

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

NRC-2019-000169

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RESPONSE
TYPE☐

INTERIM

☒

FINAL

REQUESTER:

Lindsay Jones

DATE:

01/29/2019

DESCRIPTION OF REQUESTED RECORDS:

"Available records pertaining to the 164 vicinity properties where contaminated soils and/or building materials from the Canonsburg, PA/Former Vitro Rare Metals Plant disposal site were used as fill and/or for construction projects, including, but not limited to the following: (1) U.S. DOE (Department of Energy), Uranium Mill Tailings (cont'd in Comments)

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****\$0.00**

- ☐ 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

"Remedial Action Project Office, Albuquerque Operations Office, 1982c. Environmental Assessment; Preliminary Cleanup Activities at Vicinity Properties Near Canonsburg, Pennsylvania, DOE/EA-0183, IMTRA-D0E/AIX)-12 5, Albuquerque, New Mexico; (2) a map showing or a list containing the vicinity property locations; (3) material used at each of the properties; and (4) status of remedial action. More specifically we are looking to determine whether materials were placed at 535 W. Pike Street, parcel #100-028-00-00-0005-00 owned by 7-Eleven, Inc. to determine whether there is a potential for health and safety concerns for upcoming construction work,"

You may consider contacting the Department of Energy Office of Legacy Management as they are the owner of this site and are responsible for its management. They can be contacted at:

DOE Office of Legacy Management
FOIA Requester Service Center
1000 Independence Ave. SW
Mail stop MA-46
Washington, DC 20585

As Pennsylvania is an agreement state under the NRC Agreement State Program and manages the licensees in their state, another possible source for the information you seek would be the Pennsylvania Department of Environmental Protection. The link to their contact information can be found at the NRC site: <https://scp.nrc.gov/asdirectory.html#PA>

Signature - Freedom of Information Act Officer or Designee

Stephanie A. Blaney

Digitally signed by Stephanie A. Blaney

Date: 2019.01.29 08:00:14 -05'00'