

**UNITED STATES
NUCLEAR REGULATORY COMMISSION
OFFICE OF FEDERAL AND STATE MATERIALS
AND ENVIRONMENTAL MANAGEMENT PROGRAMS
WASHINGTON, DC 20555-0001**

May 16, 2008

NRC INFORMATION NOTICE 2008-03: PRECAUTIONS TO TAKE
BEFORE SHARING SENSITIVE
SECURITY-RELATED
INFORMATION

ADDRESSEES

All U.S. Nuclear Regulatory Commission (NRC) licensees who are implementing U.S. Nuclear Regulatory Commission's Order Imposing Increased Controls (IC Order) or implementing Increased Control requirements by license condition. All Agreement State Radiation Control Program Directors and State Liaison Officers.

PURPOSE

The NRC is issuing this Information Notice (IN) to alert licensees of precautions to consider before sharing sensitive security-related information with others. Recipients of this IN should review the information contained for applicability and consider any necessary actions, as appropriate. However, recommendations contained in this IN are not new NRC requirements; therefore, neither specific action nor written response is required. NRC is providing this IN to the Agreement States for their information, and for distribution to their licensees implementing the Increased Controls.

BACKGROUND

NRC first imposed the requirements in the IC Order in 2005. The Agreement States also imposed the requirements of the IC Order on their licensees in 2005. The IC Order applies to licensees possessing the radioactive material and quantities described in Table 1 of the Order. Increased Control requirement number 6 (IC6) requires, in part, that licensees treat the detailed information describing the physical protection of radioactive material as sensitive information, and to protect it from unauthorized disclosure. In addition, Regulatory Issue Summary (RIS) 2005-31, "Control of Security-Related Sensitive Unclassified Non-Safeguards Information Handled by Individuals, Firms, and Entities Subject to NRC Regulation of the Use of Source, Byproduct, and Special Nuclear Material," sets forth procedures that licensees and others are encouraged to follow when handling documents, and/or when submitting documents to the NRC that contain security-related sensitive information. A copy of the RIS is available on the NRC Web site at <http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/2005/>.

ML080370453

Sensitive information is defined in IC6 as detailed information generated by the licensee that describes the physical protection of risk-significant radioactive material. Sensitive information is required to be protected from unauthorized disclosure. Some examples of sensitive information include the licensee's Increased Control procedures, information related to the licensee's security system, and the list of approved/authorized personnel who have been deemed trustworthy and reliable. Below are some examples of situations that have occurred regarding sharing of sensitive information.

DESCRIPTION OF CIRCUMSTANCES

Information on the World Wide Web

During an inspection conducted in September 2007, a source informed NRC staff that a licensee's Web site, available to the public, contained sensitive information. Following up on this information, the NRC discovered a chat room where participants discussed sensitive information related to personnel staffing, security and other information that could be useful to an adversary.

The NRC also discovered another public Web site that revealed the location of a licensee's irradiator building and room, the name and phone number of the authorized user and the scheduled time of irradiator usage, thus providing information that could potentially be useful to an adversary.

In addition to the above examples, random NRC searches of various types of licensees' Web sites have revealed that certain licensees, particularly those in university settings or larger medical facilities and cancer centers associated with universities, often post their radiation safety manuals on the Web. The information contained on many of these Web sites included, in part, the types of devices possessed, the type of radioactive material in the devices, the activities, the specific room locations and building identification where the devices are located, and even the specific room numbers and locations where the keys to the devices were controlled. A few licensees have recently updated their Web sites and specifically referenced the IC Order in their disclosure of information, including information about the process used for trustworthy and reliability determinations. The information contained on these Web sites could allow an adversary to obtain sensitive information concerning the licensees' possession, location and use of risk-significant radioactive material.

Fire Department Request

In October 2007, a radiography licensee, subject to the IC Order, notified the NRC that their local fire department inspected them and directed the licensee to install a system to allow rapid Fire Department access. This installation, which is required by some State Fire Codes, would allow the fire department to access the facility, and potentially the risk-significant radioactive material. The fire department requested that the installation include a list of the hazardous materials, a map of their location, and keys to the building. The fire department also requested unescorted access to the entire building.

The licensee asked the NRC to evaluate this request. After careful consideration, the NRC informed the licensee that it is acceptable to provide the fire department a means of rapid access to the facility, but not direct access to the radioactive material.

In addition, the licensee was instructed to ensure that a barrier is in place for portable devices (i.e., vault, devices are locked in a storage container which is also locked to an immovable object) and not provide alarm and access codes to the fire department. The licensee was allowed to provide the fire department a map of the facility listing the location of radioactive materials, provided that the map did not list the security system locations or the activity of the licensed material.

Submission of Increased Controls Program Documentation with License Amendment Requests

Some licensees are submitting documentation of their Increased Controls program as part of their license amendment requests. Please note that licensees are not required to submit IC program documentation in this manner. Further, if IC program documentation is submitted as part of a license amendment request, that documentation becomes part of the license via the “tie-down” condition. Licensees may instead choose to submit IC program documentation as a stand-alone document that can be revised without the need to amend the license.

Regardless of whether a licensee chooses to submit IC program documentation as a stand-alone document or as part of an amendment request, the licensee should take care to properly marking it in accordance with Title 10 of the Code of Federal Regulations (10 CFR) Section 2.390, “Public Inspections, Exemptions, Requests for Withholding.”

