

November 12, 2003

David A. Lochbaum  
Union of Concerned Scientists  
1707 H Street NW, Suite 600  
Washington, D.C. 20006-3919

Dear Mr. Lochbaum:

On behalf of the Nuclear Regulatory Commission (NRC), I am responding to your letter dated September 16, 2003, providing comments for consideration by the NRC during the development of the enforcement Alternative Dispute Resolution (ADR) pilot program. As you are aware, on September 8, 2003, the Commission issued a Staff Requirements Memorandum directing the staff to develop a pilot program exploring the use of ADR in the enforcement program. The staff had proposed development of such a program in SECY-03-0115, dated July 8, 2003.

The Commission appreciates your submission of comments and concerns about the development of the pilot ADR program. In your statement of concerns, you commented that the ADR process must not be a barrier to NRC oversight of safety issue resolution and you expressed the assumption that the NRC staff would remain free to pursue inquiries into potentially unresolved safety issues in parallel with any ADR activities. The NRC agrees that the ADR process must not be a barrier to NRC oversight of safety issues and that the staff will remain free to review potentially unresolved safety issues in an appropriate manner.

The Office of Enforcement (OE) is just beginning to develop the pilot program. Given the expected high interest in this topic, a separate ADR page has been made available on OE's web page. In addition to other ADR-related information, this web page will make available comments received from stakeholders. Your letter of September 16, 2003, has been placed on the web page: <http://www.nrc.gov/what-we-do/regulatory/enforcement/adr.html>, and your comments will be considered in developing the pilot program. In addition to the web page, various other forums are being evaluated to solicit public comments on this matter. A public meeting in the form of a roundtable discussion is being planned to identify and discuss proposed solutions to issues regarding development of the ADR pilot program. We note your expressed interest in participating in public forums on the ADR program, and you will be invited to participate in the roundtable discussion.

If you have any questions, please contact Mr. Nick Hilton in the Office of Enforcement. Mr. Hilton can be reached on 301-415-3055.

Sincerely,

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Nils J. Diaz