



**NRC Office of Enforcement's  
Alternative Dispute Resolution (ADR) Program**

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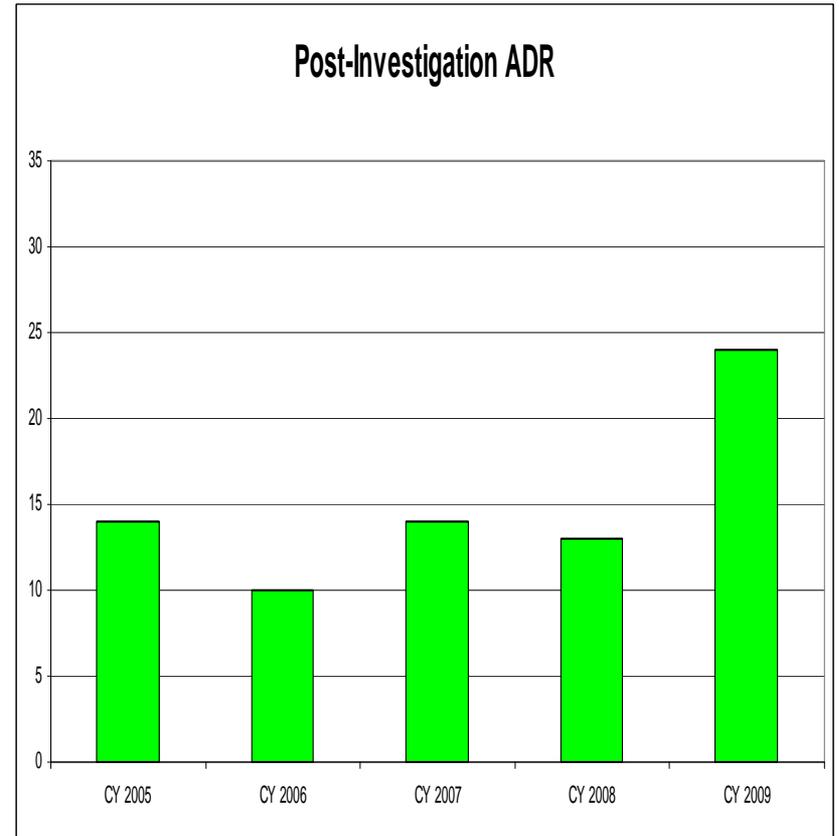
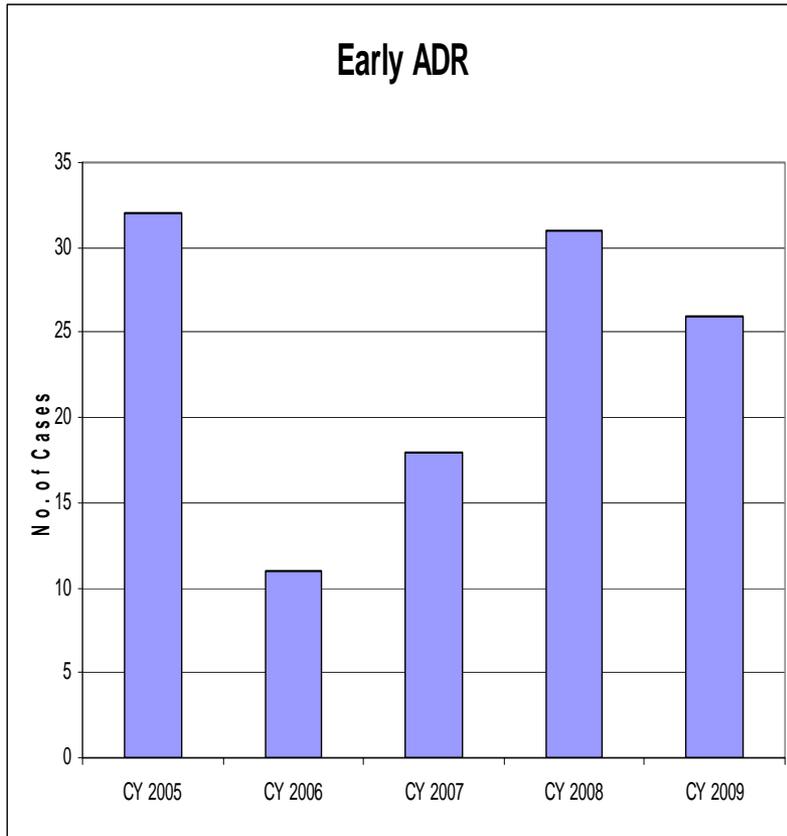
# Agenda

