

December 21, 2005

Mr. Robert T. Norway
113 Dewey Road
Mexico, NY 13114

Dear Mr. Norway:

Your petition dated October 10, 2005, addressed to the Executive Director for Operations at the U.S. Nuclear Regulatory Commission (NRC or the Commission), has been referred to the Office of Nuclear Reactor Regulation pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Section 2.206 of the Commission's regulations. In your letter, you requested that the NRC fully redact an individual's name from all publicly available documentation associated with Enforcement Action EA-96-116 and the corresponding May 10, 1996, pre-decisional enforcement conference. In addition, you stated that the NRC has not fully redacted the individual's name to comply with Director's Decision (DD)-99-13 and the redaction requirements of 5 U.S.C. 552.

A Petition Review Board (PRB) has reviewed your submittal and concluded that it does not meet the acceptance criteria for consideration under 10 CFR 2.206 because it does not request an enforcement-related action against a licensee such as issuing an order for modification or suspension of a license, issuing a notice of violation, with or without a proposed civil penalty, etc. This is not to say that we find that your concerns lack merit, but we do find that your requests are more appropriately addressed by processes and ongoing activities outside of the 10 CFR 2.206 petition process.

Notwithstanding this determination, the NRC will review DD-99-13 to ensure that the intent of this decision has been met. The review will be conducted by the Office of Enforcement and is expected to be completed by March 2006. The status of the review and any actions taken will be communicated to you under separate correspondence.

I invite you to review the acceptance criteria for a 2.206 petition in Management Directive 8.11 which is available through our Web site (<http://www.nrc.gov/what-we-do/regulatory/enforcement/petition.html>).

Thank you for bringing these issues to the attention of the NRC. If you have any further questions, please contact Richard Guzman at (301) 415-1030.

Sincerely,

/RA/

Catherine Haney, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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Sincerely,

/RA/

Catherine Haney, Director
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

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