

October 2, 2015

Mr. Charlie Donaldson,
Assistant Attorney General
Office of the Attorney General
State of New York
120 Broadway 26th Fl.
New York, NY 10271-0332

Dear Mr. Donaldson:

On August 27, 2015, the Director of the Office of Nuclear Reactor Regulation issued Director's Decision DD-15-08. On September 22, 2015, the Commission received your letter dated September 18, 2015, in which you requested that the Nuclear Regulatory Commission (NRC) Commissioners affirmatively exercise their supervisory oversight of the Commission's staff, initiate a formal review of the Decision, vacate the Decision, and direct further staff action. You also requested that the Commission direct the staff to post certain documents on the public Agencywide Documents Access and Management System (ADAMS) promptly.

The NRC regulations provide that, within 25 days after the date of the Director's Decision, the Commission may on its own motion review that decision, in whole or in part, to determine if the director has abused his discretion. Review is at the discretion of the Commission; no petition or other request for Commission review of a Director's Decision will be entertained by the Commission (See Title 10 of the *Code of Federal Regulations* Section 2.206(c)(2)). Therefore, to the extent that you request that the Commission undertake a formal review of DD-15-08, your request is denied.

The Commission has determined not to undertake a formal review of the Director's Decision in this matter. Accordingly, the decision became final agency action on September 23, 2015.

With respect to your request that certain documents be made publicly available in ADAMS, the May 22, 2014, letter from former Chairman Macfarlane to Senator Markey and Senator Sanders have not been made publicly available in that they contain pre-decisional deliberative process information. Your April 29, 2015, comments concerning the proposed Director's Decision are now in ADAMS and may be publicly accessed under accession number ML15268A260.

Sincerely,

/RA/

Annette L. Vietti-Cook