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## **DHFS REGULATORY ISSUE SUMMARY 2006-01**

### **CONTROL OF SECURITY-RELATED SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION HANDLED BY INDIVIDUALS, FIRMS, AND ENTITIES SUBJECT TO DHFS REGULATION OF THE USE OF RADIOACTIVE MATERIAL**

#### **ADDRESSEES**

All licensees, applicants, and other entities (hereafter referred to as 'licensees and others') subject to regulation by the Department of Health and Family Services (DHFS) of the use of radioactive material.

#### **INTENT**

This RIS sets forth procedures that licensees and others are encouraged to follow when handling documents and/or when submitting documents to DHFS that contain security-related sensitive information that could be useful, or could reasonably be expected to be useful, to a terrorist in a potential attack. Attached to this RIS are screening criteria that licensees and others should use to identify security-related sensitive information.

No specific action or written response is required.

#### **BACKGROUND**

Traditionally the government has given the public access to a significant amount of information about the facilities and materials which are regulated. Openness has been and remains a cornerstone of DHFS's regulatory philosophy. However, DHFS, the Nuclear Regulatory Commission, other Agreement States and other Government agencies have withheld some information from public disclosure for reasons of security, personal privacy, or commercial or trade secret protection. In the post-September 11, 2001, environment, DHFS, like many other agencies, has found it necessary to be more judicious in determining what information to voluntarily release, so as not to inadvertently provide assistance to those who might use certain information for malevolent acts. DHFS has taken specific actions regarding the security of its licensed facilities and has also assessed and revised its policies on practices for making information available to the public.

Sensitive (but unclassified, non-safeguards) information covers a range of information for which the loss, misuse, modification, or unauthorized access can reasonably be foreseen to harm the

public interest, commercial or financial interests of an entity, the conduct of DHFS, NRC and federal programs, or the personal privacy of individuals. Specifically, information that should be protected under this RIS is described in Attachment 2. In addition, licensees and others should use the procedures set forth below to protect information designated for protection by other federal, State, or local agencies.

## **SUMMARY OF ISSUE**

This RIS:

1. Informs licensees and others of the screening criteria that DHFS uses to identify and protect security-related sensitive information in documents generated by DHFS and in documents received from licensees and others;
2. Encourages licensees and others to identify security-related information contained in documents submitted to DHFS, by using the screening criteria in Attachment 2 and marking procedures; and
3. Encourages licensees and others that may possess security-related sensitive information to control the information, to limit the risk that the information might fall into the hands of those who would use it for malevolent acts.

Specifically, protection of the information should be implemented in the following manner:

### **A. Screening of Future Documents Submitted to DHFS**

If practical, documents submitted to DHFS should avoid including security-related sensitive information.

### **B. Marking and Submitting Documents Containing Security-Related Information**

If it is necessary to include security-related information in a submitted document, the submittal should be marked to indicate the presence of such information as follows:

- a. The cover letter should clearly state that the attached documents contain security-related sensitive information.
- b. As shown in Attachment 1 (Section A), the top of every page of a letter or document that contains security-related sensitive information (e.g., facility diagrams) should include the marking "Security Related Information - Withhold from Public Disclosure". For the pages having security-related sensitive information, an additional marking should be included adjacent to the material meeting the screening criteria in Attachment 2.

Information on suggested handling and methods of submittal of security-related sensitive information is also contained in Attachment 1 (Section B).

### C. Protection of Security-Related Sensitive Information

Documents that contain security-related sensitive information should be protected from public disclosure, using methods similar to that for protecting proprietary information. To the extent practicable, any existing documents containing security-related sensitive information that licensees or others have previously made available to the public should be withdrawn from public access (e.g., websites). Licensees and others should ensure that similar controls are in place when security-related sensitive information is provided to outside parties such as contractors or other Government agencies, and that the information is made available only to such parties who have a need to know the information to perform their jobs and who are made aware of the security-related nature of the information.

