



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001**

March 30, 2004

Mr. Robert Norway
[HOME ADDRESS DELETED
PER 10 CFR 2.390]

Dear Mr. Norway:

This letter is in response to an undated letter addressed to the U.S. Nuclear Regulatory Commission's (NRC) FOIA/Privacy Act Officer received on February 10, 2004. In your letter, you requested: 1) that the NRC identify personnel records the NRC has released to any member of the public that identify you by name or relationship to Department of Labor case number 95-ERA-005; 2) that the NRC identify the public release of records associated with 95-ERA-005 containing your name with home address and/or home telephone number; and 3) a copy of the NRC disclosures of your "named" personnel records. You specifically referenced the following records contained in the Agencywide Document Access and Management System (ADAMS), NRC's record management system: ML993340153, ML003725790, ML003725807, ML003729299, and ML003738582.

None of the records you identified are contained in a Privacy Act Systems of Records. The NRC has not released any records identifying you by name to the public from a Privacy Act Systems of Records.

All of the records you identified are associated with two 10 CFR § 2.206 Petitions you filed, both of which were related to your original enforcement case. The 2.206 Petition process is a public process that does not redact any petitioner name, address or phone number. After review, the staff concluded that all of the documents you referenced were properly available to the public. Record ML003725790 is a letter from the NRC to Niagara Mohawk Power Corporation (NMPC). Record ML003738582 is NMPC's response to ML003725790. While your name is included in both letters, your address and phone number are not. Therefore, no action will be taken regarding ML003725790 and ML003738582.

However, if you had requested the redaction of your address and phone number during the 2.206 Petition process, the staff would likely have honored your request at the time. Therefore, I have removed the records containing your address and phone number (ML993340153, ML003725807, and ML003729299) from the public domain, redacted your address and phone number, and then restored the public availability of the redacted documents (as ML040620509, ML040620529, and ML040620523).

Sincerely,

/RA/

Frank J. Congel, Director
Office of Enforcement

cc: Carol Ann Reed, OCIO/FOIA

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***See previous concurrence**

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