial
and Medical Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

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Enclosure: List of Recently Issued NMSS
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