- ADR Program Overview
  - Early ADR
  - Post-Investigation ADR
- ADR Trends
- Sources of Information about the ADR Program

# ADR Program - Overview

- In 2004, the NRC established the pilot ADR program; comprised of two different parts
  - Early ADR (including Licensee Sponsored ADR)
  - Post-Investigation ADR
- Participation is entirely voluntary

# ADR Cases Opened



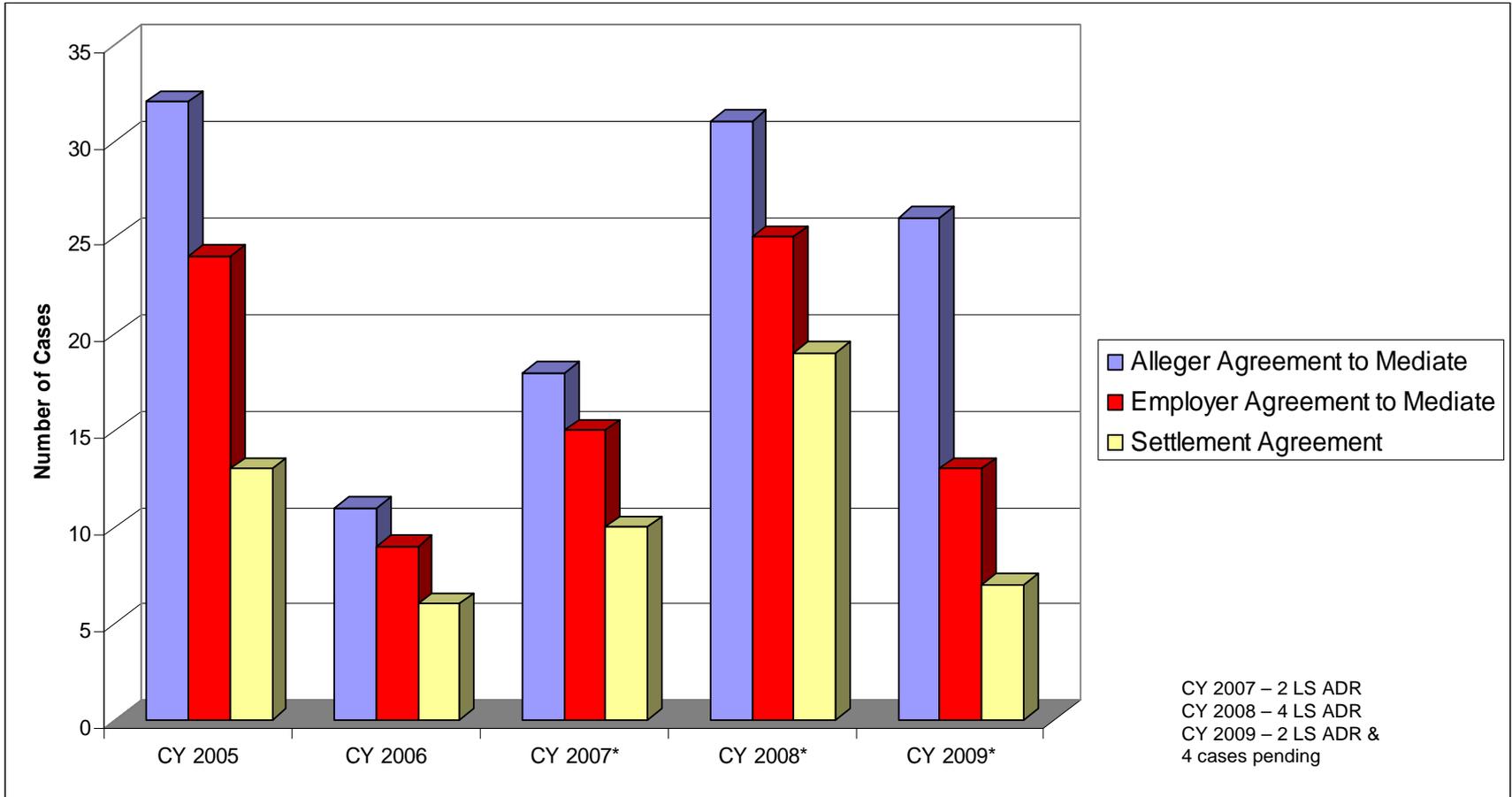
# Early ADR

- Prior to the initiation of an OI investigation
  - For resolution of discrimination allegations only
- Technical safety concerns are not subject to settlement
- Mediating parties are the allegor and employer
  - NRC is not a party
- Cornell University Institute of Conflict Resolution is the program administrator
- Mediator fees and expenses paid by the NRC if mediator is from Cornell's roster of mediators
  - Mediator does not have binding authority
- NRC reviews settlement agreement for restrictive covenants

