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2/18/15

James Danna
Chief, Rulemaking and Project Management Branch
Division of Material Safety, State, Tribal, and Rulemaking Programs
Office of Nuclear Material Safety and Safeguards
U.S. Nuclear Regulatory Commission
1555 Rockville Pike
Rockville, MD 20852
Fax: 301-415-3716

RE: Freedom of Information Act Request
Federal Register Notice Vol. 79, No.143/Friday, July 25, 2014/Proposed Rules, advance notice of proposed rulemaking ("ANPR") Nuclear Regulatory Commission ("NRC") 10 CFR Part 20 [NRC-2009-0279]
RIN 3150-AJ29

Dear Mr. Danna:

We are once again respectfully requesting an extension on the comment deadline for Docket ID NRC–2009–0279 to be extended until 180 days after all referenced documents are made available for public review, or for six (6) months. Preparation of the ANPR was a multi-year project for NRC Staff. This extension is necessary and reasonable to allow for meaningful public comment from stakeholders in impacted reactor communities.

Specifically, the NRC states in the Federal Register announcement [*Federal Register /Vol. 79, No. 143 / Friday, July 25, 2014 / Proposed Rules page 43284*] that the purpose of the ANPR is to align with ICRP 103(2007), yet this is one of the documents that have not been provided to the public.

We are respectfully requesting a second extension on the comment deadline for Docket ID NRC–2009–0279 until 180 days after all referenced documents are made available for public review or for six (6) months, since the FOIA request made on November 7, 2014, has not been fulfilled and we are submitting the attached Freedom of Information Act ("FOIA") to obtain the all the documents upon which the ANPR relies.

Due to the impossibility in accessing the documents referred by the NRC, we have submitted the attached new FOIA request for all ICRP documents referenced in the ANPR, as well as related documents.

As the NRC has relied upon copywritten materials in ANPR, it is necessary for the NRC to negotiate license agreements with the publishers of these document to make them electronically available for public review, at no charge to publically recognized non-profit organizations and members of the public. Alternatively, in the event, the NRC cannot provide the relied upon documents for public review then the NRC must withdraw the ANPR from the Federal Register at this time

Accessibility of documents NRC references

The FOIA response made on November 7, 2014 by NIRS, Beyond Nuclear and IPSEC was not fulfilled and many of the documents relied upon remain inaccessible for public review. NRC's extensive use of copywritten references prohibits members of most vulnerable nuclear power reactor fuel chain communities to submit meaningful comments on the ANPR. Arrangements must by made by the NRC with the publishers of all documents referred and relied upon by NRC, to grant accessibility to such documents to stakeholders. In the alternative the NRC

The requested documents, even if available, would be cost prohibitive for the public to obtain. Therefore we respectfully request the NRC provide free, easy digital access to any and all reference documents to provide for meaningful public comment.

The basis for the ANPR is referenced by NRC to be many ICRP and NCRP documents. We are respectfully requesting NRC set up a publically accessible information database with the referenced documents.

Amount of time needed to examine documents NRC references

In order to fully understand the basis for NRC's reasoning, review of these documents is necessary and these foundational documents still have not been provided under FOIA as required by the USC Federal Advisory Committee Act (FACA) of 1972 (Public Law 92-463) §10(b) and §11(a) subject to section 522 of Title 5, United States Code, or by any other effective means .

Extension of time needed

Many of the referenced documents we have requested under FOIA are large, dense technical text and charts. Currently the members of the public have been unable to obtain access to the referenced documents; therefore we are requesting that the public comment period set by the NRC be extended until 180 days after referenced documents are made available to the public.

We are respectfully requesting an extension on the comment deadline for Docket ID NRC–2009–0279 for at least six (6) months or six (6) months after the attached Freedom of Information Act ("FOIA") request has been fulfilled or a publically accessible electronic library for the underlying documents reviewed, referred to and relied upon by the NRC is established.

Sincerely yours,

Susan H. Shapiro, Esq.
On Behalf of:
Nuclear Information Resource Service ("NIRS");
Beyond Nuclear;
Indian Point Safe Energy Coalition ("IPSEC");
Citizens Allied for Safe Energy ("CASE");
San Onofre Safety;
Citizen Awareness Network;
Vermont Citizens Action Network;
North Carolina Waste Awareness and Reduction Network ("NC WARN");
Pilgrim Nuclear Watch;
Mothers for Peace;
Radiation and Public Health Project ("RPHP")
Nuclear Energy Information Service ("NEIS")
(collectively known as the "Stakeholders")

cc: Senator Charles Schumer
Senator Kirsten Gillibrand
Senator Barbara Boxer
Senator Barbara Boxer
Senator Edward Markey
Senator Elizabeth Warren
Senator Bernie Sanders
Senator Patrick Leahy
Senator Richard Blumenthal
Senator Marco Rubio
Senator Bill Nelson
Senator Richard Burr
Senator Thom Tillis
Senator Dick Durbin
Senator Mark Kirk
Congresswoman Nita Lowey
Congressman Eliot Engel

