



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 16 2009

OFFICE OF
GENERAL COUNSEL

Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility
2000 P Street, NW, Suite 240
Washington, DC 20036

Re: Freedom of Information Act Appeal HQ-RIN-01421-09-A (HQ-APP-00171-09)

Dear Mr. Ruch:

I am responding to your September 17, 2009 Freedom of Information Act (FOIA) appeal. You submitted your FOIA request on June 11, 2009 seeking all comments or communications, whether formal or informal, by state or local government officials or any other public agency officials, including federal officials, concerning the development of updated Protective Action Guidelines (PAGs); all comments or communications, whether formal or informal, by individuals or representatives of private corporations or trade associations concerning the development of updated EPA PAGs; and all internal communications, including emails, meetings notes and other records, from EPA staff members both inside and outside the Office of Radiation and Indoor Air concerning the development of updated PAGs.

In a letter dated July 15, 2009, Jonathan Edwards, Director, Radiation Protection Division, Office of Radiation and Indoor Air, of the U.S. Environmental Protection Agency (EPA or Agency) informed you that the office anticipated it would take an additional sixty days to process your request because the office must collect and review a voluminous amount of records and must consult with other offices and federal agencies. You filed this appeal on September 17, 2009. Your appeal reiterated that you are seeking the same information you described in your original FOIA request.

I have carefully considered your request, EPA's response, and your appeal. I have determined that your request meets the "unusual circumstances" standard of FOIA, 5 U.S.C. § 552 (a)(B)(iii). This provision states the usual time limit may be extended by written notice to the person making the request explaining the unusual circumstances for such extension and setting forth the date that it is expected. This standard applies when: (1) there is a need to search for and collect requested records from other offices separate from the processing office; (2) there is a need to search for, collect and examine a voluminous amount of separate and distinct records demanded in a single request; or (3) there is a need for consultation, conducted with all

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practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

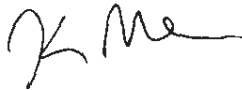
In his July 15, 2009 letter, Mr. Edwards explained that his staff is “. . . in the process of consulting with other offices within EPA and our partners in other departments and agencies to collect and review the approximately 5,000 to 10,000 pages of documentation potentially responsive to your request.” I find that unusual circumstances exist in processing your request due to the large volume of potentially responsive documents and the need for review and consultation with several EPA offices and federal agencies.

Pursuant to 40 C.F.R. § 2.104(k), I am remanding your request to EPA’s Radiation Protection Division to complete the processing for this request. The Radiation Protection Division should provide you a reasonable estimated completion date as soon as possible and no later than 10 working days from the date of this letter.

This constitutes EPA’s final determination on your appeal. In accordance with the 5 U.S.C. § 552(a)(4)(B), you have the right to seek judicial review of this determination by instituting an action in the district court of the United States for the district in which you reside, or have your principal place of business, or the district in which the Agency records are situated, or in the District of Columbia.

Should you have any questions concerning this matter, please call Ariadne Goerke, at (202) 564-5471.

Sincerely



Kevin Miller
Assistant General Counsel
General Law Office

cc: Freedom of Information Office
Jonathan Edwards, Director, Radiation Protection Division