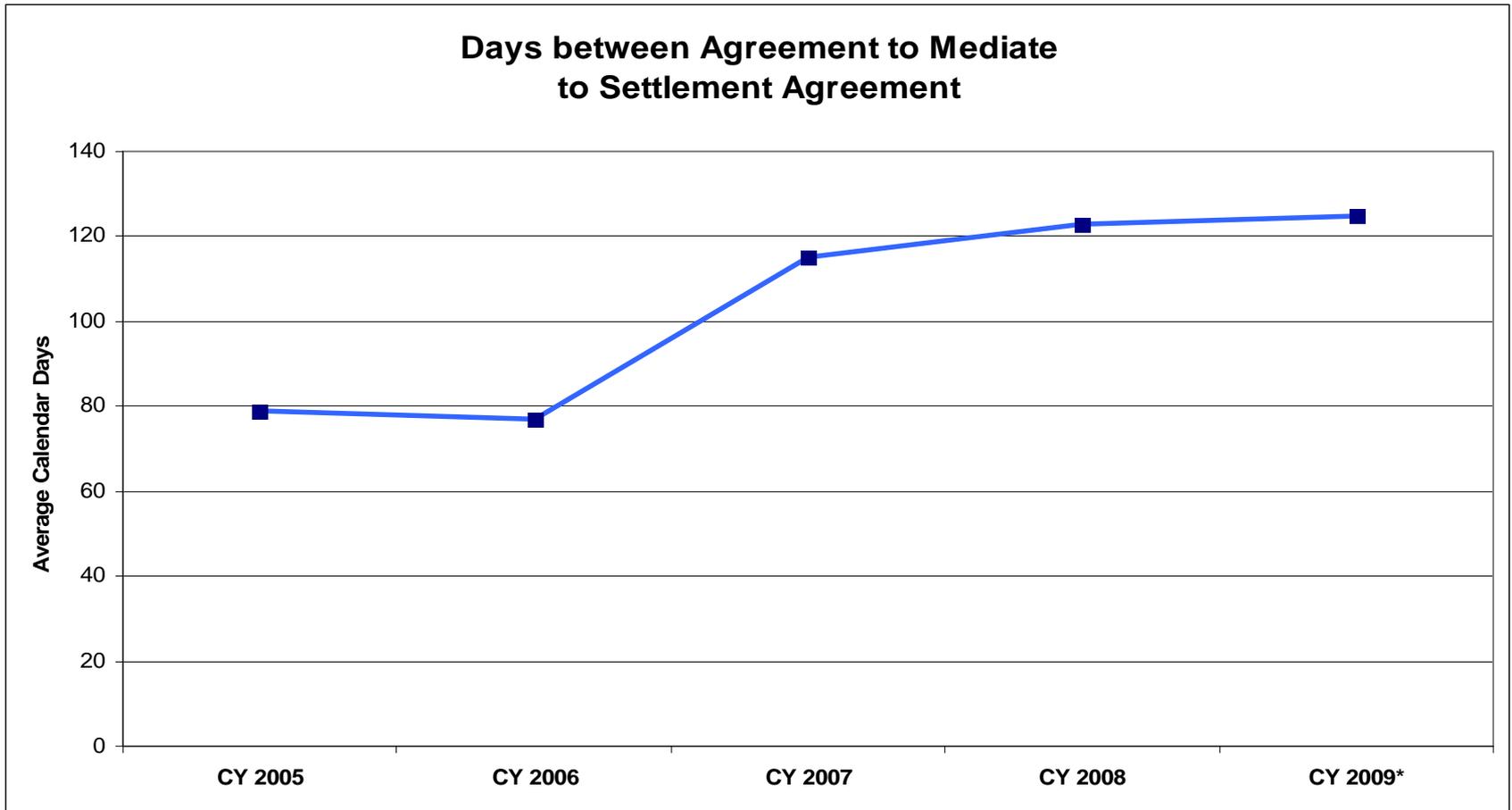
# Early ADR

- Benefits
  - Facilitates employee/employer communications
  - Minimizes potential SCWE issues at the site
  - More timely resolution of discrimination concerns
  - Less resource intensive than responding to NRC investigation or litigation
  - No OI investigation if reach settlement & no restrictive covenants in violation of applicable NRC regulation
- Licensee Sponsored ADR
  - Same as Early ADR but the parties are responsible for mediator fees and expense and for informing the NRC of settlement negotiations prior to the initiation of an OI investigation

