

ADR Pilot Program: Proposed Evaluation Criteria

This document provides an outline of criteria the staff is considering in preparation for the pilot program evaluation. Various methods of seeking input are planned, including case evaluations provided to the parties after each case, written comments from the industry and public, a public workshop, input from Cornell University (the program administrator), and NRC staff considerations. The staff believes that the evaluation can be conducted using the general categories of effectiveness, efficiency, and program satisfaction. These categories are described more fully below. Written comments concerning the planned categories, as well as general comments regarding the pilot program and recommendations for future programs being accepted until October 30, 2005.

1. Program effectiveness

- Were settlement agreements, both for Early-ADR and post-investigation ADR, sufficient to meet the goals associated with the allegation and enforcement program goals (e.g. minimize potential work environment issues that can result from an investigation and litigation and encourage prompt identification and corrective action while maintaining a measure of deterrence respectively) ?
- Did the pilot program maintain safety?
- Given the programmatic differences, were settlement rates, both Early and post-investigation, consistent with typical ADR programs?
- Was the use of a third party program administrator beneficial, particularly in the area of providing an unbiased source of information and support? Were the mediators effective in assisting the parties in reaching resolution?
- Was the program effective as a whole?

2. Program efficiency

- Did the program produce timely results? For Early-ADR cases that settled, was there a substantial time savings compared to an investigation and potential enforcement activity? For Early-ADR cases that did not settle (including those that indicated an interest but in the end did not actually mediate), did the time invested in the ADR process impact the subsequent investigation? For post-investigation cases, was the time invested commensurate with reaching final resolution to the case (in other words, considering the case was completed, was a nominal increase in processing time acceptable)?
- Was the program cost efficient? Did cost of the program exceed the estimated savings? Was the mediator's fee reasonable for the parties? If neutral's fees increased, would the value of the program mediators still be acceptable? If the use of neutral locations was expanded, would the associated cost increase be acceptable? Both contract dollars and employee time must be considered. For licensees as a party,

was the cost of either Early-ADR or post-investigation ADR (including settlement terms) acceptable in terms of meeting your interests?

3. Program satisfaction

- Did the parties perceive the process as fair? Were the mediators and the program administrator fair and helpful?
- Was the program useful? Did it serve all of the parties interests? Generically, why did some parties not accept ADR when offered?
- In general, were the outcomes satisfactory to the parties, meeting their needs if not their wants?
- What is the public perception of the program? Do publically available confirmatory orders and press releases serve sufficient notice of agency enforcement action? Given that the confirmatory order is publically available, is a press release necessary?
- After participation in at least one mediation in this program, whether or not it settled, would the parties attempt mediation again?