

①



PO Box 1551  
411 Fayetteville Street Mall  
Raleigh NC 27602

Serial: PE&RAS 04-068  
May 20, 2004

Attention: Rulemakings and Adjudication Staff  
Secretary, U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

**SUBJECT:** Requested Comments on "*Proposed Interim Enforcement Policy for Pilot Program on the Use of Alternative Dispute Resolution in the Enforcement Program,*" (69 FR 21166; April 20, 2004)

Dear Ladies and Gentlemen:

Progress Energy, Inc. (PEC) supports the decision to implement the proposed pilot program on Alternative Dispute Resolution (ADR). PEC has reviewed the comments that are to be submitted separately by the Nuclear Energy Institute and endorses those comments as reasonable and appropriate improvements.

PEC also provides the following two comments:

- 1) Section III.C.1, "Discrimination Cases," indicates that the Office of Investigation (OI) reports will normally be provided to the licensee when the choice of ADR or predecisional enforcement conference is offered. However, Section III.C.2, "Other Than Discrimination Wrongdoing," indicates that the OI reports will not routinely be offered to the licensee prior to ADR. PEC suggests that review of the OI reports seems important and appropriate in both cases.
- 2) As described in the section on "Issues Related to Early ADR," the booklet and webpage approach is useful for individuals who have no knowledge of the concept of Early ADR. But, these approaches may not reach those individuals who contact the Department of Labor (DOL) directly without first involving the NRC. PEC suggests that greater use of the Early ADR could result if the NRC established an understanding with the DOL to ensure such individuals were made aware of the Early ADR process.

Please contact me at (919) 546-4579 if you have any questions.

Sincerely,

Tony Groblewski  
Supervisor - Regulatory Affairs

HAS

Template = SECY-067

SECY-02

DOCKETED  
USNRC

May 20, 2004 (5:23PM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

**Proposed Interim Enforcement Policy for  
Pilot Program on the Use of Alternative  
Dispute Resolution in the Enforcement  
Program Request for Comments  
(69FR21166)**