

# Alabama Department of Public Health

Office of Radiation Control

## Rule 420-3-26-.15 Compliance Checklist # 1

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The Alabama Department of Public Health, Office of Radiation Control has completed the new rules for the enhanced physical security of radioactive materials, which are found in Rule 420-3-26-.15 of the Alabama Administrative Code. These rules are required to be fully implemented by March 19, 2016 and will take the place of the Increased Control Orders previously issued by the Office of Radiation Control to certain Alabama licensees.

To assist licensees in preparing for the changes, we will be providing periodic "Rule 420-3-26-.15 Compliance Checklists" with information on changes between the new rules and the previously issued orders, and what licensees should be considering as we move closer to the implementation date. This first checklist will focus on requirements for your unescorted access authorization program.

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### # 1 - Your Unescorted Access Authorization Program

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**1. Designation of "Reviewing Official", including requirement for that individual to have background check and fingerprinting. 420-3-26-.15(8)**

The previous orders required a written designation of a "T&R Official" who was responsible for making the final determination of an employee's trustworthiness and reliability for unescorted access. The new rules require that this person, now called the "Reviewing Official", undergo the same background check and fingerprinting as employees having unescorted access to materials **AND** the Reviewing Official **MUST** also be granted unescorted access.

**2. Preparation of written procedures to be followed to implement the unescorted access authorization program. 420-3-26-.15(9)**

Document the processes to be followed to ensure you are meeting all the requirements, which include:

- Signed consent from individuals undergoing a background check and fingerprinting
- Review process for denial of unescorted access
- Background checks conducted at 10-year intervals
- Review of information from the previous 7 years
- Maintenance of records generated as part of background checks
- Training of individuals prior to granting unescorted access
- Periodic review of the access authorization program

**3. Scheduling background checks & fingerprinting for current employees who have previously been granted unescorted access. 420-3-26-.15(9)**

The previous orders did not specify a time frame for reinvestigations. In the new rules, background investigations and fingerprinting are required to be re-done every 10 years. This does **NOT** mean that all reinvestigations of current employees will be due in ten years from the implementation date of March 19, 2016. Reinvestigations should be completed within ten years of the date of the most recent background investigation. For example, if an employee's initial background investigation was completed in June 2009, they should have a reinvestigation done in June 2019.

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If you have any questions about the new security rules, please contact one of the following individuals:

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Cornelius Maryland: [neil.maryland@adph.state.al.us](mailto:neil.maryland@adph.state.al.us)

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Phone: 334-206-5391 or 1-800-582-1866

# Alabama Department of Public Health

Office of Radiation Control

## Rule 420-3-26-.15 Compliance Checklist # 2

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The new Alabama rules for the enhanced physical security of radioactive materials are required to be fully implemented by March 19, 2016 and will take the place of the Increased Control orders previously issued by the Office of Radiation Control to certain Alabama licensees. To assist licensees in preparing for the changes, we will be providing periodic checklists for you to measure your progress toward compliance with the requirements of Rule 420-3-26-.15 of the Alabama Administrative Code.

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### # 2 - Implementing Your Security Plan and Maintenance and Testing of System Components

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1. **“Each licensee ...shall develop a written security plan specific to its facility and operations. The purpose of the security plan is to establish the licensee’s overall security strategy to ensure integrated and effective functioning of the security program ...” 420-3-26-.15(15)**
- How you intend to establish, implement and maintain your security program **MUST** be set out in writing, through formal procedures, that cover all aspects of the program. The initial version of the procedures, as well as any revisions that are made over time, must be approved **IN WRITING** by the individual with overall responsibility for your security program (typically the Reviewing Official). Copies of procedures that are revised and/or discontinued need to be maintained for three years. Training on security plan procedures is required for those individuals who have responsibility for implementing the plan.
2. **“Each licensee ...shall implement a maintenance and testing program to ensure that [security system components] are maintained in operable condition...” 420-3-26-.15(19)**
- Obviously, if a part of your security system fails to operate as designed, it has little use to you to your security efforts. Your maintenance and testing program should include intrusion alarms, communication systems, video cameras, locking devices, and any other associated physical components of your security system **IF** these components are used to secure the affected materials or detect the unauthorized access to those materials. Testing and maintenance should be performed in accordance with the manufacturer’s suggested methods and frequency. If the manufacturer has no such recommendations, then testing should be done annually, not to exceed 12 months between checks. The testing and maintenance must be documented, with records maintained for three years.
3. **“Each licensee shall be responsible for the continuing effectiveness of the security program.” 420-3-26-.15(21)**
- You should periodically review the operation and effectiveness of your security program, and this should be done on at least an annual basis. If you identify any portions of your plan or program that do not meet the requirements of the security rules, you must take prompt corrective action to address those deficiencies, and then reassess that portion of your program to ensure the effectiveness of your corrective actions. Like with most other requirements, you must document your annual reviews, any corrective actions and outcomes, and retain the records for three years.
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# Alabama Department of Public Health

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## Rule 420-3-26-.15 Compliance Checklist # 3

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The new Alabama rules for the enhanced physical security of radioactive materials are required to be fully implemented by March 19, 2016 and will take the place of the Increased Control Orders previously issued by the Office of Radiation Control to certain Alabama licensees. To assist licensees in preparing for the changes, we will be providing periodic checklists for you to measure your progress toward compliance with the requirements of Rule 420-3-26-.15 of the Alabama Administrative Code.

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### # 3 – LLEA, Transportation and Logistics

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- 1. Licensees shall coordinate with the LLEA at least every 12 months or when changes to the facility design or operation adversely affect the potential vulnerability of the licensee's material. 420-3-26-.15(16)**
- The licensee is required to coordinate with the LLEA at least every 12 months and any other time when there are changes in the facility design or operations. The rule relaxes the requirement to have a pre-arranged plan with LLEA but does require the licensee to document its efforts to coordinate with the LLEA.
- 2. Licensees shall verify that they are shipping affected radioactive materials to an individual who is licensed to possess those materials, and provide advance notice of the shipment. 420-3-26-.15(23)**
- Licensees nationwide are responsible to ensure that materials they are transferring are received only by those individuals who are licensed to receive them. This verification is typically done by receiving a copy of the recipient's license, and verifying the provisions of that license with the issuing regulatory authority (Agreement State or NRC). Keep documentation of the verification for three years.
- 3. Shipments of affected quantities of radioactive materials are subject to physical security requirements during transportation. 420-3-26-.15(24)**
- Generally, the shipping licensee is responsible for ensuring the physical security of affected radioactive materials while in transit. This responsibility **MAY** be passed to the recipient if the recipient has agreed in writing to accept that responsibility.
- 4. Licensees shall pre-plan and coordinate shipments of radioactive materials subject to physical security requirements and provide notification of shipment departure, arrival, and/or any problems that arise during transit. 420-3-26-.15(25)**
- All shipments must be coordinated between the shipper and the recipient, with prescribed timeframes for reporting that a shipment has reached its destination. There are some additional requirements for shipment of Category 1 materials, which are outlined in the regulations. All coordination and reporting is to be documented, with those records retained for at least three years.

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Alabama Department of Public Health  
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**Rule 420-3-26-.15**  
**Compliance Checklist # 4**

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The new Alabama rules for the enhanced physical security of radioactive materials are required to be fully implemented by March 19, 2016 and will take the place of the Increased Control orders previously issued by the Office of Radiation Control to certain Alabama licensees. To assist licensees in preparing for the changes, we will be providing periodic checklists for you to measure your progress toward compliance with the requirements of Rule 420-3-26-.15 of the Alabama Administrative Code.

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**# 4 - Training**

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- 1. Individuals who have been determined to be trustworthy and reliable shall also complete the security training required ... before being allowed unescorted access to category 1 or category 2 quantities of radioactive material. 420-3-26-.15(8)(a)2.**  
Training on the licensee's security plan must be completed **BEFORE** you grant unescorted access.
- 2. Each licensee shall conduct training to ensure that those individuals implementing the security program possess and maintain the knowledge, skills, and abilities to carry out their assigned duties and responsibilities effectively. 420-3-26-.15(15)(c)1.**  
If you have an employee who you are relying on to implement some aspect of your security plan you must conduct training for those employees on their responsibilities, to include:
- The licensee's security program and procedures
  - purposes and functions of the security measures employed;
  - The responsibility to report promptly to the licensee any condition that causes or may cause a violation of department requirements;
  - The responsibility of the licensee to report promptly to the local law enforcement agency (LLEA) any actual or attempted theft, sabotage, or diversion of material; and
  - The appropriate response to security alarms.
- 3. Refresher training must be provided at a frequency not to exceed twelve months and when significant changes have been made to the security program. 420-3-26-.15(15)(c)3.**  
Just like the rule says, every 12 months or when significant changes are made to the program.
- 4. The licensee shall maintain records of the initial and refresher training for three years from the date of the training. The training records must include dates of the training, topics covered, a list of licensee personnel in attendance, and related information. 420-3-26-.15(15)(c)(4)**  
Like most other rules, all training records must be kept for three years.
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