

9/13/04
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From: "DUGGER, Charles M" <cmd@nei.org>
To: <mtl@nrc.gov>
Date: 9/13/04 1:53PM
Subject: Enforcement Policy: Alternative Dispute Resolution (69 Fed. Reg.50219; August 13, 2004)

On behalf of the commercial nuclear energy industry, the Nuclear Energy Institute[1] <outbind://197/#_ftn1> hereby comments on the cited Federal Register notice announcing revisions to the NRC Enforcement Policy. These revisions are part of the agency's pilot program incorporating Alternative Dispute Resolution (ADR) into the enforcement process for cases involving discrimination or other wrongdoing.

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The industry fully supports the Commission's decision to implement the ADR pilot program. The ADR process has the potential to alleviate certain problems that licensees and other stakeholders have identified with respect to the agency's handling of discrimination and wrongdoing cases.

The revisions to the Enforcement Policy contained in the Federal Register notice accurately reflect the various policy decisions the Commission has made in this regard. Although we anticipate that some aspects of the ADR program, and thus the Enforcement Policy, may warrant change or refinement once the agency and the participants have had some experience using ADR as part of the enforcement process,[2] <outbind://197/#_ftn2> at this juncture the Enforcement Policy supporting the program is sufficiently well developed to proceed.

If you have questions about the industry's views or would like to discuss them further, please contact me or Ellen Ginsberg, NEI Deputy General Counsel, at (202) 739-8140 or ecg@nei.org.

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NUCLEAR ENERGY INSTITUTE

Charles M. Dugger
VICE PRESIDENT, NUCLEAR OPERATIONS
NUCLEAR GENERATION DIVISION

September 13, 2004

Mr. Michael T. Lesar
Chief
Rules and Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Mail Stop T-6 D59
Washington, DC 20555-0001

SUBJECT: Enforcement Policy: Alternative Dispute Resolution (69 Fed. Reg. 50219; August 13, 2004)

Dear Mr. Lesar:

On behalf of the commercial nuclear energy industry, the Nuclear Energy Institute¹ hereby comments on the cited Federal Register notice announcing revisions to the NRC Enforcement Policy. These revisions are part of the agency's pilot program incorporating Alternative Dispute Resolution (ADR) into the enforcement process for cases involving discrimination or other wrongdoing.

The industry fully supports the Commission's decision to implement the ADR pilot program. The ADR process has the potential to alleviate certain problems that licensees and other stakeholders have identified with respect to the agency's handling of discrimination and wrongdoing cases.

¹ 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's members include all entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

Mr. Michael T. Lesar
September 13, 2004
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If you have questions about the industry's views or would like to discuss them further, please contact me or Ellen Ginsberg, NEI Deputy General Counsel, at (202) 739-8140 or ecg@nei.org.

Sincerely,



Charles M. Dugger
Vice President, Operations

² See Letter from Charles Dugger to Annette Vietti Cook, dated May 20, 2004, which included a recommendation that the NRC not issue a press release when a settlement is reached through ADR after the conclusion of an OI investigation because the confirmatory order will be published in the Federal Register, and a press release has the potential to resurrect contentious issues resolved by the parties.