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**FOIA/PA REQUEST**

Case No.: 2012-0189  
Date Rec'd: 3/29/12  
Specialist: Kelgore  
Assigned To: \_\_\_\_\_

March 29, 2012

U.S. Nuclear Regulatory Commission  
FOIA/Privacy Officer  
Nuclear Regulatory Commission  
Mailstop: T-5 F09  
Washington, DC 20555-0001

**Re: Freedom of Information Act Request Pertaining to Regulatory Guide 3.74**

Dear FOIA/Privacy Officer:

We are writing to request information related to the Nuclear Regulatory Commission's ("NRC") development and publication of Regulatory Guide 3.74, "Guidance for Fuel Cycle Facility Change Processes" (ML100890016). Pursuant to FOIA (5 U.S.C. § 552) and NRC regulations at 10 C.F.R. §§ 9.11-9.45, we respectfully request a copy of the following NRC document(s):

- Response(s) from the Office of General Counsel requested in NRC Internal Memorandum from Marissa Bailey to Mitzi Young (OGC) dated September 20, 2010 (ML102280016).

We are requesting this record because significant concerns were raised in public comments on the proposed Regulatory Guide, which was designated Draft Regulatory Guide DG-3037. The public comments questioned the regulatory basis for certain positions stated in the draft Regulatory Guide, in particular in Sections C.5.b through C.5.e, which set forth a new change control process for certain types of licensing basis changes for fuel cycle facilities. For example, the public comments expressed concern that these new positions went beyond existing regulations without the requisite backfitting analysis, and that rulemaking would be the proper course to adopt such new regulatory requirements. A review of the final Regulatory Guide 3.74 indicates that the proposed provisions were not significantly revised in light of public comments. Thus, it appears that the requested document(s) will provide insight for the public as to the regulatory basis for Section C.5 of the Regulatory Guide.

We agree to pay all reasonable searching, reviewing, and copying costs associated with processing this request, pursuant to the NRC FOIA guide, up to \$600. If the NRC anticipates that costs will exceed this amount, we respectfully request that the NRC contact us so that we can decide whether to pay a greater amount or further limit the requested document. Any questions or comments concerning this request may be directed to the undersigned.

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If this request is denied in whole or in part, we ask that you identify each document that falls within the scope of this request but is withheld from release, and justify each denial by reference to specific FOIA exemptions. We also request that you release all segregable portions of otherwise exempt material.

We look forward to receiving your response to this FOIA request within twenty (20) business days of your receipt of this request, as required by FOIA, and as set forth in the NRC FOIA regulations at 10 C.F.R. § 9.25 and the FOIA guide (available at <http://www.nrc.gov/reading-rm/foia/freedom-info-act-guide.pdf>).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amy Roma". The signature is fluid and cursive, with the first name "Amy" and the last name "Roma" clearly distinguishable.

Amy Roma, Esq.

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