

D. Vito

From: [redacted] 7C  
To: <DJV@nrc.gov>  
Date: 9/22/04 12:05PM  
Subject: Re: ADR

Dave,

Thanks for this information. I'm willing to be a "guinea pig" for the new late.ADR process if I can be involved. I'm fairly confident we could actually come up with actions that all could agree to.

Please advise me when you've received OI's report and the review process is underway in Region 1.

Thank you,  
Kymn

In a message dated 9/22/2004 8:40:12 AM Eastern Daylight Time, DJV@nrc.gov writes:  
Kymn,

I understand your position. Remember, you have the option to contact the NRC Office of the Inspector General (1-800-233-3497) if you have concerns about NRC's performance. That applies to all NRC employees.

Regarding Late ADR, I spoke w/Lisa about your comments. She indicated that the possibility of some sort of alleger participation in/input to Late ADR is still a point of consideration. It may be something that evolves as the process is used.

>>> [redacted] 09/20/04 01:56PM >>> 7C  
Dave,

Thank you this information.

Please keep me informed and certainly advise me if "late ADR" is chosen. I'm not supportive of this process excluding the alleger, I find that quite disturbing, and I hope the NRC will rectify this aspect of ADR.

I am also, as you know, quite disturbed and disappointed that my allegations of discrimination and [redacted] have not yet been resolved. I believe that OI should be accountable to some entity or another and do not feel that is the case. It seems unfair, at a minimum, to require any alleger of such conduct to have to wait over 13 months for resolution. I feel as if I have no recourse, no one to be my advocate within the NRC with OI for resolution, and no one willing to do more than say "it is out of my hands."

I know OI does not report to you but wanted to again let you know where I stand.

Thank you,

Kymn  
Information in this record was deleted  
in accordance with the Freedom of Information  
Act, exemptions 7C  
FOIA- 2005-194

1-221

From: David Vito  
To: [Redacted]  
Date: 9/20/04 1:40PM  
Subject: Re: ADR

ET  
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Kymn,

Nick Hilton was on vacation last week and got back to me today. My initial sense was correct, but I wanted to verify with him.

Early ADR will only be considered for discrimination cases that are received after the start of the pilot process (which should be within the next two weeks or so). It doesn't apply to earlier cases. Sorry.

Late ADR is to apply to any proposed escalated enforcement action that should come about from here forward. So, Late ADR could apply for either your discrimination issue or the [Redacted] we are evaluating re: your case should either be substantiated and make it to the point of proposed escalated enforcement. Remember that Late ADR would be between the NRC and the licensee (unlike Early ADR, which is between the licensee and an allegor), at the following stages:

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- in cases following the completion of an OI investigation that substantiates an allegation of discrimination or other wrongdoing, but prior to an enforcement conference;
- following the issuance of a Notice of Violation and Civil Penalty (if proposed);
- following imposition of a Civil Penalty, but prior to a hearing on the case.

>> [Redacted] 09/15/04 03:52PM >>>  
Thanks, Dave. I'll wait to hear from you.

Kymn

7C

From: David Vito *EV*  
To: ~~XXXXXXXXXX~~ *7C*  
Date: 9/15/04 1:48PM  
Subject: ADR

Kymn,

I have a call in to the Nick Hilton, the NRC ADR guru. I will get back to you after he calls.

*D. Vito*  
From:   
To: <DJV@nrc.gov>  
Date: 9/15/04 3:53PM  
Subject: Re: ADR

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Thanks, Dave. I'll wait to hear from you.

Kymn