

Pedersen, Renee

From: Architzel, Ralph *NR*
Sent: Tuesday, March 09, 2010 9:43 AM
To: Pedersen, Renee
Subject: RE: Request Public Release of DPV Concerning Closure Process for GSI -191 file documents

Renee -

It has been almost four months since the EDO made a decision regarding my DPV.

Why can this not be released? There seems to be a concerted effort to squash its release. Timeliness is important to me; especially given the Chairman's public stance on this issue, with which I obviously differ, and other ongoing activities which I also do not believe are appropriate.

A near-term release would sincerely be appreciated. Why can't it go out today? And if not today why not this week?

From: Ibarra, Jose *OE*
Sent: Friday, February 12, 2010 3:31 PM
To: Architzel, Ralph; Pedersen, Renee
Subject: RE: Request Public Release of DPO Concerning Closure Process for GSI -191 file documents

Ralph,
Renee is back as the agency's Differing Views Program Manager. I will doing a turnover as soon as I can. There has been some movement on the DPO but I still do not have an estimate to give you. This e-mail is also going to Renee. Thanks. Jose

From: Architzel, Ralph *NR*
Sent: Friday, February 12, 2010 12:04 PM
To: Ibarra, Jose
Subject: RE: Request Public Release of DPO Concerning Closure Process for GSI -191 file documents

Jose -

It's been yet another month. Any progress/prognosis on public release of DPO documents?

Ralph

From: Architzel, Ralph *NR*
Sent: Wednesday, January 13, 2010 12:02 PM
To: Ibarra, Jose
Subject: RE: Request Public Release of DPO Concerning Closure Process for GSI -191 file documents

Jose -

I don't have as much patience with this as your note below indicates.

A-18

It took me about two days or so to compose the DPO well over a year ago. Several months to make little progress on a determination of whether (or which of) the documents are releasable is not a reasonable situation.

Perhaps this needs to be done in stages - with the base documents released initially to be followed up with a review of any problematic documents to establish what needs to be withheld (I thought from the procedure that that review was done by another organization in any event).

The finalization and availability of my DPOs are a factor in my other work situations; such as assessment of when I would retire. So I am anxious to get this behind me (us).

From: Ibarra, Jose / *OE*
Sent: Wednesday, January 13, 2010 11:56 AM
To: Architzel, Ralph
Subject: RE: Request Public Release of DPO Concerning Closure Process for GSI -191 file documents

Ralph,
I am still working on it but little progress. Sorry. Jose

From: Architzel, Ralph / *RR*
Sent: Wednesday, January 13, 2010 11:32 AM
To: Ibarra, Jose
Subject: RE: Request Public Release of DPO Concerning Closure Process for GSI -191 file documents

Jose -

It's been another month. Any progress/prognosis on public release of DPO documents?

From: Ibarra, Jose / *OE*
Sent: Wednesday, December 16, 2009 3:52 PM
To: Architzel, Ralph
Subject: RE: Request Public Release of DPO Concerning Closure Process for GSI -191 file documents

Ralph,
Unfortunately, we are backlogged for the reviews for publicly releasing DPO documents. We are making some progress but it has been slow. I appreciate your patience, and thanks for providing your reference to the ADAMS file. Take Care. Jose

From: Architzel, Ralph / *RR*
Sent: Wednesday, December 16, 2009 3:38 PM
To: Ibarra, Jose
Subject: RE: Request Public Release of DPO Concerning Closure Process for GSI -191 file documents

Jose

Has the below DPO and associated documents been approved for public release yet? If not hopefully it will be soon as it's been well over a year since this DPO was initiated

Thanks for any feedback you can give, including ADAMS numbers for the publically available files.

By the way my written statement requesting that the file be made publically available (below E-mail to you) is available in ADAMS ML093421419 if that makes your processing easier

Ralph Architzel

From: Architzel, Ralph , *NRR*
Sent: Friday, December 04, 2009 4:10 PM
To: Ibarra, Jose
Cc: Scott, Michael
Subject: Request Public Release of DPO Concerning Closure Process for GSI -191 file documents

Jose -

On December 2, 2009, I received the EDO's November 20, 2009, "Decision on Differing Professional Appeal Concerning Closure Process for Generic Safety Issue-191 (DPO-2008-001).

This E-mail is sent in accordance with provisions of the NRC Differing Professional Opinions Program Handbook 10.159, Records section (copied below), requesting that the file be made publically available. I do want my identity released along with the documents in the file, and have no request for confidentiality.

The Handbook indicates that a statement is requested of me regarding which documents I want released; subject to FOIA review. Regarding such review, I specifically do not want documents withheld on the basis of my confidentiality or identification of me as the DPO originator or in any other context to protect my identity or whatever considerations others may think are being restricted from release to afford me confidentiality or privacy. This E-mail constitutes my statement. I want the following documents that I am aware of released, with no portions of any of the documents withheld except as required pursuant to above FOIA review, including:

1. The Original DPO and attachments, submitted by Ralph Architzel on October 1, 2008
2. Memorandum to Eric Leeds from Renee Pederson dated October 16, 2008, DPO Involving Closure Process for GSI-191
3. Memorandum to Ralph Architzel from Eric Leeds dated May 27, 2009, DPO Decision Concerning Closure Process for GSI-191, including Enclosure 1, DPO Panel Report dated March 19, 2009 and Enclosure 2, COMSAJ-97-008, Staff Requirements, Discussion on Safety and Compliance
4. DPO Appeal, Submitted by Ralph Architzel on June 18, 2009
5. Memorandum to Eric Leeds from Renee Pederson dated June 25, 2009, DPO Involving Closure Process for GSI-191
6. NRR Office Director's Statement of Views on Appeal dated July 9, 2009 (sight unseen)
7. Memorandum to Ralph Architzel from R. W. Borchardt November 20, 2009, Decision on DPO Concerning Closure Process for GSI-191

Additionally, if staff and/or management review indicates there are other documents in the DPO file that are appropriate to release publically, in whole or part, that release is also acceptable to me, sight unseen as well.

I will printout a copy of this email and sign it/hand deliver to you to satisfy the "in writing" aspect of the Handbook

Ralph Architzel
December 4, 2009

Records (3)

The EDO or the Commission will send all completed DPO appeal case files to the DPOPM. At a minimum, the case file will include the DPO filed by the submitter, the DPO ad hoc panel report, and the DPO decision memorandum issued by the OD or the RA. Any other documents, such as other correspondence related to the DPO between the submitter and the EDO or the Commission deemed by the EDO or the Commission to be essential to an understanding of the case, also may be forwarded as a part of the case file. The DPO appeal filed by the submitter and the appeal decision issued by the EDO or the Chairman should also be included.

(a)

The memorandum transmitting the file prepared by the EDO or the Commission to the DPOPM should include a list of all documents contained in the file. If the submitter requests that the file be made publicly available, the transmittal memorandum should also include the submitter's statement indicating which documents, or portions of documents, may be released to the public, subject to a FOIA review.

(b) If the submitter requests that his or her identity not be released, his or her identity will be protected. If the submitter indicates (in writing) a desire to have his or her DPO appeal made available to the public, with or without release of his or her identity, the DPOPM will review the file for completion and forward it along with a list of all documents contained in the file to the FOIA/PA Officer, OCIO. The FOIA/PA Officer will coordinate review of the records