

RIC 2004

Safety Conscious Work Environment Session T5

Alternative Dispute Resolution

Nick Hilton
Sr. Enforcement Specialist
Office of Enforcement
March 11, 2004



ADR Pilot Background

- SECY-03-0115, dated September 4, 2003
 - Recommended ADR options at four points:
 - For discrimination cases *only*:
 - After ARB determination a *prima facie* discrimination case exists (Early ADR)
 - For either discrimination or other wrongdoing cases:
 - After completion of an OI investigation, but prior to a PEC
 - Following the issuance of an NOV and CP (if proposed)
 - Following imposition of a civil penalty but prior to a hearing
- SRM dated September 8, 2003
 - Directed staff to develop pilot
 - As described in SECY-03-0115
 - without regard to significance in the case of Early ADR



ADR Pilot “Issues”

- NRC Staff developed “issues” document:
 - Posted on OE web site and solicited comments (FRN 67492 dated Dec. 2, 2003)
- Public meeting Dec. 10, 2003
 - Roundtable discussion
 - Representatives from industry, public, and whistleblowers
- Received comments until Dec. 31, 2003



ADR Pilot Meeting Summary

Issues discussed and general consensus points:

- Benefits of ADR
 - Faster, more efficient
 - Avoid OI investigation
 - Address the issues at earliest possible stage
- Retaining accountability
 - Method to ensure accountability for deliberate wrongdoing exists through licensee's own corrective action
- Ensuring underlying issues relating to SCWE are addressed
 - Licensee typically address as appropriate outside of settlement agreement
- Cases where ADR use is appropriate
 - Very limited exceptions



ADR Pilot Meeting Summary

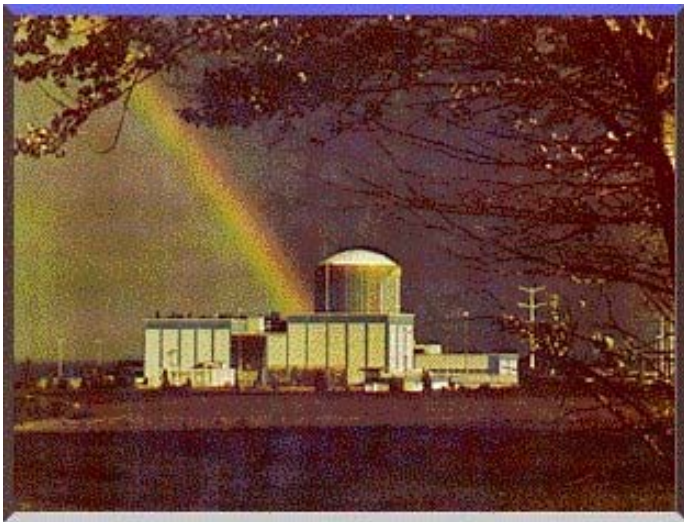
Issues discussed and general consensus points (con't):

- Roles of NRC, licensees, and whistleblowers
 - Licensee and whistleblower parties in Early ADR
 - NRC review of settlement agreement
 - Licensee and NRC parties post-investigation
- Qualifications for and selection of neutrals
 - Bottom line: anyone both parties agree to would be acceptable
- Paying for ADR
 - General consensus was for NRC to pay for entire Early ADR fee, split with licensee for post-investigation ADR
- General implementation
 - Publicly released information
 - Timeliness
 - DOL timeliness requirement (180 days)



ADR Pilot Current Status

- Pilot drafted as an Interim Enforcement Policy



- Intend to publish in *Federal Register* for public comment

