



NRC NEWS

U.S. NUCLEAR REGULATORY COMMISSION

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No. 04-044

April 20, 2004

NRC SEEKS PUBLIC COMMENT ON PROPOSED PILOT PROGRAM FOR USE OF ALTERNATIVE DISPUTE RESOLUTION

The Nuclear Regulatory Commission is seeking public comment on a proposed pilot program for the use of alternative dispute resolution (ADR) in resolving discrimination complaints and other allegations of wrongdoing in the agency's enforcement program.

The pilot program aims to use ADR in two potential scenarios: before initiation of an NRC investigation (so-called "early ADR"), when the parties would be the whistleblower and the licensee; or after completion of an investigation, when the parties would be the NRC and the licensee. The aim would be to reach a settlement within 90 days of agreeing to mediation. In the case of early ADR, the agency believes the timely resolution of complaints will contribute to a safety-conscious work environment.

Mediators would be neutral third parties - not affiliated with the NRC or the licensee - mutually acceptable to both parties in the dispute. For early ADR, the mediators' fees will be paid by the NRC, and there will be a three-day waiting period before any settlement takes full effect. For ADR after an investigation has been completed, the NRC and the licensee will share the mediator's fee.

The pilot program is generally consistent with input received from public comments in response to a *Federal Register* notice and during a public meeting held in December.

The NRC encourages licensees to develop their own ADR programs (independent of the NRC's pilot program) to address employee concerns. The NRC proposes that should an employee who alleges retaliation for raising safety or other concerns use a licensee's program to settle the discrimination complaint, no NRC investigation will be initiated until it is determined whether a settlement can be reached. If a settlement is reached, the NRC will review it for restrictive agreements in violation of NRC regulations or abuse of the ADR process. If the settlement is acceptable, the NRC will not investigate or take enforcement action.

The NRC is developing a booklet for whistleblowers who are considering requesting early ADR. The booklet will provide an overview of the NRC's early ADR program and ADR in general, supplementing the allegation booklet already provided to concerned individuals. Information regarding

the pilot program will be placed on the Office of Enforcement's Web page at <http://www.nrc.gov/what-we-do/regulatory/enforcement.html> .

A notice summarizing the pilot program was published today (April 20) in the *Federal Register*. The deadline for submitting comments is May 20. Comments may be submitted by e-mail to SECY@nrc.gov ; by fax to Secretary, NRC, at 301-415-1101; or by mail to Secretary, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001, Attention: Rulemaking and Adjudications Staff. Comments will be posted in their entirety on the NRC Web site, and personal information will not be removed.

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