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February 18, 2015

FOIA/Privacy Act Officer
U.S. Nuclear Regulatory Commission
Mail Stop T-6 D8
Washington, D.C. 20555-0001
email: foia@nrc.gov

RE: Freedom of Information Act Request
Federal Register Notice Vol. 79, No.143/Friday, July 25, 2014/Proposed Rules, advance notice of proposed rulemaking ("ANPR") Nuclear Regulatory Commission ("NRC") 10 CFR Part 20 [NRC-2009-0279] RIN 3150-AJ29

Dear Madam/Sir:

Our FOIA request dated November 7, 2014, has not been satisfied and remains incomplete.

The NRC response to the FOIA is not complete, as there are missing documents and the NRC has not provided adequate public access to the underlying authorities upon which the NRC has relied in its proposed rulemaking Federal Registry Notice Vol. 79, No.143/Friday, July 25, 2014/Proposed Rules advance notice of proposed rulemaking ("ANPR") Nuclear Regulatory Commission ("NRC") 10 CFR Part 20 [NRC-2009-0279] RIN 3150-AJ29 to change radiation regulations and exposure limits. Until all such referred-to documents are provided, the FOIA has not been fulfilled, nor can the public comment on the proposed rulemaking be ethically or legally commenced or completed.

Therefore, on behalf of the Nuclear Information Resource Service ("NIRS"), Beyond Nuclear, and Indian Point Safe Energy Coalition ("IPSEC"); Citizens Allied for Safe Energy ("CASE"); San Onofre Safety; Citizen Awareness Network; Vermont Citizens Action Network; North Carolina Waste Awareness and Reduction Network ("NC WARN"); Pilgrim Nuclear Watch; Mothers for Peace; Radiation and Public Health Project ("RPHP") and Nuclear Energy Information Service ("NEIS") (collectively known as the "Stakeholders"), pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., we hereby request that you provide us with electronic copies of the following complete documents, from front matter to errata, including but not limited to table of contents, introductions, all chapters, annexes, and exhibits referred to in the Federal

Register Notice Vol. 79, No.143/Friday, July 25, 2014/Proposed Rules, advance notice of proposed rulemaking ("ANPR") Nuclear Regulatory Commission ("NRC") 10 CFR Part 20 [NRC-2009-0279] RIN 3150-AJ29, which were not provided under our November 7, 2014 FOIA request.

Specifically we are requesting:

International Commission on Radiological Protection (ICRP) documents referred to in Advance Notice of Proposed Rulemaking:

- ICRP Publication 1 ''Maximum Permissible Radiation Exposure to Man, A preliminary statement of the National Committee on Radiation Protection and Measurements,'' 1957
- Ann. ICRP 39 (2)
- ICRP 56;
- ICRP 60;
- ICRP 61 (1991), ''Annual Limits on Intake of Radionuclides by Workers Based on the1990 Recommendations;''
- ICRP 66 (1994), ''Human Respiratory Tract Model for Radiological Protection;''
- ICRP 67 (1993), ''Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 2 Ingestion Dose Coefficients;''
- ICRP 68 (1994), ''Dose Coefficients for Intakes of Radionuclides by Workers;''
- ICRP 69 (1995), ''Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 3 Ingestion Dose Coefficients;
- ICRP 71 (1995), ''Age-dependent Doses to Members of the Public from Intake of Radionuclides—Part 4 Inhalation Dose Coefficients;
- ICRP 72 (1995), ''Age-dependent Doses to the Members of the Public from Intake of Radionuclides—Part 5 Compilation of Ingestion and Inhalation Coefficients'';
- ICRP 74 ''Conversion Coefficients for use in Radiological Protection against External Radiation'';

- ICRP 75 (1997), ''General Principles for the Radiation Protection of Workers;''
- ICRP 88
- ICRP 89
- ICRP 90 Biological after prenatal radiation embryo and fetus
- ICRP 96 (2005), ''Protecting People against Radiation Exposure in the Event of a Radiological Attack.''
- ICRP 103;
- ICRP 110 Maximum Permissible Radiation Exposure to Man, A preliminary statement of the National Committee on Radiation Protection and Measurements,'' 1957;
- ICRP 118 (2012), ''ICRP Statement on Tissue Reactions and Early and Late Effects of Radiation in Normal Tissues and Organs— Threshold Doses for Tissue Reactions in a Radiation Protection Context,'' published on August 28, 2012.