# Early ADR Use Trend



# Early ADR Timeliness Trend



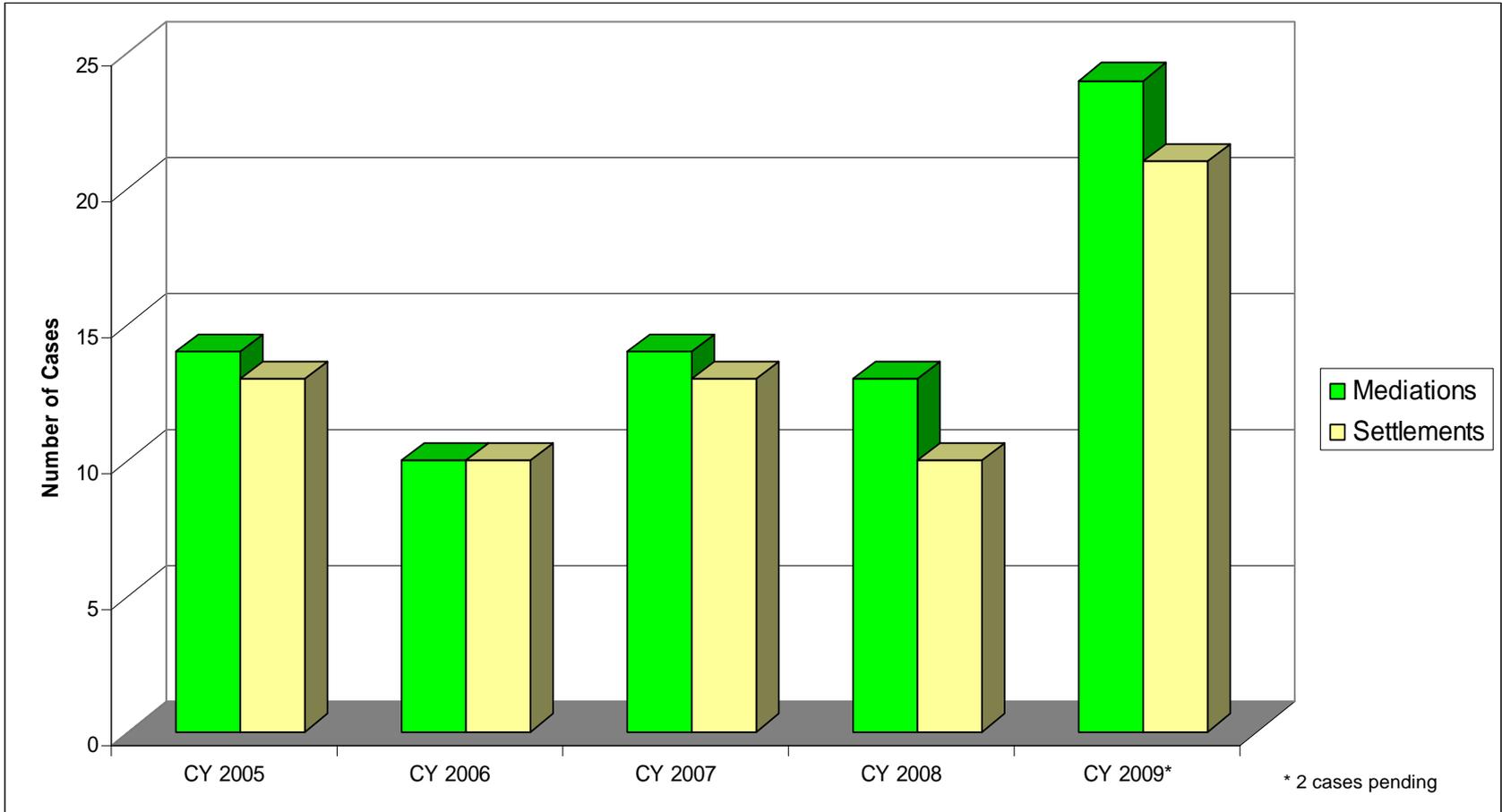
# Post-Investigation ADR

- After OI has completed its investigation
  - Covers discrimination and other wrongdoing cases
  - Available at three stages of the enforcement process
- Parties are the NRC and the licensee, contractor or individual
  - Allegor is not a party
- Mediator fees and expenses are equally shared by the parties
  - Mediator does not have binding authority
- Mediation is confidential
- Settlement agreement is typically finalized in a publicly issued confirmatory order

