

October 26, 2005

Mr. Stuart Hinnefeld, CHP
Technical Program Manager
Office of Compensation Analysis and Support
National Institute for Occupational Safety and Health
U.S. Department of Health and Human Services
Robert A. Taft Laboratories
4676 Columbus Parkway
Cincinnati, OH 45226-1998

SUBJECT: U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES DOCUMENT
REQUEST TO U.S. NUCLEAR REGULATORY COMMISSION (REFERENCE
#OCAS-2005-0022)

Dear Mr. Hinnefeld:

I am responding to your letter dated August 11, 2005, requesting access to U.S. Nuclear Regulatory Commission (NRC) records. Your letter stated that in 2000, the U.S. Congress passed the Energy Employees Illness Compensation Act (the Act) which provides monetary compensation and medical care for Department of Energy employees and approved Atomic Weapons Employees who were exposed to radiation during employment and who subsequently suffered from illnesses incurred in the performance of their duty. You further stated that the National Institute for Occupational Safety and Health (NIOSH) was given responsibility for determining occupational doses for workers making claims under the Act. Your letter described some key information you need to reconstruct radiation doses for the workers covered under the Act. In particular, you expressed interest in obtaining information about the former Nuclear Materials and Equipment Company facilities located in Apollo, and Parks Township, Pennsylvania.

In order to provide you with the requested information and records, I propose instituting between the U.S. Department of Health and Human Services (HHS)/NIOSH and the NRC certain ground rules so that the NRC is able to respond in a timely manner to your record request:

1. The NRC will compile the documents and allow HHS/NIOSH to inspect and copy them.
2. If the documents contain classified or Safeguards Information (SGI), only appropriately cleared and SGI-authorized individuals will be allowed to inspect them.
3. Copies of documents that contain classified information or SGI must be handled and stored in accordance with applicable NRC regulations and Management Directives.
4. HHS/NIOSH agrees to properly protect non-publicly available documents (including documents marked Official Use Only (OUO), SGI, classified) in accordance with applicable NRC Management Directives.
5. HHS/NIOSH will not further disseminate records obtained from the NRC without prior NRC approval.
6. The scope of the request is limited to that stated in HHS/NIOSH's August 11, 2005, letter.

The NRC requirements for the protection of SGI and classified information are set forth in 10 CFR Parts 73 and 95, respectively, as well as in NRC Management Directives 12.1 and 12.6. NRC policy on the protection of OUO, proprietary, and other sensitive unclassified information is set forth in NRC Management Directive 12.6 as well. Please familiarize yourself with these requirements as we begin processing your records request.

Also, please note that under the Privacy Act, the NRC may disclose personal information contained in a Privacy Act system of records to HHS/NIOSH only if the release is covered by a routine use or with the consent of the individual to whom the information pertains. The NRC may share information from the NRC's Privacy Act system of records NRC-27, "Radiation Exposure Information and Reporting (REIRS) Files" with other Federal and State agencies involved in monitoring and/or evaluating radiation exposure received by certain individuals enumerated in the NRC's System of Record Notice for the REIRS database, which can be found at 69 Fed. Reg. 57,601. Should your request uncover information in a system of records that is not covered by a routine use exception, the NRC would not be able to share that information without permission from subject individuals.

We would appreciate receiving written confirmation that these ground rules are acceptable. This letter responds to all prior HHS/NIOSH inquiries on this matter. If additional information is desired, please contact me at (301) 415-0023 or via e-mail at aak@nrc.gov.

Sincerely,

/RA/

Amir Kouhestani, Project Manager
Decommissioning Directorate
Division of Waste Management
and Environmental Protection
Office of Nuclear Material Safety
and Safeguards

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Amir Kouhestani, Project Manager
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DATE	9/19/05	9/20/05	9/21/05	9/22/05	9/30/05
OFFICE	NSIR	ADM	OIS	OIS	DWMEP:DD
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