

J. Mike Gallagher
2444 Catalina Ct.
Richland, WA 99352
(509) 375-4910

December 4, 1995

Mr. James Lieberman, Director Office of Enforcement
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Mr. Lieberman:

This is in reference to your November 16, 1995 letter submitted in reply to my request to reevaluate your action taken against me in the form of a Severity Level III Violation.

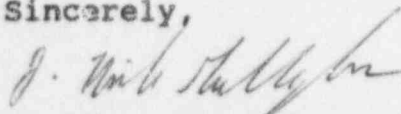
I disagree with some of the specific points in your letter. I am going to defer my specific reply to these until I have had an opportunity to review documents requested.

On page 10 of my September 12, 1995 letter to L.J. Callan, I indicated I was waiting to receive FOIA requested documents. I have not yet received these documents from the Office of Administration, FOIA Branch. As such I am requesting this case (EA 95-105) be left open until I have had the opportunity to review all the material available to the NRC in determining the appropriateness of its actions against me.

If my FOIA request is not successful in retrieving all the information the NRC had available in it's determination, I will be submitting further information requests, possibly discovery requests. Also if the FOIA information retrieved is so heavily redacted that key points are missing, I would like to request party status to receive unredacted documents. If I need to request a hearing in order to receive party status consider this a request for a hearing.

Thank you for your kind consideration in this trying matter. If you or any of your staff have any questions please feel free to contact me.

Sincerely,



J. Mike Gallagher

cc:
U.S. NRC
Document Control Desk
Washington, D.C. 20555

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