



**NRC RIC 2010
ADR Panel**

**NRC Office of Enforcement's
Alternative Dispute Resolution (ADR) Program**

**Shahram Ghasemian
ADR Program Manager
Office of Enforcement
March 9, 2010**

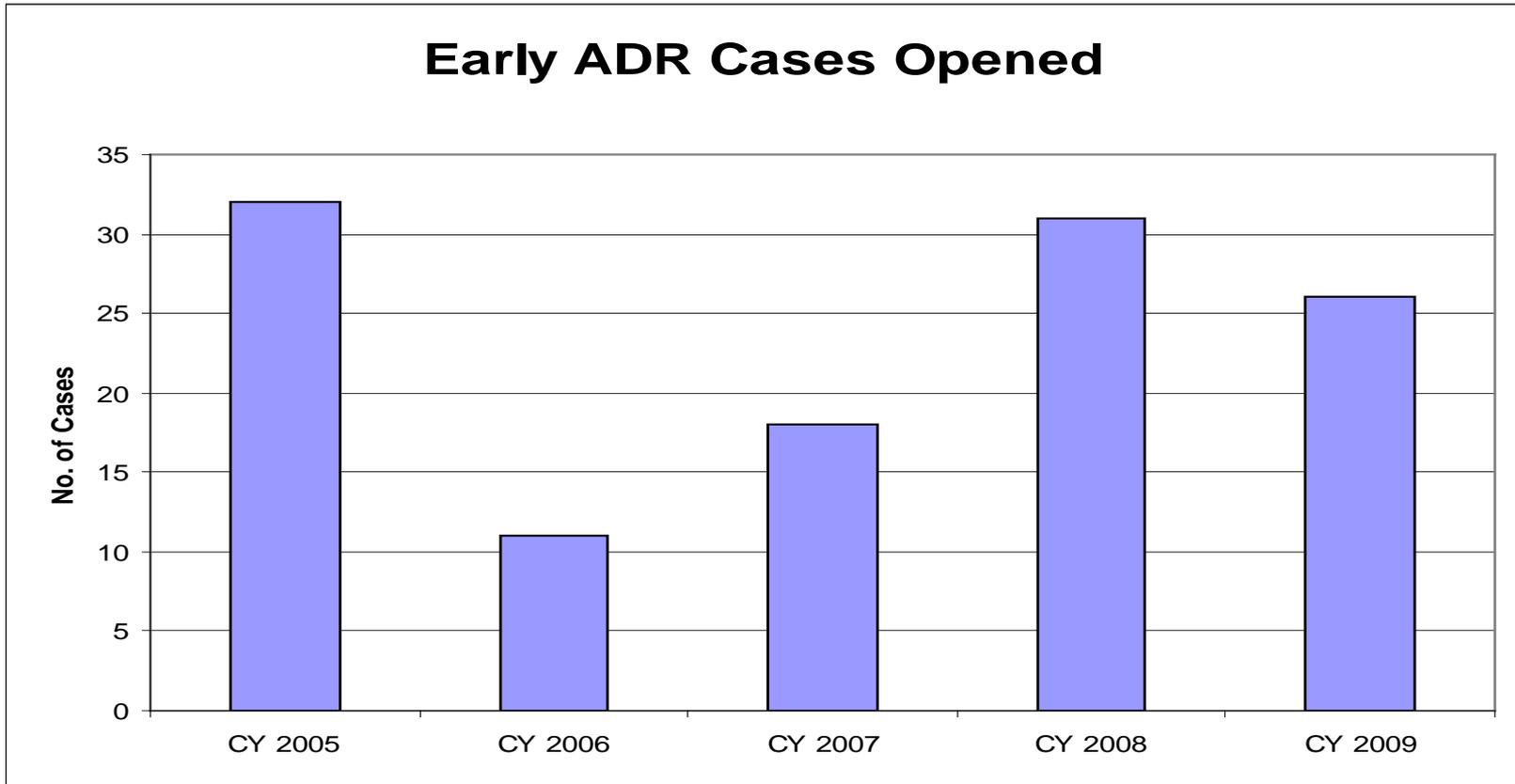
Agenda

- ADR Program Overview
 - Early ADR
 - Post-Investigation ADR
- ADR Trends
- Program Initiatives
- Sources of Information about the ADR Program

