

RESPONSE TO FREEDOM OF  
INFORMATION ACT (FOIA) REQUEST

2018-0019

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RESPONSE  
TYPE☐

INTERIM

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FINAL

## REQUESTER:

Tim Lawnicki

## DATE:

12/22/2017

## DESCRIPTION OF REQUESTED RECORDS:

Copies of any asbestos-related violations retained by the NRC for the Pacific Gas & Electric power plant at Diablo Canyon, Avila Beach, CA, time period being from the start of records retention to 1988

## PART I. -- INFORMATION RELEASED

You have the right to seek assistance from the NRC's FOIA Public Liaison. Contact information for the NRC's FOIA Public Liaison is available at <https://www.nrc.gov/reading-rm/foia/contact-foia.html>

- ☐ Agency records subject to the request are already available on the Public NRC Website, 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

## NO FEES

AMOUNT\*

\*See Comments for details

- ☐ You will be billed by NRC for the amount listed.
- ☐ You will receive a refund for the amount listed.
- ☐ Fees waived.
- ☐ Minimum fee threshold not met.
- ☐ Due to our delayed response, you will not be charged fees.

## 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 90 calendar days of the date of this response by sending a letter or e-mail 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." You have the right to seek dispute resolution services from the NRC's Public Liaison, or the Office of Government Information Services (OGIS). Contact information for OGIS is available at <https://ogis.archives.gov/about-ogis/contact-information.htm>

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

After conferring with our subject matter expert, it was confirmed that NRC does not retain asbestos-related violation records, and that OSHA [the Occupational Safety & Health Administration] would be the likely contact to receive such records. Since you have stated in your request that you were also submitting your request to OSHA, we are closing your request.

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney  
Date: 2017.12.22 13:21:41 -05'00'