



**RESPONSE TO FREEDOM OF INFORMATION ACT (FOIA) REQUEST**

FOIA

2017-0221

RESPONSE NUMBER

1

RESPONSE TYPE

INTERIM

FINAL

REQUESTER:

Nancy Foust

DATE:

FEB 09 2017

DESCRIPTION OF REQUESTED RECORDS:

"all records pertaining to the United Nuclear facility at Pawling, NY between 1959 and 1979"

**PART I. -- INFORMATION RELEASED**

- Agency records subject to the request are already available in public ADAMS or on microfiche in the NRC Public Document Room.
- Agency records subject to the request are enclosed.
- Records subject to the request that contain information originated by or of interest to another Federal agency have been referred to that agency (see comments section) for a disclosure determination and direct response to you.
- We are continuing to process your request.
- See Comments.

**PART I.A -- FEES**

AMOUNT\*

\$

\*See Comments for details

You will be billed by NRC for the amount listed.

None. Minimum fee threshold not met.

You will receive a refund for the amount listed.

Fees waived.

**PART I.B -- INFORMATION NOT LOCATED OR WITHHELD FROM DISCLOSURE**

- We did not locate any agency records responsive to your request. *Note:* Agencies may treat three discrete categories of law enforcement and national security records as not subject to the FOIA ("exclusions"), 5 U.S.C. 552(c). This is a standard notification given to all requesters; it should not be taken to mean that any excluded records do, or do not, exist.
- We have withheld certain information pursuant to the FOIA exemptions described, and for the reasons stated, in Part II.
- Because this is an interim response to your request, you may not appeal at this time. We will notify you of your right to appeal any of the responses we have issued in response to your request when we issue our final determination.
- You may appeal this final determination within 30 calendar days of the date of this response by sending a letter or email to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Washington, D.C. 20555-0001, or [FOIA.Resource@nrc.gov](mailto:FOIA.Resource@nrc.gov). Please be sure to include on your letter or email that it is a "FOIA Appeal."

**PART I.C COMMENTS ( Use attached Comments continuation page if required)**

In conformance with the FOIA Improvement Act of 2016, the NRC is informing you that you have the right to seek assistance from the NRC's FOIA Public Liaison.

As we previously shared with you, the following records, already publicly available in ADAMS, contain references to the Pawling, NY site: ML060130265; ML100350706; and ML060100435. Records with a ML accession number [continued on next page]

SIGNATURE - FREEDOM OF INFORMATION ACT OFFICER

*for* Stephanie A. Blaney Karen Daniels

**RESPONSE TO FREEDOM OF INFORMATION  
ACT (FOIA) REQUEST Continued**

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**PART I.C COMMENTS (Continued)**

are publicly available in the NRC's Public Electronic Reading Room at <http://www.nrc.gov/reading-rm.html> . If you need assistance in obtaining these records, please contact the NRC's Public Documents Room (PDR) at 301-415-4737, or 1-800-397-4209, or by email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

We also called to your attention NRC Release 94-115, dated July 19, 1994, which may be found at the following link: <https://www.nrc.gov/docs/ML0037/ML003703553.pdf>.

Please note that there may have been other records responsive to your request, as we did identify several prior FOIA requests seeking records relating to United Nuclear Corporation generally or to other sites specifically (i.e., FOIA/PA-2001-0039; 2002-0324; 2002-0264; 2004-0208; and 2009-0082). Other than the records we identified above, we did not locate references to the Pawling, NY site in the response packages to those requests, which have been posted to [www.nrc.gov](http://www.nrc.gov). But you may wish to review them; you may do so simply by entering the FOIA request numbers into the search box on [www.nrc.gov](http://www.nrc.gov). Due to the age of these FOIA requests, the NRC no longer retains the working folders, which would have contained the records subject to these requests that were either withheld, or identified on the appendices as already publicly available, or released in full or in part, consistent with record disposition schedules.

We did identify another prior FOIA request, FOIA/PA-90-406 that sought records about the Pawling site. The NRC's FOIA response, including released records, are publicly available on microfiche in the NRC's Public Documents Room (PDR). We had provided you a listing of those records; you asked that we provide copies of them to you. They are included on the CD. As we informed you, the copies vary in their quality, but they are the best copies available to us. (If you ever find yourself in the Washington, DC metropolitan area, you may visit the PDR to view the microfiche directly.)

Finally, we identified a smaller universe of records about the Pawling site, which were produced in response to FOIA/PA-70-903. These records are also publicly available on microfiche as well, and have been included on the CD as well.

Dear FOIA Requester:

The FOIA Improvement Act of 2016, which was enacted on June 30, 2016, made several changes to the Freedom of Information Act (FOIA). Federal agencies must revise their FOIA regulations to reflect those changes by December 27, 2016. In addition to revising our regulations, we intend to update the Form 464, which we use to respond to FOIA requests.

In the interim, please see the comment box in Part I.C of the attached Form 464. The comment box includes information related to the recent changes to FOIA that is applicable to your FOIA request, including an updated time period for filing an administrative appeal with the NRC.

Sincerely yours,

*Stephanie Blaney /S/*

Stephanie Blaney  
FOIA Officer