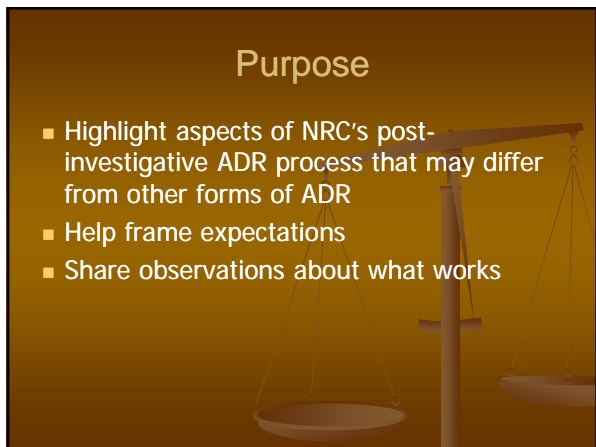


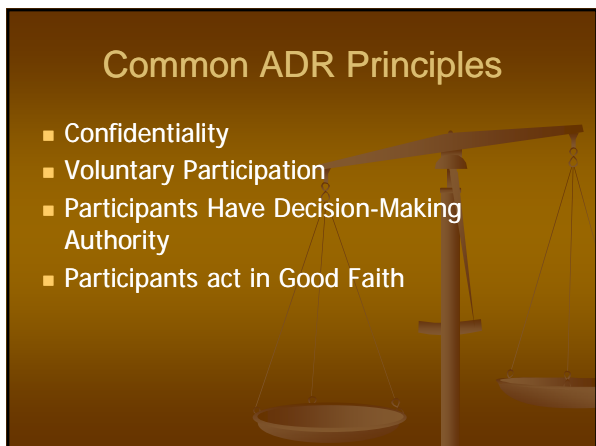
NRC Post-Investigation ADR: An Insider's Perspective

Jared K. Heck
Regional Counsel
NRC Region III



Purpose

- Highlight aspects of NRC's post-investigative ADR process that may differ from other forms of ADR
- Help frame expectations
- Share observations about what works

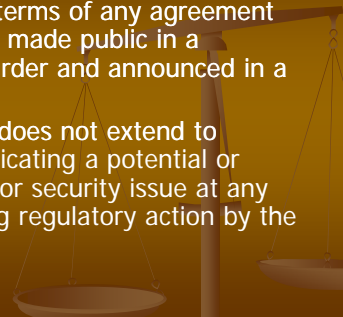


Common ADR Principles

- Confidentiality
- Voluntary Participation
- Participants Have Decision-Making Authority
- Participants act in Good Faith

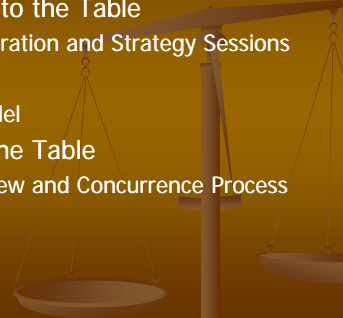
Confidentiality in Post-Investigation ADR

- Generally, the terms of any agreement reached will be made public in a Confirmatory Order and announced in a Press Release
- Confidentiality does not extend to information indicating a potential or existing safety or security issue at any facility requiring regulatory action by the NRC



Decision-Making Authority in Post-Investigation ADR

- Before Getting to the Table
 - Pre-ADR Preparation and Strategy Sessions
- At the Table
 - Region III Model
- After Leaving the Table
 - Post-ADR Review and Concurrence Process



Observations

- Logistics
 - Fewer is Better
 - Space for Caucus
 - Timely Scheduling
- NRC Interests
 - Deter Non-compliance
 - Obtain Comprehensive Corrective Action
 - Maintain Public Confidence



Observations

- Agreement in Principle
 - Agree to Disagree
 - Enforceable Language
 - Terms that Include Non-Parties
 - Terms Should Not Change in Confirmatory Order

