

Pedersen, Renee

From: Carpenter, Cynthia *JOE*
Sent: Monday, June 15, 2009 10:51 AM
To: Pedersen, Renee
Subject: Re: DPO Decision; Next Steps

Thank you Renee. Nicely written.

From: Pedersen, Renee *JOE*
To: Architzel, Ralph
Cc: Leeds, Eric; Magruder, Stewart; Carpenter, Cynthia; Wertz, Trent
Sent: Mon Jun 15 10:43:44 2009
Subject: DPO Decision; Next Steps
Ralph,

Thanks for your response. I appreciate that engaging in the DPO process has been a journey. As a communication vehicle, the DPO process allows you to have your views provided to high level managers (Office Director, EDO) for their consideration in the decision-making process. It also allows you to have your views subsequently communicated to the public (subject to normal release procedures). Management Directive (MD) 10.159 provides specific guidance for the DPO process.

Your request to include your disagreement with the Director's Decision in the DPO case file is not consistent with the DPO process addressed in MD 10.159 and therefore, will not be included.

If you continue to support your position and you disagree with the Director's Decision and you want your views public, then you should consider submitting an appeal in accordance with MD 10.159.

I appreciate your perspective on the outcome, but I remind you that the DPO process serves as a *communication* vehicle. It may or may not affect the final decision-making outcome, but allows you to have your information *communicated* to management for consideration in the decision-making process and subsequently *communicated* to the public. The appeal process addressed within MD 10.159 is part of the communication process.

The decision of whether you choose to submit an appeal is up to you. If you choose to submit an appeal, please submit it to me by June 18th.

If you do not choose to submit an appeal, the case will be considered closed and actions will be taken to review the case file for release to the public and a summary of the case will be included on the public website as part of the Commission's Weekly Information report.

Based on your email, it is clear that you want your views to be publically available.

If you have any questions, please feel free to contact me.

Renee
(301) 415-2742

From: Architzel, Ralph
Sent: Thursday, June 11, 2009 11:24 AM
To: Pedersen, Renee
Cc: Leeds, Eric; Magruder, Stewart; Carpenter, Cynthia
Subject: RE: DPO Decision; Next Steps (recalled and resent with dated attachment file)

Renee;

I have reviewed the DPO Decision and the related DPO panel report regarding DPO 2008-01. I have prepared a file (attached) that contains a statement of my views regarding the Decision and several comments that relate to the panel report (one in particular recognizing that the summary of my concerns was misstated). I still believe that the proper course of action regarding resolution of GSI-191 is as stated in my DPO, and therefore; I disagree with the Director's Decision.

However, I do not see substantive value added in pursuing an Appeal. I believe in all likelihood the Director's Decision would be upheld at the next level. I do not consider that an audience with the EDO and/or his staff to explain or defend my views would be worth the effort and the attendant delays in finalizing the DPO and releasing the results.

I do want my DPO and related documents to be made publically available to the fullest extent as soon as possible. To that end I, request that the attached statement be included among the documents to be publically released relating to the DPO. I would suggest that, if the Director desired, he could have a statement of views prepared addressing the points I make in the attached file and also have that made part of the record (and considered for public release as well). If the only way to accomplish this disclosure (of my attached statement) would be for me to file an appeal; then I would like timely feedback (before June 18th) to allow me to reconsider the merits of an appeal.

Thanks for your consideration

Ralph Architzel

From: Renee Pedersen , O.E.
Sent: Friday, May 29, 2009 11:47 AM
To: Ralph Architzel
Cc: Eric Leeds; Stewart Magruder; Cynthia Carpenter
Subject: DPO Decision; Next Steps

Ralph,

As you know, Eric Leeds, Director, NRR, issued a DPO Decision on your DPO on May 27, 2009. In accordance with MD 10.159, you may choose to appeal the decision within 21 calendar days of receiving it (June 18, 2009). If you choose to submit an appeal, please follow the guidance in section E of the MD Handbook. http://www.internal.nrc.gov/ADM/DAS/cag/Management_Directives/md10.159.pdf

In particular:

Complete NRC Form 690 and submit it to me. Focus your submittal on the perceived procedural or technical weakness in the **DPO Decision**. In other words, if you have concerns with the DPO Panel's report, make it clear how this is factored into the DPO Decision.

I will forward your appeal to Eric Leeds and request his statement of views (SOVs) on your appeal.

I will subsequently forward your appeal, the SOVs, and the DPO case file to the EDO for his review and final decision.

If you choose to submit an appeal, the summary of the DPO Decision will not be included in the Commission's Weekly Information Summary until the DPO appeal Decision is issued.

Please feel free to contact me if you have any questions.

Renee
(301) 415-2742