If, for any reason, you deny this request or any portion thereof, for each document denied, please identify the statutory and/or regulatory exemption on which you rely, and the reason that it is applicable in this instance. The fact that such documents relied upon may be copywritten by a third party, is not an adequate response to prevent public access to documents NRC is using as a base for health and safety regulations.

As the NRC has relied upon copywritten material in the proposed rule change, it is necessary for the NRC to negotiate license agreements with the publishers of these documents to make them electronically available for public review, at no charge to publically recognized non-profit organizations and individuals desiring to comment on the ANPR. Alternatively, in the event, the NRC cannot provide the relied upon documents for public review then the NRC must withdraw the proposed rulemaking from the Federal Register at this time.

Fee Waiver Request. Pursuant to 10 C.F.R. § 9.41, NIRS, BEYOND NUCLEAR, IPSEC et al, hereby request a waiver of any applicable searching or copying fees. In support of this request, the Stakeholders provide the following information:

1. NUCLEAR INFORMATION RESOURCE SERVICE ("NIRS"); BEYOND NUCLEAR; CITIZENS ALLIED FOR SAFE ENERGY ("CASE"); CITIZENS AWARENESS NETWORK; PILGRIM NUCLEAR WATCH; NORTH CAROLINA WASTE AWARENESS AND REDUCTION NETWORK ("NC WARN"); MOTHERS FOR PEACE; RADIATION AND PUBLIC HEALTH PROJECT ("RPHP"); and NUCLEAR ENERGY INFORMATION SERVICE

("NEIS") are non-profit organizations that have no commercial interest in the requested information, and will disseminate the information free of charge to be used solely for public education necessary for the public comments on the NRC's Advance notice of proposed rulemaking ("APNR") 10 CFR Part 20 [NRC-2009-0279] RIN 3150-AJ29.

2. INDIAN POINT SAFE ENERGY COALITION ("IPSEC"); SAN ONOFRE SAFETY; and VERMONT CITIZEN AWARNESS NETWORK are coalitions of private stakeholders in the Reactor Communities, who will be directly affected by the rule change being considered, and have no commercial interest in the requested information, and will disseminate the information free of charge to be used solely for public education necessary for the public comments on the NRC's Advance notice of proposed rulemaking ("APNR") 10 CFR Part 20 [NRC-2009-0279] RIN 3150-AJ29.Pursuant to USC Federal Advisory Committee Act (FACA) of 1972 (Public Law 92-463) §10(b) and §11(a) subject to section 522 of Title 5, United States Code the NRC is required to provide public access and copies to all documents upon it had relied in the proposed rulemaking.

The requested documents must be made available to the public for copying and since all documents are available electronically, such electronic versions must be provided to the public, despite all the documents are routinely electronically published pursuant to Title 5 of the United State Code §522 (a)(3)(B) and (C).

The NRC must provide access to these important technical documents upon which the NRC relied in the advanced notice of proposed rule change regarding public safety.

Limiting public review of these important technical documents to one library in Washington, DC, requiring special permission to access and prohibiting copying is unacceptable. Nationally there are over 100 nuclear reactor and nuclear fuel chain communities, which will be directly impacted by the proposed rule change. This thwarts the public's ability to provide meaningfully comment as requested by the NRC. This is especially unacceptable since such documents are already published in electronic format, thus technically easy to share.

Please provide all requested documents requested in an electronic format, as soon as possible.

The purpose of this request is to obtain the documents upon which the ANPR is based pursuant to the Federal Register in order for Stakeholder's to engage in meaningful public participation and submit comments. The information requested is necessary for the Stakeholders to evaluate the ANPR in order to prepare public comments and involve the public in developing the agency's regulatory positions.

We look forward to receiving your response within 20 working days, as required by the FOIA. Thank you.

Sincerely yours,

Susan H. Shapiro, Esq.
On Behalf of:
Nuclear Information Resource Service ("NIRS");
Beyond Nuclear;
Indian Point Safe Energy Coalition ("IPSEC");
Citizens Allied for Safe Energy ("CASE");
San Onofre Safety;
Citizen Awareness Network;
Vermont Citizens Action Network;
North Carolina Waste Awareness and Reduction Network ("NC WARN");
Pilgrim Nuclear Watch;
Mothers for Peace;
Radiation and Public Health Project ("RPHP")
Nuclear Energy Information Service ("NEIS")
(collectively known as the "Stakeholders")

cc: Senator Charles Schumer
Senator Kirsten Gillibrand
Senator Barbara Boxer
Senator Edward Markey
Senator Elizabeth Warren
Senator Bernie Sanders
Senator Patrick Leahy
Senator Richard Blumenthal
Senator Marco Rubio
Senator Bill Nelson
Senator Richard Burr
Senator Thom Tillis
Senator Dick Durbin
Senator Mark Kirk
Congresswoman Nita Lowey
Congressman Eliot Engel