

June 4, 2004

Mr. Charles H. Rose, MA, MSPH, D(ABSNM)
Executive Director
American Association for Nuclear Cardiology, Inc.
5660 Airport Boulevard, Suite 101
Boulder, Colorado 80301

Dear Mr. Rose:

I am responding to your letter, dated April 27, 2004, requesting that the U.S. Nuclear Regulatory Commission (NRC) confirm your interpretation of the meaning of "public disclosure" in NRC's regulation at 10 CFR 20.2106(d). This regulation provides:

(d) *Privacy Protection.* The records required under this section should be protected from public disclosure because of their personal privacy nature. These records are protected by most State privacy laws and, when transferred to the NRC, are protected by the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a, and the Commission's regulations in 10 CFR Part 9.

Dosimetry reports are among the records required under 10 CFR 20.2106. You have explained that it is a common practice to post dosimetry reports for review by monitored workers. You interpret "public disclosure" as meaning disclosure to individuals who are outside of the licensed facility's radiological operations rather than disclosure to any individuals within the licensed facility's radiological operations. Under this interpretation, you believe that the practice of posting dosimetry records within the licensed facility's radiological operations is not in conflict with the requirements of 20.2106(d).

"Protection from public disclosure," as used in this section, refers to establishing appropriate measures to ensure the security and confidentiality of records and to protect against any unauthorized dissemination of information contained therein. Dosimetry records contain personal information (e.g., the individual's name and/or social security number). Such reports should not be available to any person, other than the person monitored, unless identifying, personal information is removed, or if authorized by the individual to whom the record pertains to, or by law. As indicated in 20.2106(d), these records are protected by most State privacy laws. Licensees are responsible for understanding and complying with the State's privacy laws for protecting these records from public disclosure.

I hope this response addresses your concerns.

Sincerely,

/RA/

Charles L. Miller, Director
Division of Industrial and Medical
Nuclear Safety
Office of Nuclear Material Safety
and Safeguards

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