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

May 20, 2004



DOCKETED  
USNRC

May 20, 2004 (10:15AM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Ms. Annette Vietti-Cook  
Secretary  
U.S. Nuclear Regulatory Commission  
Mail Stop T-6 D59  
Washington, DC 20555-0001

Re: Nuclear Energy Institute's Comments on the *Proposed Interim Enforcement Policy for Pilot Program on the Use of Alternative Dispute Resolution in the Enforcement Program*  
(69 Fed. Reg. 21166; April 20, 2004)

Dear Ms. Vietti-Cook:

I am writing on behalf of Southern Nuclear Operating Company ("SNC") to express its concurrence with the above-referenced comments submitted by the Nuclear Energy Institute (NEI)<sup>1</sup> on behalf of the nuclear energy industry. SNC agrees with the views expressed by NEI and urges the Commission to consider NEI's suggestions to re-evaluate certain aspects of the Alternative Dispute Resolution ("ADR") program after it has been implemented for a sufficient amount of time.

Like NEI, SNC believes that instituting an effective ADR program as a component of the NRC's enforcement process will yield many benefits. Specifically, SNC believes that an ADR program would provide a less adversarial process of resolving issues, promote greater communication and cooperation among the parties, minimize the time needed to obtain a resolution, optimize the commitment of licensee and staff resources, and result in potentially more effective corrective actions, if warranted.

SNC urges the Commission to give strong consideration to NEI's comments concerning the re-evaluation of the Enforcement Policy's treatment of an ADR settlement as a factor in determining a future civil penalty amount, and the issuance of a press release when a settlement is reached through ADR after the conclusion of an OI investigation. SNC believes that after the

<sup>1</sup> NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory aspects of generic operational and technical issues. NEI members include all utilities licensed to operate commercial nuclear power plants in the United States.

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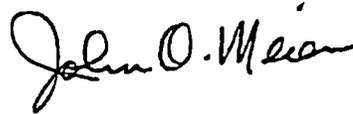
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program has been used for a sufficient period of time, the Commission will be better able to evaluate these features.

Subject to the two concerns described above, SNC believes that an ADR process has the potential to avoid some of the problems that licensees and other stakeholders have identified in the past with respect to the agency's handling of discrimination and wrongdoing cases. SNC appreciates the Commission's initiation of an ADR process and will provide feedback when the NRC considers establishing the ADR program as a permanent part of the enforcement process.

If you have any questions concerning SNC's position, or would like to discuss these comments further, please feel free to contact me at (205) 992-5358.

Sincerely,



JOM:mgd

Cc: Mr. Charles M. Dugger