

Mike Tremblay
foi+request-10307-a104cdec@righttoknow.org.au

Request consultation process under section 24AB of the Freedom of Information Act 1982 due to the existence of a practical refusal reason

Applicant: Mike Tremblay
Decision Maker: Roslyn Hatton
Date: 13 June 2023
Organisation: Australian Nuclear Science and Technology Organisation (**ANSTO**)

Dear Mr Tremblay

I refer to your request under the Freedom of Information Act 1982 (**FOI Act**) made on 15 May 2023 for access to the following documents:

- *All records relating to the WHS hierarchy of controls used for employees working with depleted uranium.*
- *All records that detail the biological monitoring of these employees.*

I, Roslyn Hatton, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its size and broad scope. This is called a 'practical refusal reason' under section 24AA of the FOI Act.

On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

Why I intend to refuse your request

In your request you sought documents relating to:

- *All records relating to the WHS hierarchy of controls used for employees working with depleted uranium.*
- *All records that detail the biological monitoring of these employees.*

I decided that a practical refusal reason exists because:

- ANSTO has been operating since 1987. Depending on their role at ANSTO, several employees may have worked with depleted uranium across this time.

- Your request captures all documents that detail the biological monitoring of any employee who has worked with depleted uranium. At present this would include routine health monitoring of current and previous staff in waste services and health physics who work with radioactive waste material containing small quantities of legacy depleted uranium. It would also capture health monitoring of current or previous employees of ANSTO who may have been involved in projects involving depleted uranium across the 36 years which ANSTO has been operating.
- Biological monitoring includes:
 - external dosimetry
 - internal dosimetry (whole body monitoring)
 - project specific biological monitoring (urine and blood analysis)
- ANSTO's Safety Management System includes several documents relating to radiation protection (policies, procedures, guides, forms, and manuals) to meet the WHS hierarchy of control measures for working with radioactive materials which would include depleted uranium. These include but are not limited to documents in relation to the following:
 - Minimising radioactivity and radioactivity concentrations where possible;
 - Radiation and contamination control measures;
 - Maintenance of engineered control systems;
 - Safety Assurance and approvals process;
 - Independent assurance of the effectiveness of control measures;
 - Safe and secure movement and transport of radioactive materials;
 - Safe and secure management of radioactive wastes;
 - Exposure monitoring;
 - Health surveillance; and
 - Radiation safety training.
- The broad scope of your current request would involve searching for any document relating to either the WHS hierarchy of controls or biological monitoring for:
 - Staff currently working with radioactive waste which may include legacy depleted uranium
 - Current and former staff who may have been involved in historical projects with depleted uranium.
- Records detailing the biological monitoring of individual staff who may have worked with depleted uranium would be time consuming to process because they are considered sensitive personal information.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, we will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

For example, you may consider narrowing your request to the current version of the following documents which specifically address the WHS hierarchy of controls for radiation protection and health monitoring:

- Radiation Safety Standard
- Occupational Health

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request
- make a revised request
- tell us that you do not wish to revise your request.

The consultation period runs for 14 days and starts on the day after you receive this notice.

During this period, you are welcome to seek assistance from the contact person I have listed below to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it. (Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30-day time limit for processing your request.)

If you do not do one of the three things listed above during the consultation period or consult the contact person during this period, your request will be taken to have been withdrawn.

Contact officer

If you would like to revise your request or have any questions, the contact officer for your request is:

Gemma Larkins
Senior Lawyer
foi@ansto.gov.au
(02) 9717 9886

Yours sincerely

Roslyn Hatton

Roslyn Hatton
Freedom of Information Delegate