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Date: May 31, 2007  
To: Licensees who are implementing Increased Controls  
From: Radioactive Materials Unit  
Subject: Common Violations of the Increased Controls Requirements

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### **Information Notice 2007-07**

The Minnesota Department of Health (MDH) is issuing this Information Notice to clarify issues regarding the requirements of the Increased Controls (IC). This IN also describes some of the common violations that have been identified during IC inspections, in order to bring about awareness of these particular violations and reduce their occurrence.

A review of common violations identified during initial inspection of licensees' IC programs indicated that licensees may not have completely understood the IC requirements or fully reviewed the guidance documents. Licensees who have difficulty understanding or complying with the requirements of the IC after fully reviewing the guidance documents or are unsure whether their program is adequate, may contact MDH Radioactive Materials Unit for assistance.

#### Common Violations Among IC Licensees

The following are examples of IC violations which have been identified during inspections. In general, it appears that violations of the IC requirements most commonly involve those of IC 1, 2, 4, and 6.

#### **Documentation:**

An important component to the IC requirements is documentation. There are parts of the IC requirements which state that a licensee must have a "documented program," or account for certain provisions "in writing." Many times licensee may have made a good faith attempt to comply with the IC, but have failed to adequately document their actions or program. Thorough documentation is often necessary to demonstrate full compliance.

## **IC 1:**

Some licensees have not appropriately restricted access to radioactive material quantities of concern and devices containing such radioactive material, allowing access to individuals without a trustworthiness and reliability (T&R) determination. This included instances where licensees did not escort unauthorized individuals who required access to the area where radioactive material and devices were stored in order to perform duties unrelated to the radioactive material. In some cases, licensees may have performed the T&R determination review; however, they could not present documentation of their determinations when requested by an inspector, as stipulated by IC 1.d. Also, some licensees thought that maintaining a list of approved individuals is the only documentation required for T&R records; however, this list is only a single component of what is required. For instance, according to IC 1.d “the licensee shall document the basis for concluding that there is a reasonable assurance that an individual granted unescorted access is trustworthy and reliable, and does not constitute an unreasonable risk for unauthorized use of radioactive material quantities of concern.”

## **IC 2.**

There have been cases where licensees failed to establish a documented program to monitor and immediately detect, assess, and respond to unauthorized access to radioactive material and devices, as required by IC 2. This included licensees operating at temporary job sites and transport vehicles containing radioactive material quantities of concern. Some licensees misunderstood what information to include in the required documented program. Other times, licensees may have made a good faith attempt to comply with the IC, but have failed to adequately document their actions or program.

All components of a security program (i.e., detection, assessment, and response) need to be implemented. Several of the deficiencies observed regarding IC 2 requirements were attributable to inadequate installation of equipment, faulty and dysfunctional equipment, or lack of monitoring in storage areas. Other deficiencies resulted from licensees failing to activate alarm and monitoring systems when the radioactive material was not under direct control and constant surveillance of the licensee or designated T&R personnel.

In general, licensees appear to be communicating with their Local Law Enforcement Agency (LLEA) about Increased Controls and the type of material they possess. However, insufficient information is being shared to develop an effective pre-arranged plan for LLEA response to an actual theft, sabotage, or diversion of radioactive material or devices. The implementing guidance provides details as to what should be provided in the licensee’s pre-arranged plan with their LLEA.

There have been cases where licensees did not have a dependable means of transmitting information among the various system components used to detect, assess, and respond in accordance with IC 2.d. This has been observed when licensees install security systems which rely solely on a functional land-based telephone line. Many licensees believed that, if the alarm system failed, they would still retain the ability to communicate with the alarm company. Problems with power backups have also been observed. In most cases, alarm companies

provided training to licensees on the operation of intrusion alarm systems; however, the training usually focused on the basic operations of the system (i.e., how to set and turn off the alarm system). Therefore, these licensees were not well informed about how their alarm system functioned. Also, several licensees installed some type of monitoring equipment without fully assessing their vulnerabilities. As a result, these licensees did not recognize that the system was ineffective for their security needs.

#### **IC 4.**

Another common program deficiency is the misuse, or non-use of physical barriers and disabling methods to prevent unauthorized removal when a portable or mobile device is not under direct control and constant surveillance by the licensee. In some cases, this has resulted in loss of control of licensed materials. Therefore, licensees should carefully evaluate their implementation of IC 4 requirements.

#### **IC 6.**

Violations have been identified regarding access to, and handling of, physical protection information according to IC 6. Documents which contain information about a licensee's physical protection program are considered sensitive and should be available only to individuals with a need to know and who have been determined trustworthy and reliable. This includes information that describes a licensee's criteria for determining individuals to be trustworthy and reliable for unescorted access to radioactive material quantities of concern.