

May 3, 2004

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

IN RESPONSE REFER
TO FOIA/PA-2004-003A
(FOIA/PA-2004-0066)

Dear Mr. Carollo:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your letter dated January 13, 2004, in which you appealed a recent Freedom of Information Act (FOIA) decision. On December 19, 2003, Ms. Carol Ann Reed denied your FOIA request of December 1, 2003, for access to and copies of the Radiation Exposure Information Report System (REIRS) database. You asked for the raw computer data in electronic form, a description of the fields, and definitions of any codes used in the database. You also wanted to know if similar (FOIA) requests had been filed.

Ms. Reed's December 19, 2003, letter informed you that the REIRS database is maintained in a Privacy Act System of Records and that the Privacy Act restricts third party access to the information. That letter provided a general description of the information contained in the REIRS system.

I have reviewed the issues pertaining to your appeal. The Privacy Act states that "no agency shall disclose any record which is contained in a system of records by any means of communication to any person . . . unless disclosure of the record would be . . . required under section 552 of this title" (5 U.S.C. 552a(b)(2)). Section 552a(b)(2) refers to the FOIA. I have determined that some of the information in the REIRS database can be provided to you in accordance with the disclosure authority of the FOIA. Therefore, I have partially granted and partially denied your appeal.

I am enclosing a CD-ROM containing the raw computer data. The withheld information consists of the names, birth dates, and identification numbers of individuals whose exposure data is in the REIRS database. I am unable to identify any legitimate public interest in the release of this information that outweighs the privacy interests of the individuals. Therefore, the remaining data will continue to be withheld pursuant to personal privacy considerations under FOIA Exemption 6 (5 U.S.C. 552(b)(6)) and 10 CFR 9.17(a)(6) of the Commission's regulations, based on the determination that disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. The CD-ROM contains a 72 megabyte zipped file. Unzipped, the file is over 1 gigabyte. The file is password protected. Please contact the individual indicated on the CD-ROM for the password and for assistance if needed. The file is written in ASCII text in a fixed format.

I also am enclosing NRC Form 5, which describes the fields and defines the codes used in the database. In response to your inquiry about similar requests, the NRC has received two other FOIA requests for the entire database, one in 1993, the other in 2001. In both cases, the requests were withdrawn before processed. Both requests were closed administratively. I also have enclosed a fact sheet on the REIRS. As stated in the fact sheet, there are 4.9 million records in the database, some dating as far back as the 1940s. The NRC already publishes much of this information annually in NUREG-0713, "Annual Report of Occupational Radiation Exposure." This NUREG is compiled from the annual reports of individual monitoring submitted by NRC licensees subject to the reporting requirements of 10 CFR 20.2206. The licensees' records are analyzed for trends and presented in the report in terms of collective dose and the distribution of dose among the monitored individuals. Several years of annual reports, as well as the most recent versions of this NUREG, can be found at www.reirs.com in PDF format. However, since you asked for data in electronic form but do not wish to be directed to a Web site, I also am enclosing a CD-ROM copy of the latest version of NUREG-0713, the 2002 Annual Report.

This is the NRC's final action. As provided in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside or have your principal place of business, or in which the agency's records are situated, or in the District of Columbia.

Sincerely,

/RA/

William D. Travers
Executive Director
for Operations

Enclosures:

1. REIRS Database (CD-ROM)
2. Description of Fields and Definitions of Codes
3. REIRS Fact Sheet
4. NUREG-0713 (CD-ROM)

I also am enclosing NRC Form 5, which describes the fields and defines the codes used in the database. In response to your inquiry about similar requests, the NRC has received two other FOIA requests for the entire database, one in 1993, the other in 2001. In both cases, the requests were withdrawn before processed. Both requests were closed administratively. I also have enclosed a fact sheet on the REIRS. As stated in the fact sheet, there are 4.9 million records in the database, some dating as far back as the 1940s. The NRC already publishes much of this information annually in NUREG-0713, "Annual Report of Occupational Radiation Exposure." This NUREG is compiled from the annual reports of individual monitoring submitted by NRC licensees subject to the reporting requirements of 10 CFR 20.2206. The licensees' records are analyzed for trends and presented in the report in terms of collective dose and the distribution of dose among the monitored individuals. Several years of annual reports, as well as the most recent versions of this NUREG, can be found at www.reirs.com in PDF format. However, since you asked for data in electronic form but do not wish to be directed to a Web site, I also am enclosing a CD-ROM copy of the latest version of NUREG-0713, the 2002 Annual Report.

This is the NRC's final action. As provided in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside or have your principal place of business, or in which the agency's records are situated, or in the District of Columbia.

Sincerely,

/RA/

William D. Travers
Executive Director
for Operations

Enclosures:

1. REIRS Database (CD-ROM)
2. Description of Fields and Definitions of Codes
3. REIRS Fact Sheet
4. NUREG-0713 (CD-ROM)

Distribution: FOIA/PA Subject, TClark, RES; CHolzle, OGC, Lreyes, EDO R/F

ADAMS ACCESSION NUMBER: ML040460002

ADAMS DOCUMENT TITLE: Appeal 2004-003A (FOIA/PA-2004-0066)

To receive a copy of this document, indicate in the box: "C" = Copy without attachment/enclosure "E" = Copy with attachment/enclosure "N" = No copy

OFFICE	FPT/Editor	<input type="checkbox"/>	RES	<input type="checkbox"/>	OGC	<input type="checkbox"/>	RFSB	<input type="checkbox"/>	IRSD	<input type="checkbox"/>
NAME	CAReed		Athadani FE for		CHolzle		BShelton		FGoldberg	
DATE	4/9/2004		4/14/2004		4/14/2004		4/16/2004		4/16/04	

OFFICE	D:CIO	<input type="checkbox"/>	CIO	<input checked="" type="checkbox"/>	EDO	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
NAME			EMerschhoff		WTravers					
DATE	/ /2004		4/23/2004		4/29/2004					

OFFICIAL RECORD COPY

ENCLOSURES

TO

RESPONSE

FOIA/PA-2004-003A

ARE

MAINTAINED IN

THE SUBJECT FILE

IN THE FOIA/PA TEAM

FILE ROOM