

FUMPHAR JULST

Case No. 2016-0148

Date Rec'd 12/11/15

MILTON B. SHAPIRO

Specialist _____

ATTORNEYS AT LAW

SUSAN H. SHAPIRO

Related Case _____

75 N. MIDDLETOWN ROAD • NANUET, NEW YORK 10954

(845) 371-2100
(845) 371-3721 - FAX
mbs@ourrocklandoffice.com

December 7, 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

Dear Madam/Sir:

On behalf of the Indian Point Safe Energy Coalition ("IPSEC"), Council on Intelligent Energy & Conservation Policy (CIECP); and, PHASE (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,

Specifically we are requesting:

- a) Comprehensive and cumulative lists with ADAMS ascension numbers, of all safety and inspections exemptions, deviations, relaxations, or amendments that the NRC has approved for Indian Point Units 1, 2 or 3, over the past 10 years.
- b) Any and all the data and research considered and created as part of the NRC's National Academy of Sciences pilot study of cancer risks near U.S nuclear facilities which was cancelled in September 2015.
- c) A list of all the meetings the NRC Commissioners have had with representative of Energy and Nuclear Energy Institute to discuss Indian Point issues over the past 10 years.

d) A list of how many meetings the NRC Commissioners have had with stakeholders from the Indian Point Reactor Community during this same period of time.

e) Any and all International Commission on Radiological Protection (ICRP), National Commission on Radiological Protection (NCRP) or other private library documents and data that the NRC staff has relied on in licensing, rulemaking or enforcement for the past 10 years, specifically the ICRP documents which the NRC refused to provide under previously FOIA requests, specifically:

International Commission on Radiological Protection (ICRP) documents referred to in Proposed Advance Notice of Proposed Rulemaking (“ANPR”) Federal Register Notice Vol. 79, No.143/Friday, July 25, 2014/Proposed Rules, 10 CFR Part 20 [NRC-2009-0279] RIN 3150-AJ29:

- 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 the 1990 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 basis 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 which rely on documents which are prohibited from the public at this time.

Fee Waiver Request. Pursuant to 10 C.F.R. § 9.41, IPSEC, CCIP and PHASE, hereby

request a waiver of any applicable searching or copying fees. In support of this request, the Stakeholders provide the following information:

INDIAN POINT SAFE ENERGY COALITION (“IPSEC”); Council on Intelligent Energy & Conservation Policy (CIECP) and PUBLIC HEALTH AND SUSTAINABLE ENERGY (“PHASE”) are coalitions of private stakeholders in the Indian Point Reactor Community, who will be directly affected by the NRC actions with regard to the operations of the Indian Point Nuclear Generating Facility, and the proposed rulemaking (“APNR”) 10 CFR Part 20 [NRC-2009-0279] RIN 3150-AJ29, 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. 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.

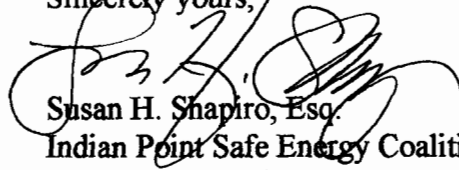
Limiting public review of these important technical documents to one library in Washington, DC, requiring special permission to access and prohibiting copying is unacceptable. Nationally there are over 100 nuclear reactor and nuclear fuel chain communities, which will be directly impacted by the proposed 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 to provide Stakeholder’s necessary information to engage in meaningful public participation and submit comments. The information requested is necessary for the Stakeholders to evaluate the NRC’s actions and 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.

Indian Point Safe Energy Coalition ("IPSEC");
Council on Intelligent Energy & Conservation
Policy ("CIECP")

Public Health and Sustainable Energy ("PHASE")
(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
Congresswoman Nita Lowey
Congressman Eliot Engel
Congressman Patrick Maloney