



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

December 17, 2010

Mr. Todd B. Bates
Staff Writer
Asbury Park Press
3601 Highway 66
Neptune, NJ 07754

IN RESPONSE REFER
TO FOIA/PA-2011-0001A
(FOIA/PA-2010-0209)

Dear Mr. Bates:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated October 12, 2010, to the Freedom of Information Act/Privacy Act Officer, in which you appealed the NRC's responses to your April 28, 2010, Freedom of Information Act (FOIA) request for records relating to studies or reports from 2005 to the present on ground water contamination on or off site at all operating nuclear power plants. Specifically, you appealed the NRC's decision to withhold information in records in Appendix X, Appendix Y, Appendix GG, Appendix II, Appendix KK, and Appendix MM.

Acting on your appeal, I have reviewed the record in this case and have determined that the NRC will make some information available to you. Therefore, I have partially granted and partially denied your appeal.

Although the withheld information in Appendix II, record 2 and Appendix MM, records 1, 2 and 3 qualify for withholding pursuant to FOIA Exemption 5, the agency has decided to make a discretionary release of the information. A copy of these records is enclosed.

The NRC will continue to deny the withheld portions in Appendix X, records 2, 4, and 6; and Appendix Y, record 1, pursuant to FOIA Exemption 4. This information contains building labels and locations that relate to the location of certain safety-related structures. The disclosure of this information will harm an identifiable interest.

The NRC will continue to deny the withheld portions of Appendix Y, record 1, pursuant to FOIA Exemption 5. This record contains predecisional documents and graphs that do not provide an accurate or complete portrayal of conditions at the nuclear power plant.

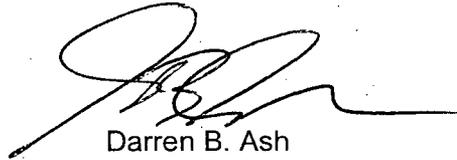
The NRC will continue to deny the withheld portions in Appendix II, records 1 and 3; and Appendix X, records 1-6, pursuant to FOIA Exemption 6. The information consists of property owner names, home addresses, and home, cellular and pager telephone numbers. The release of this information would constitute a clearly unwarranted invasion of personal privacy. The NRC does not believe there is any public interest in disclosing these names, addresses, and telephone numbers.

The NRC will continue to withhold Appendix KK, record 1; and Appendix GG, record 1, in their entirety. These records were submitted voluntarily to the NRC, and the agency would not have

otherwise required their submission. Because the submitters did not customarily disclose these reports to the public, the NRC is withholding them pursuant to FOIA Exemption 4.

This is NRC's final decision on the records cited above. 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 can also be had in the district in which the agency's records are situated or in the District of Columbia.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Ash', with a long horizontal flourish extending to the right.

Darren B. Ash
Deputy Executive Director
for Corporate Management
Office of the Executive Director for Operations

Enclosures: As stated