

FOI/PA REQUEST

Case No. 2004-003A
Date Rec'd. 1-22-04
Action On: Reed
Related Case: 2004-0066

Dayton Daily News

THRU: 1947 Newton Road Extension
Red Creek Ranch, Pueblo, CO 81005

Phone: (719) 485-3909

Fax: (719)-485-0910

Email: russell_carollo@coxohio.com

Jan. 13, 2003

Secretary of the Commission
Nuclear Regulatory Commission

This is an appeal under the Freedom of Information Act, 5 U.S.C. 552. On Dec. 1, 2003, I filed the attached request. I have since received the attached response.

The response was incorrect and improper for the following reasons:

- 1) I requested: "All reasonably segregable portions of otherwise exempt material. Databases are the easiest records to remove exempt material from. Filtering of database records, removing fields containing exempt material, takes seconds by a computer operator.
- 2) Exempt material could easily be removed from this database without identifying information falling under the Privacy Act.
- 3) The Dayton Daily News has several cases in Federal District Court for the Southern District of Ohio that touch on this issue. The most recent case is Dayton Daily News Vs. Peace Corps, filed in November 2002 and since settled with release of the requested information.

I respectfully asked that you consider that this request and appeal are made by a journalist working for a newspaper in this country and that the information I seek is sought under a law intended by Congress to keep our citizens informed about the activities of government – a law our government and many others feel is vital to a free nation. I also respectfully ask that you consider that this response is not in keeping with the spirit or the letter of that law or with your own policies.

In any case, I expect to receive your decision no later than by 20 business days, as required by law.

Thank you for your assistance
Yours very truly,

Russell Carollo

The First **COX** Newspaper

2 - OF - 2 This Day

Call 12/2/03
no paper

Dayton Daily News

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Red Creek Ranch, Pueblo, CO 81005

Phone: (719) 485-3909
Fax: (719) -485-0910

Email: Russell_carollo@coxohio.com

Dec. 1, 2003

Carol Ann Reed
Nuclear Regulatory Commission

Pursuant to the federal Freedom of Information Act, 5 U.S.C. 552, I request access to and copies of the Radiation Exposure Information Report System (REIRS) or the database(s) currently holding the data once held in REIRS.

This database is described on page 15 of the Office of Inspector General semiannual report for the period ending Sept. 30, 2000.

I also request that you include a record layout (data dictionary) describing all database fields, including withheld fields. I need raw computer data in an electronic form (CD Rom, 3.5 diskette or Jazz disk/Excel format is OK) with field delimiters, not a text dump, printout or directions to a website. Also, please include definitions for any codes used in the databases.

Please justify each deletion (including individual computer fields) separately by reference to specific exemptions of the Act, and release all reasonably segregable portions of otherwise exempt material. I, of course, reserve the right to appeal any decisions.

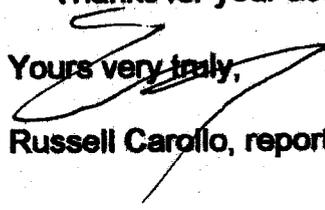
Include information contained in the material that otherwise would be considered non-responsive to the specific request. Let me know if similar requests have been filed.

Notify me prior to incurring more than \$150 of expenses. The information is intended for a newspaper series that, as the fee waiver requires, is "likely to contribute significantly to public understanding of the operations or activities of the government." Several projects about government operations written by me were distributed by Cox to its own newspapers and to papers serviced by its wire operation. Those projects resulted in network news magazine shows on ABC, NBC, CBS and cable networks, federal legislation, policy changes and numerous national awards, including two presented personally by U.S. Presidents Ford and Clinton. I ask that you waive all fees.

This information is of timely value, so please communicate questions by telephone rather than by mail. I look forward to your reply within 20 business days, as the statute requires.

Thanks for your assistance.

Yours very truly,


Russell Carollo, reporter

The First **COX** Newspaper

Received
MARCUS Brooks
RATED



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

DEC 19 2003

Mr. Russell Carollo
Dayton Daily News
1947 Newton Road Extension
Red Creek Ranch
Pueblo, CO 81005

IN RESPONSE REFER
TO FOIA/PA-2004-0066

Dear Mr. Carollo:

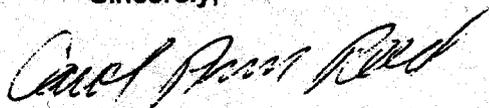
This acknowledges receipt of your Freedom of Information Act (FOIA) request dated December 1, 2003. You requested access to and copies of the Radiation Exposure Information Report System (REIRS) including a record layout describing all database fields. You also requested the data in an electronic format. You further requested that fees for processing your request be waived because the information is intended for a newspaper series that is likely to contribute significantly to public understanding of the operations or activities of the government.

The information you are seeking is maintained in a Privacy Act System of Records. I have enclosed a copy of NRC's Privacy Act System of Records, NRC-27, Radiation Exposure Information and Reports System (REIRS) Files. This system notice contains a description of the information maintained in the REIRS system.

The Privacy Act (PA) restricts disclosure to third parties, without the subject's consent, of personally identifiable records maintained by the Federal government, except under certain limited circumstances. The REIRS database contains personally identifiable information about individuals who have been exposed to radiation or radioactive materials at certain NRC-licensed facilities, or in incidents subject to specific regulatory reporting requirements. In this case, we are aware of no qualifying circumstances under which the PA would authorize release of the REIRS database, nor would the FOIA provide authority for disclosure. The radiation exposure information of named individuals contained in the REIRS system is inherently personal and public disclosure of this information would be considered an unwarranted invasion of privacy. Moreover, it is unlikely that disclosure of this information would shed any light on the operations or activities of government or the manner in which the agency performs its functions.

This denial may be appealed to the Secretary of the Commission within 30 days from the receipt of this letter. Any such appeal must be in writing, addressed to the FOIA/PA Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should clearly state on the envelope and in the letter that it is an "Appeal from an Initial FOIA Decision."

Sincerely,



Carol Ann Reed
FOIA/PA Officer
Office of the Chief Information Officer

Enclosure:
As stated