

RIC 2006
Session T2F
Allegations
(Alternative Dispute Resolution)

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March 7, 2006

Exelon Experience with NRC Alternative Dispute Resolution

An Experience with Early ADR

- Former Security Guard alleged retaliatory discharge under 50.7, also filed DOL 211 Complaint.
- NRC offered Early ADR.
- Mediation scheduled within 3 months of contact by Cornell.
- Successfully settled both DOL 211 and NRC discrimination allegations in one day mediation.

An Experience with Post-Investigative ADR

- NRC OI completed investigation.
- NRC issued letter setting forth apparent violations of radiation protection requirements.
- Exelon responded with letter, acknowledging a willful violation and suggesting it be categorized as Level IV.
- NRC issued Level III Notice of Violation and proposed imposition of civil penalty.
- Exelon requested ADR, mediation scheduled within 3 months.
- One day mediation resolved all issues with these results: Exelon acknowledged a violation had occurred and committed to extensive corrective action; NRC agreed to categorize as Level IV violation and reduced civil penalty.

Licensee Perspective on ADR



- Efficient (time and cost)
- Effective (3 days, 3 settlements)
- Neutral and useful mediators
- Fair results

Suggestions for Licensees Facing ADR

- After agreeing to ADR, convene a group to decide Company strategic objectives.
- Focus on perceived objectives of other party (whether NRC or allegor) to help set strategic objectives.
- Use small team to actually attend mediation.
- Provide mediator with relevant NRC precedent.
- Do not hesitate to request face-to-face meeting with other party, when mediator communications seem to be slowing proceeding.
- Make sure Company representative to mediation has authority to settle or has contact information to obtain approval of settlement.