



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

OCT 12 2006

Mr. Phillip Musegaas
Policy Analyst
Riverkeeper, Inc.
828 South Broadway
Tarrytown, NY 10591

IN RESPONSE REFER
TO FOIA-2006-0010A
(FOIA-2006-0195)

Dear Mr. Musegaas:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your undated letter received on August 9, 2006, addressed to the Freedom of Information Act/Privacy Act (FOIA/PA) Officer. In your letter, you appealed the agency's July 14, 2006, decision related to your May 3, 2006, FOIA request (FOIA/PA 2006-0195) for records regarding leaks of tritiated water from the Indian Point nuclear power plant. You state in your letter that you are appealing the denial of the records that were identified on Appendix C and were withheld pursuant to FOIA Exemption 4.

Acting on your appeal, I have carefully reviewed the record in the case and have determined that the withheld information was treated consistently throughout the FOIA response and will continue to be withheld. Therefore, your appeal is denied.

The release of the map labels in document 5 of Appendix C is consistent throughout Appendix C, and the release is also consistent with other publicly-available NRC documents such as attachment 7, "Phase 1 Onsite Monitoring Wells," and attachment 8, "Onsite Storm Drains," of the Indian Point Special Inspection report 2005-011. The map provided in document 5 of Appendix C includes the location of all wells. We understand how the FOIA response may appear inconsistent. Although document 5 of Appendix C contains reference to structures by name, the descriptive nomenclature redacted in the document refers to other information which if released would harm a government interest. The information will continue to be withheld pursuant to FOIA Exemption 4 (5 U.S.C. 552(b)(4)) and 10 CFR 9.17(a)(4) of the Commission's regulations.

This is NRC's final decision. As set forth in the FOIA (5 U.S.C. 552(a)(4)(B)), judicial review of this decision is available in a district court of the United States in the district in which you reside or have your principal place of business. Judicial review also is available in the District of Columbia or the district in which the agency's records are situated.

Sincerely,

A handwritten signature in black ink, appearing to read "William F. Kane".

William F. Kane
Deputy Executive Director for Reactor
and Preparedness Programs
Office of the Executive Director for Operations