

March 31, 2004

MEMORANDUM TO: William D. Travers
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS - SECY-04-0044 - PROPOSED PILOT
PROGRAM FOR THE USE OF ALTERNATIVE DISPUTE
RESOLUTION IN THE ENFORCEMENT PROGRAM

The Commission has approved the proposed revision to the NRC Enforcement Policy to include an interim enforcement policy describing the pilot program for the use of alternative dispute resolution, subject to the following changes to the Federal Register notice.

1. Page 2, third paragraph under SUPPLEMENTARY INFORMATION, last line: change "concerns" to "issues"
2. Page 3, first full paragraph, third line: change "... in ADR, but if licensees pay ..." to "... in ADR. However, if licensees pay ..."
3. Page 4, first full paragraph, line 9: delete "becomes a "business" decision"
4. Page 4, first full paragraph, replace the last sentence with the following: "While the NRC recognizes that settlements in an Early ADR case have the potential to involve deliberate misconduct, the NRC believes that early settlements and corrective actions will limit the potential chilling effect at the site, thereby furthering the site's SCWE. Therefore, on balance, the NRC believes that early settlements outweigh the risk of not taking an enforcement action on a case involving deliberate misconduct."
5. Page 4, last paragraph, third sentence: modify sentence to read "This list could be provided to the NRC as evidence of existence of those documents."
6. Page 6, section II.A., third paragraph: replace "(see below)" with "An "intake neutral" develops information and processes information for mediation."
7. Page 6, last line, last word: replace "neutral" with "mediator"
8. Page 7, fifth full paragraph, sixth line: change "show" to "shown"
9. Page 8, section 13., first line: change "approved by" to "acceptable to"
10. Page 9, last paragraph, second line: add "the" before "General Counsel"

11. Page 10, third paragraph, last line: add a comma after “records” and end sentence with “... subject to the Freedom of Information Act (FOIA).”
12. Page 10, last paragraph, last line: change “PEC” to “a predecisional enforcement conference (PEC)”
13. Page 11, first line: change “an NOV” to “a Notice of Violation (NOV)”

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
CFO
OCA
OIG
OPA
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR