

NRC Implementation of an ADR Pilot Program

Tennessee Valley Authority

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New Orleans, LA



TVA Perspectives

- TVA supports use of ADR to supplement the NRC's enforcement process
- TVA supports implementation of a *focused* pilot program
- TVA expects a well crafted pilot program will be successful



Defining "Success"

- A successful ADR program is likely to yield
 - a quicker, more efficient path to resolving disputed issues
 - more effective results, rather than current polarizing process
 - a less punitive approach that allows NRC to maintain focus on safety
- Important to recognize success does not mean perfection
 - pilot program may need some adjustment



Important Pilot Program Features

- Support of senior NRC management and OE staff
- "Neutral" pool of individuals with appropriate expertise and experience as a neutral
- Clearly defined goals
 - resolve disputes at earliest possible stage
 - agreement on a legal and mutually satisfactory outcome
- Clearly defined scope
 - potential discrimination actions
- Clearly defined roles
 - licensee, employee, and NRC
 - NRC role focused on maintaining safety and reviewing proposed resolution to ensure it is not contrary to law or public policy



Recommendations for Further Definition of ADR Pilot Program

- Early opportunity for resolution of discrimination claims
 - Offer ADR opportunity to licensee and employee following allegation review board determination but before OI investigation
 - ADR process to go forward unless NRC identifies exigent circumstances
- Parties can agree to facilitative or evaluative ADR techniques
- Confidentiality of ADR process
 - e.g., pursuant to the ADR Act
 - public disclosure of the results of the ADR process
- Clearly established schedule



ADR Pilot Program Evaluation

- NRC should provide an opportunity for stakeholder feedback at the conclusion of the pilot program
 - Ensures all stakeholders can provide NRC with their views and recommendations
 - Permits NRC to make informed decision regarding success of pilot program
 - Encourages NRC to fine tune pilot program