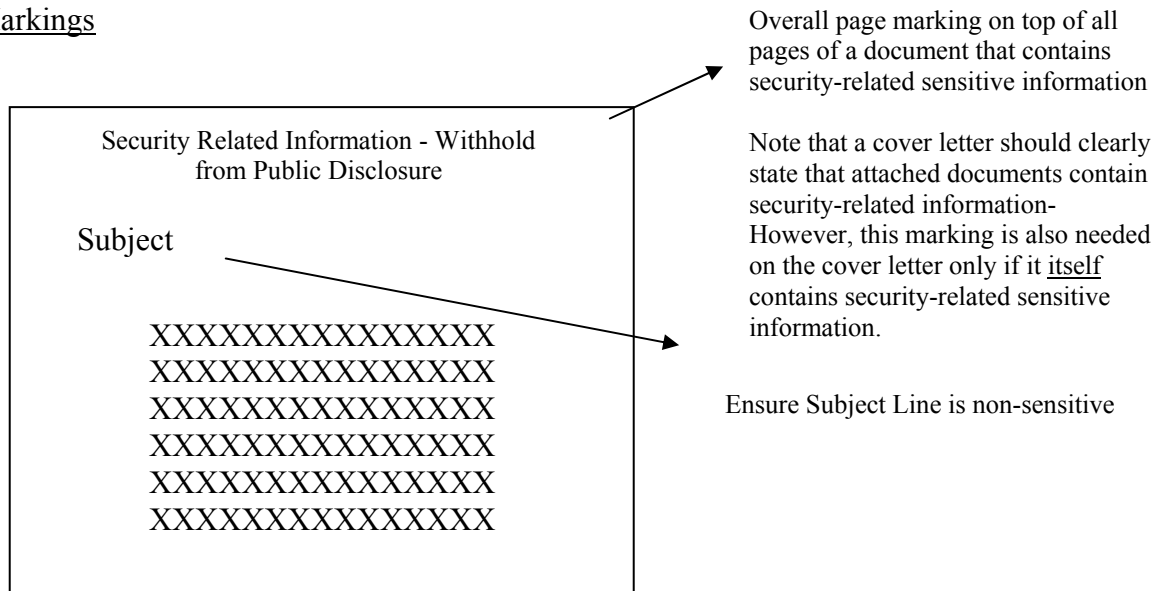
DHFS staff will interact with licensees and others on a case-by-case basis to resolve questions regarding the application of the procedures and screening criteria set forth in this RIS and its attachments.

Please direct any questions about this matter to Cheryl K Rogers at (608) 266-8135 or email at [rogerck@dhfs.state.wi.us](mailto:rogerck@dhfs.state.wi.us) or Jason H Hunt at (608) 266-9443 or email at [huntjh@dhfs.state.wi.us](mailto:huntjh@dhfs.state.wi.us).

## SUGGESTED MARKINGS AND HANDLING

This attachment provides information on suggested markings for pages of a document that contains security-related sensitive information (Section A) and suggested handling of such documents (Section B).

### A. Page Markings



### B. Appropriate Controls for Handling Documents

- |                          |   |
|--------------------------|---|
| Access:                  | Need-to-know in order to perform official licensee, applicant or entity functions.  |
| Storage:                 | Openly with licensees, applicant, or other entity facilities with electronic or other access controls, for example, key cards, guards, alarms.  |
| Mail:                    | U.S Postal Service first class mail, registered mail, express mail, or certified mail in single opaque envelope with no external markings to indicate sensitive contents.   |
| Electronic Transmission: | Over phone if the recipient is confirmed as being authorized to access the information; over facsimile if it is confirmed that a recipient who is authorized to access the information will be present to receive the transmission; over encrypted computer e-mail. |

**SCREENING CRITERIA FOR SECURITY-RELATED SENSITIVE  
UNCLASSIFIED NON-SAFEGUARDS INFORMATION  
FEBRUARY 2006**

**1. DHFS THRESHOLD CRITERIA:**

Documents containing information falling under these thresholds may be released without any further screening, except as specifically noted:

A. Low Hazard: The following types of licensee files need NOT be screened due to the low hazard of the radioactive material at the sites.

- Licensees authorized to possess quantities of radionuclides in any single location that are below the International Atomic Energy Agency's (IAEA) Category 3 quantities (as listed in Table 1 of these guidelines). However, documents which give exact location of the material **should be withheld**, even if they refer to material levels below the Category 3 threshold.
- Current information on decommissioning materials sites with diffuse contamination only. (Check for other active licenses or radioactive material at the site; e.g., high activity waste. Screen any such documents separately.)

