



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555 - 0001

September 2, 2004

EA-04-103

Mr. Paul C. Miller
3433 Aston Street
Annandale, VA 22003

SUBJECT: REQUEST FOR PREDECISIONAL ENFORCEMENT CONFERENCE
TRANSCRIPT

Dear Mr. Miller:

I am writing to respond to your letter, dated August 17, 2004, in which you requested a copy of the August 12, 2004, predecisional enforcement conference (PEC) transcript involving Soil Consultants Inc. and a former dispatcher. The U.S. Nuclear Regulatory Commission (NRC) will not release the PEC transcript at this time because the matter is predecisional and is being considered for escalated enforcement action in accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions" (Enforcement Policy), NUREG-1600. After a decision regarding this case has been made and after the action has been issued, you may request the PEC transcript, along with all final NRC documents regarding this case under the Freedom of Information Act (FOIA), subject to redaction of information in accordance with the FOIA. NRC decisions regarding potential discrimination typically take 30 to 45 days following the PEC.

If you have any questions regarding this matter, please contact Mr. Russell J. Arrighi, of my staff at 301-415-3936 or via e-mail at rja1@nrc.gov.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Frank J. Congel, Director
Office of Enforcement

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