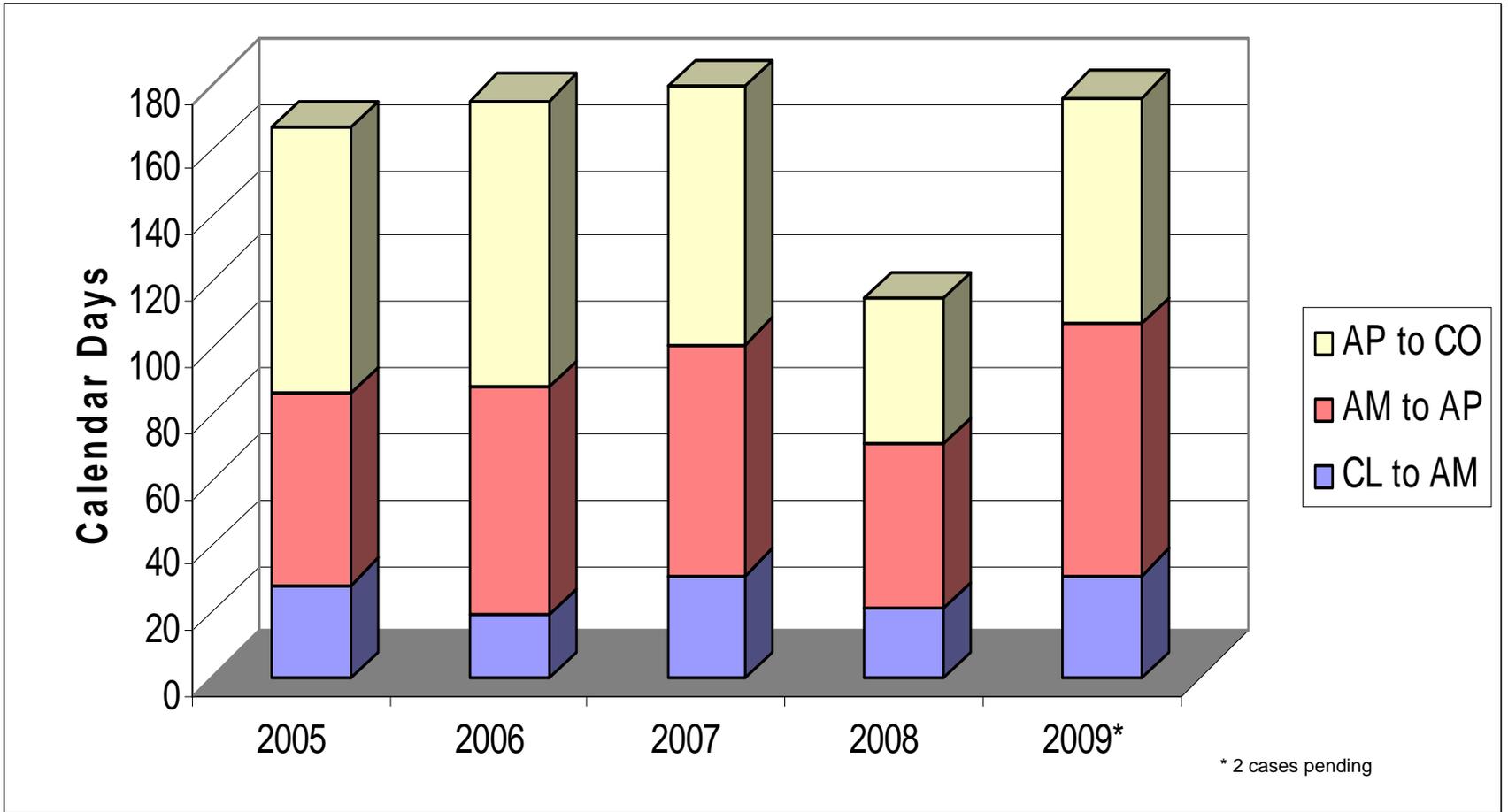
# Post-Investigation ADR

- Benefits
  - Facilitates communication between the NRC and the licensee in an informal setting
  - Typically brings about more effective, efficient and timely resolution of enforcement concerns
  - In past cases depending on the underlying apparent violation or violation, the NRC has agreed to
    - Forgo the issuance of a notice of violation or a civil penalty or
    - Mitigate the amount of a civil penalty or
    - Forgo pursuit of enforcement action

# Post-Investigation ADR Use Trend



# Post-Investigation ADR Timeliness Trend



# ADR Program Initiatives

- Enhance communication about the program
- Publish statistical data about the program
- Pay closer attention to ADR process timeliness

# Sources of Information

- NRC public website
  - [www.nrc.gov/about-nrc/regulatory/enforcement/adr.html](http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html)
- Cornell University's Institute on Conflict Resolution
  - (877) 733-7415
- Shahram Ghasemian, NRC ADR Program Manager
  - [shahram.ghasemian@nrc.gov](mailto:shahram.ghasemian@nrc.gov)
  - (301) 415-3591

# Acronyms

- AM - Agreement to Mediate
- AP - Agreement in Principle
- CL - Choice Letter
- CO - Confirmatory Order
- LS - Licensee Sponsored
- OI - Office of Investigations