DISCUSSION

A list of approved/authorized personnel who have been deemed trustworthy and reliable is sensitive because these individuals have been granted unescorted access to the risk-significant radioactive material. If the list is posted in a general area, an unapproved individual may alter the list to add his/her name and thus may, potentially, gain unauthorized access to the risk-significant radioactive material. Licensees are encouraged to assess all information generated as a result of the Increased Controls and protect it accordingly.

The NRC has contacted those licensees discovered using the World Wide Web to inadvertently divulge sensitive security information. The licensees have secured access to their Web sites and sensitive information is no longer accessible by the public. Note that any information that reveals the type and activity of radioactive material, the location, and the level of security (or lack thereof) should not be available on Web sites that permit public access.

The NRC reminds licensees that the sharing of information with public officials must be protected in compliance with IC6, and should be shared only with those who have a need-to-know. Generally, public officials such as fire department personnel do not have a need-to-know. Licensees needing assistance to determine whether such information can be shared with public officials should follow the example of the radiography licensee provided in this IN.

Licensees with questions concerning information security should contact the appropriate NRC regional office.

The NRC requests that licensees not submit IC documents during the licensing process. Inspection staff will review the appropriate documentation during security inspections. However, a licensee may submit related information to respond to the IC Order or to respond to a violation provided the information is properly marked in accordance with 10 CFR 2.390.

Additional information regarding Increased Controls can be found under the heading of "Holders of Material Licenses Authorized to Possess Radioactive Material Quantities of Concern," at: <http://www.nrc.gov/reading-rm/doc-collections/enforcement/security/index.html>.

In addition, licensees with questions concerning information security should contact the appropriate NRC regional office.

CONTACTS

This IN requires no specific licensee action or response. If you have any questions about the information in this notice, please contact one of the technical contacts below, or the appropriate regional office.

/RA/

Robert J. Lewis, Director
Division of Materials Safety
and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Technical Contacts:

Christian Einberg, FSME
(301)415-5422
E-mail: cee1@nrc.gov

Kathy Modes, Region I
(610)337-5251
E-mail: kad@nrc.gov

Enclosure: List of Recently Issued FSME Generic Communications

The NRC requests that licensees not submit IC documents during the licensing process. Inspection staff will review the appropriate documentation during security inspections. However, a licensee may submit related information to respond to the IC Order or to respond to a violation provided the information is properly marked in accordance with 10 CFR 2.390.

Additional information regarding Increased Controls can be found under the heading of "Holders of Material Licenses Authorized to Possess Radioactive Material Quantities of Concern," at: <http://www.nrc.gov/reading-rm/doc-collections/enforcement/security/index.html>.

In addition, licensees with questions concerning information security should contact the appropriate NRC regional office.

CONTACTS

This IN requires no specific licensee action or response. If you have any questions about the information in this notice, please contact one of the technical contacts below, or the appropriate regional office.

/RA/

Robert J. Lewis, Director
Division of Materials Safety
and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

Technical Contacts:	Christian Einberg, FSME (301)415-5422 E-mail: cee1@nrc.gov	Kathy Modes, Region I (610)337-5251 E-mail: kad@nrc.gov
---------------------	--	--

Enclosure: List of Recently Issued FSME Generic Communications

ML080370453

OFC	FSME/SSB	FSME/SSB	FSME/SSB	R1:DNMS	R1:DNMS
NAME	RBlanton:smh	CEinberg	AMauer	KModes	MMiller
DATE	02/26/08	02/ 26 /08	02/26 /08	2/27/08	03/03/08
OFC	TechEd	FSME/MSEA	FSME/DMSSA	NSIR/DSR	OGC
NAME	QTE	AMcIntosh	RLewis	PHolihan	MClark
DATE	03/04/08	03/05/08	03/12/08	04/02/08	04/16/08

OFFICIAL RECORD COPY

List of Recently Issued FSME Generic Communications			
Date	GC No.	Subject	Addressees
10/04/07	RIS-07-22	Status Update For Implementation Of NRC Regulatory Authority for Certain Naturally-Occurring and Accelerator-Produced Radioactive Material	All U.S. Nuclear Regulatory Commission materials licensees, radiation control program directors, State liaison officers, and the NRC's Advisory Committee on the Medical Uses of Isotopes.
10/04/07	RIS-07-23	Date For Operation Of National Source Tracking System	All licensees authorized to possess Category 1 or Category 2 quantities of radioactive materials. All Radiation Control Program Directors and State Liaison Officers.
12/05/07	RIS-07-27	Improving Public Understanding of the Risks Associated with Medical Events	All U.S. Nuclear Regulatory Commission medical use licensees. All Radiation Control Program Directors, and State Liaison Officers
12/07/07	RIS-07-28	Security Requirements for Portable Gauges	U.S. Nuclear Regulatory Commission portable gauge licensees and Agreement State Radiation Control Program Directors and Liaison Officers
12/14/07	RIS-07-38	Ensuring Complete and Accurate Information In the Documentation of Training and Experience for Individuals Seeking Approval as Medical Authorized Users	All U.S. Nuclear Regulatory Commission medical use licensees and NRC master materials licensees. All Agreement State Radiation Control Program Directors and State Liaison Officers
02/01/08	RIS-08-02	Actions to Increase the Security of High Activity Radioactive Sources	All U.S. Nuclear Regulatory Commission Materials and Master Materials Licensees. All Agreement State Radiation Control Program Directors and State Liaison Officers.
<p>Note: This list contains the six most recently issued generic communications, issued by the Office of Federal and State Materials and Environmental Management Programs (FSME). A full listing of all generic communications may be viewed at the NRC public website at the following address: http://www.nrc.gov/reading-rm/doc-collections/gen-comm/index.html</p>			