



**Radioactive Materials Unit
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Date: March 23, 2007
To: Material Licensees
From: Radioactive Materials Unit
Subject: Due Diligence When Transferring Radioactive Materials

Information Notice 2007-04

The Minnesota Department of Health (MDH) is issuing this Information Notice 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.

Since September 11, 2001, the US Nuclear Regulatory Commission and the Agreement States have emphasized the security and control of radioactive materials, because of the risk associated with their potential use in malevolent activities. The regulatory community has taken aggressive measures through a graded, risk-informed approach.

All MDH licensees are subject to the regulatory requirements, in parts 4731.3000, 4731.0700, and 4731.0525, when transferring any radioactive material, source, or special nuclear material, respectively. In particular, the regulations specify that licensees shall verify that the transferee's (i.e., the recipients) license authorizes the receipt of the type, form, and quality of material to be transferred.

This Information Notice is alerting licensees to exercise extra caution to ensure that only legitimate, licensed entities are on the receiving end of transfers of licensed material.

A licensee seeking to transfer licensed material must verify that the transferee's license authorizes the receipt of the type, form, and quality of material to be transferred. This verification, before transfer, ensures that the recipient is aware of the regulatory requirements associated with the receipt and possession 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. 4731.3105, 4731.0815, and 4731.0615 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:

- a significant increase in the quantity of material ordered;
- a change in location where the material is delivered;
- a change in type or form of material; or
- 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 MDH, the NRC, or licensing agency of another Agreement State with any concerns regarding the legitimacy of the license.