B. Information Readily Available to the Public Elsewhere:

- If the information is available from open source literature such as text books, Web sites, or other sources, a DHFS decision to withhold the information may decrease the openness of our regulatory programs without obstructing an adversary. Therefore, the information may generally be released.
- Information clearly visible from locations accessible to the public is generally released. This includes general (low resolution) drawings of the site and adjacent areas.

**2. GENERAL CRITERIA FOR SCREENING DOCUMENTS ABOVE THE THRESHOLD**

A. Descriptions of Facilities Where Licensed Material May Be Located

Criteria:

(1) Locations and quantities of radioactive material (above the thresholds listed in Table 1)

- Withhold information identifying the exact locations of radioactive material.
- Withhold information on possession limits or actual inventories of radionuclides.
- Withhold manufacturers and model numbers of sealed sources and devices.

(2) Design of structures/equipment (site specific)

- Withhold information related to security requirements, information from analysis which could reveal vulnerabilities, reports of specific or predicted failures, and any other information which could reasonably be expected to be useful to potential adversaries.

B. Emergency Planning/ Fire Protection Information

- Withhold information related to emergency planning, emergency response, and fire protection. Review any considerations and/or requests for release on a case-by-case basis.
- Withhold information describing licensee responses to malevolent attacks.
- Withhold information and drawings identifying locations of radioactive material, and onsite routes and pathways to or from the locations of radioactive material.

C. Vulnerability/ Security Assessments/ Accident Analyses/ Safety Analyses/ Risk Assessments

- Withhold detailed information and drawings describing the specific locations of equipment relied upon for safety or security.

**APPENDIX 1**  
**REVIEWS OF MEDICAL, INDUSTRIAL, AND ACADEMIC USERS OF**  
**RADIOACTIVE MATERIAL**

A. Descriptions of Facilities Where Radioactive Material May Be Located (above the thresholds in Table 1)

- Withhold lists of authorized or actual inventories of radionuclides.
- Withhold building numbers and room numbers (other than mailing addresses) or similar information which identify locations of material.
- Withhold site drawings which identify individual buildings on the licensee site.
- Withhold drawings of buildings/rooms/devices where radioactive material is located.
- Withhold manufacturers and model numbers of sealed sources and devices.
- Withhold information on security program, guards access controls, key cards, alarms, barriers, chains, locks, etc.

B. Design Information (non-site specific) - Sealed Source and Device Sheets

- Withhold information on Sealed Source Device Registry Sheets for a particular device.

C. Emergency Planning/Fire Protection Information

- Withhold information on routes to and from locations of radioactive material.
- Withhold information related to responses to security events and malevolent events.

**Table 1: Radionuclide Screening Threshold Values**

Radionuclide	Quantity of Concern <sup>1</sup> (TBq)	Quantity of Concern <sup>2</sup> (Ci)
Am-241	0.06	1.6
Am-241/Be	0.06	1.6
Cf-252	0.02	0.54
Cm-244	0.05	1.4
Co-60	0.03	0.81
Cs-137	0.1	2.7
Gd-153	1	27
Ir-192	0.08	2.2
Pm-147	40	1100
Pu-238	0.06	1.6
Pu-239/Be	0.06	1.6
Se-75	0.2	5.4
Sr-90 (Y-90)	1	27
Tm-170	20	540
Yb-169	0.3	8.1
Combinations of radioactive materials listed above <sup>3</sup>	See Footnote Below <sup>4</sup>	

<sup>1</sup>The aggregate activity of multiple, collocated sources should be included when the total activity exceeds the quantity of concern.

<sup>2</sup>TBq values are the regulatory standard and the Curie values are rounded to two significant figures.

<sup>3</sup>Radioactive materials are to be considered collocated if breaching a common physical security barrier (e.g., a locked door at the entrance to a storage room) would allow access to the radioactive material or devices containing the radioactive material. For sources installed in devices, each device should be considered in a separate location.

<sup>4</sup>If several radionuclides are aggregated, the sum of the ratios of the activity of each source,  $I$  of radionuclide,  $n$ ,  $A_{(I,n)}$ , to the quantity of concern for radionuclide  $n$ ,  $Q_{(n)}$ , listed for that radionuclide exceeds one. [(aggregated source activity for radionuclide A) ÷ (quantity of concern for radionuclide A)] + [(aggregated source activity for radionuclide B) ÷ (quantity of concern for radionuclide B)] + etc..... $\geq 1$