

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

see Description

1

RESPONSE
TYPE☐

INTERIM

☒

FINAL

REQUESTER:

Lauren Mendoza

DATE:

04/03/2019

DESCRIPTION OF REQUESTED RECORDS:

Any and all records relating to the abatement, presence, application, installation, complaints and/or claims, and identifying the sellers, manufacturers, or suppliers, of any asbestos-containing materials and/or in conjunction with equipment located at several facilities throughout New York, as further described in Part I.D., Comments Section, below.

PART I. -- INFORMATION RELEASED

- ☐ The NRC has made some, or all, of the requested records publicly available through one or more of the following means: (1) <https://www.nrc.gov>; (2) public ADAMS, <https://www.nrc.gov/reading-rm/adams.html>; (3) microfiche available in the NRC Public Document Room; or FOIA Online, <https://foiaonline.regulations.gov/foia/action/public/home>.
- ☐ 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 Part I.D – Comments) for a disclosure determination and direct response to you.
- ☐ We are continuing to process your request.
- ☒ See Part I.D – Comments.

PART I.A -- FEES

AMOUNT

- ☐ You will be billed by NRC for the amount indicated.
- ☐ You will receive a refund for the amount indicated.
- ☐ Fees waived.

- ☒ Since the minimum fee threshold was not met, you will not be charged fees.
- ☐ Due to our delayed response, you will not be charged search and/or duplication fees that would otherwise be applicable to your request.

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"). See 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 90 calendar days of the date of this response. If you submit an appeal by mail, address it to the FOIA Officer, at U.S. Nuclear Regulatory Commission, Mail Stop T-2 F43, Washington, D.C. 20555-0001. You may submit an appeal by e-mail to FOIA.resource@nrc.gov. You may fax an appeal to (301) 415-5130. Or you may submit an appeal through FOIA Online, <https://foiaonline.regulations.gov/foia/action/public/home>. Please be sure to include on your submission that it is a "FOIA Appeal."

PART I.C -- REFERENCES AND POINTS OF CONTACT

You have the right to seek assistance from the NRC's FOIA Public Liaison by submitting your inquiry at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>, or by calling the FOIA Public Liaison at (301) 415-1276.

If we have denied your request, you have the right to seek dispute resolution services from the NRC's Public Liaison or the Office of Government Information Services (OGIS). To seek dispute resolution services from OGIS, you may e-mail OGIS at ogis@nara.gov, send a fax to (202) 741-5789, or send a letter to: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. For additional information about OGIS, please visit the OGIS website at <https://www.archives.gov/ogis>.



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PART I.D -- COMMENTS

In NRC-2019-000233, you requested records relating to the installation, presence, and abatement of asbestos-containing materials and products, including any complaints or claims relating to, and records identifying sellers, manufacturers or suppliers of, asbestos, at the following locations: (a) Nine Mile Point Power Plant, Scriba NY, from 1970-1980; (b) James A. Fitzpatrick Nuclear Power Plant, Oswego, NY, from 1970-1980; and (c) Niagara Mohawk Steam Station, Oswego, NY from 1971 (sic).

In NRC-2019-000236, you requested records relating to the installation, presence, and abatement of asbestos-containing materials and products, including any complaints or claims relating to, and records identifying sellers, manufacturers or suppliers of, asbestos, at the following locations: (a) Ravenswood Powerhouse, Long Island City, NY, from 1960-1990; (b) Astoria Powerhouse, Astoria, NY, from 1960-2000; (c) Waterside Powerhouse, Manhattan, NY, from 1960-1970; and (d) Hellgate Powerhouse, Bronx, NY, from 1960-1970.

In NRC-2019-0001237, you requested records relating to the installation, presence, and abatement of asbestos-containing materials and products, including any complaints or claims relating to, and records identifying sellers, manufacturers or suppliers of, asbestos, at the following location: American Cyanamid, Linden, NJ, from 1948-1950.

We reached out to the offices of Nuclear Reactor Regulation (NRR), Nuclear Material Safety & Safeguards (NMSS), and Region I (RI) to search for any records responsive to your request. However, no responsive records were located by the aforementioned offices. Nor did our search of ADAMS, the U.S. Nuclear Regulatory Commission's official recordkeeping system turn up any responsive records. We note that, with the exception of the Nine Mile and Fitzpatrick plants, the others are not nuclear power plants that are, or were, regulated by the U.S. Nuclear Regulatory Commission or its predecessor, the Atomic Energy Commission.

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney

Date: 2019.04.03 06:29:18 -04'00'