

NRC Implementation of an ADR Pilot Program

Industry Perspectives

- The industry supports use of ADR to supplement the NRC's enforcement process
- The industry supports implementation of a *focused* pilot program
- The industry 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
 - and, ideally, improved relationships between the parties to the disputes and with the agency
- Important to recognize success does not mean perfection
 - pilot program may need some adjustment

Important Pilot Program Features

- Support of senior NRC management as well as 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 to include review of 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
 - Successful conclusion of the ADR process would preclude NRC enforcement action based on that particular employee allegation
 - NRC would clearly retain the inspection and enforcement authority to assess other potential violations of 50.7
- Parties can agree to facilitative or evaluative ADR techniques

Recommendations for Further Definition of ADR Pilot Program (Continued)

- Confidentiality of ADR process
 - An important attribute differentiating ADR from other more formal administrative or adjudicative processes
 - Necessity of confidentiality among NRC, employee, and licensee as part of the ADR process
 - NRC can meet its government accountability responsibilities by disclosing
 - The pendency/basis for a potential enforcement action
 - The fact that the parties are pursuing ADR
 - The terms of a resolution, if any, ultimately achieved through ADR
- 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