ADR Program - Overview

- In 2004, the NRC established the pilot ADR program; comprised of two different parts
 - Early ADR (including Licensee Sponsored ADR)
 - Post-Investigation ADR
- Participation is entirely voluntary

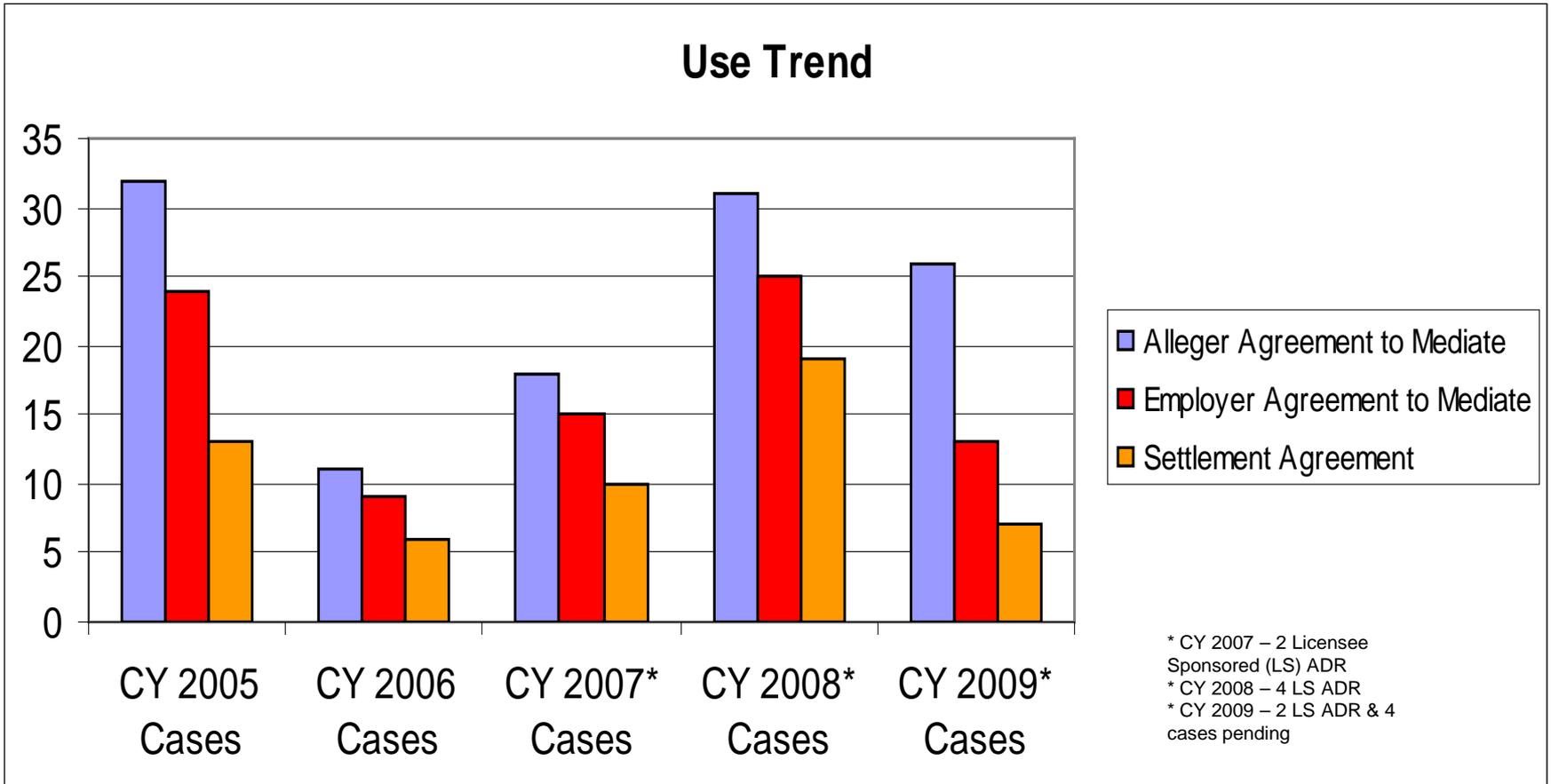
Early ADR



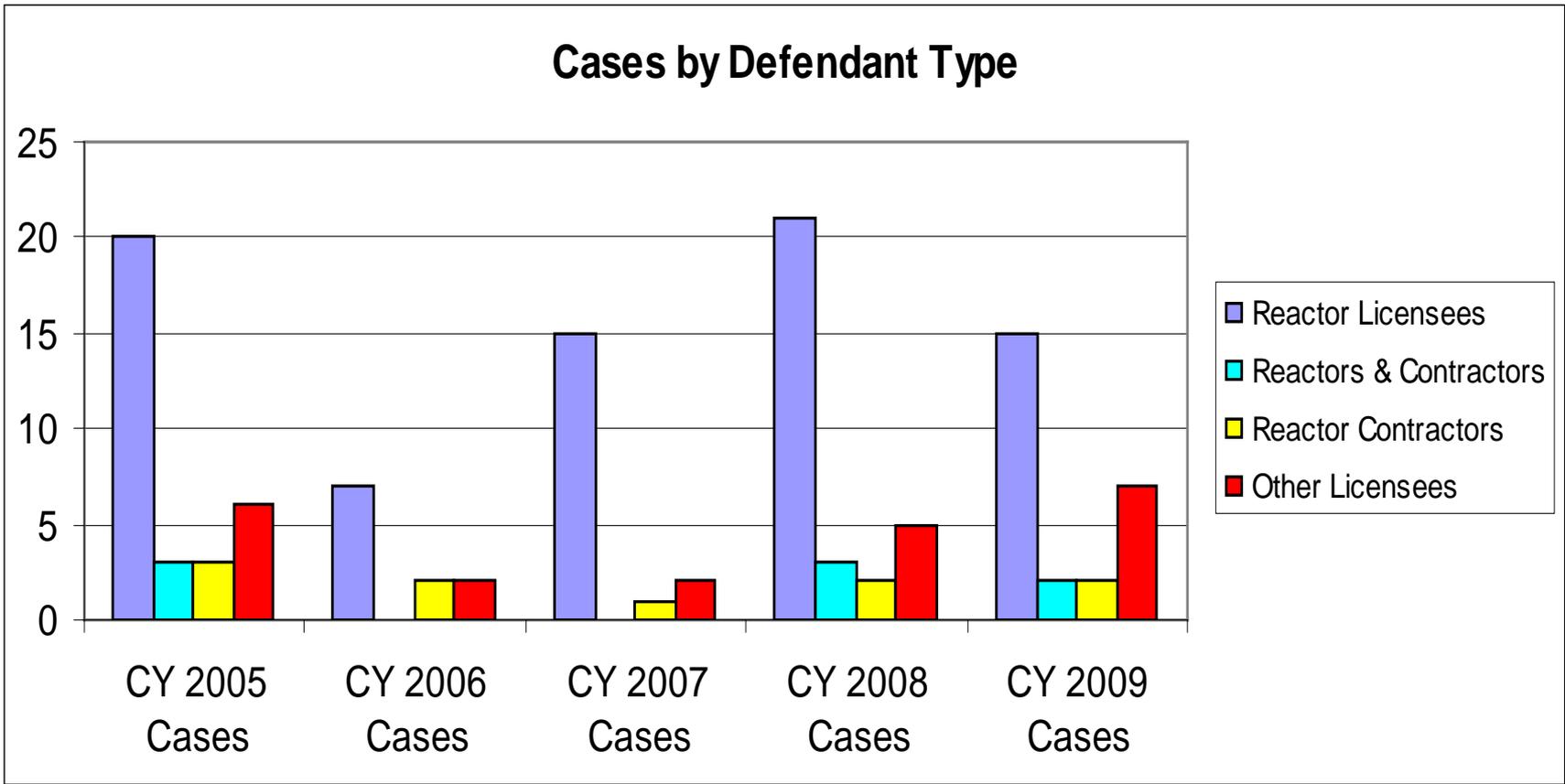
Early ADR

- Prior to the initiation of an OI investigation
 - For resolution of discrimination allegations only
- Technical safety concerns are not subject to settlement
- Mediating parties are the allegor and employer
 - NRC is not a party
- Cornell University Institute of Conflict Resolution is the program administrator
- Mediator fees and expenses paid by the NRC if mediator is from Cornell's roster of mediators
 - Mediator does not have binding authority
- NRC reviews settlement agreement for restrictive covenants

Early ADR



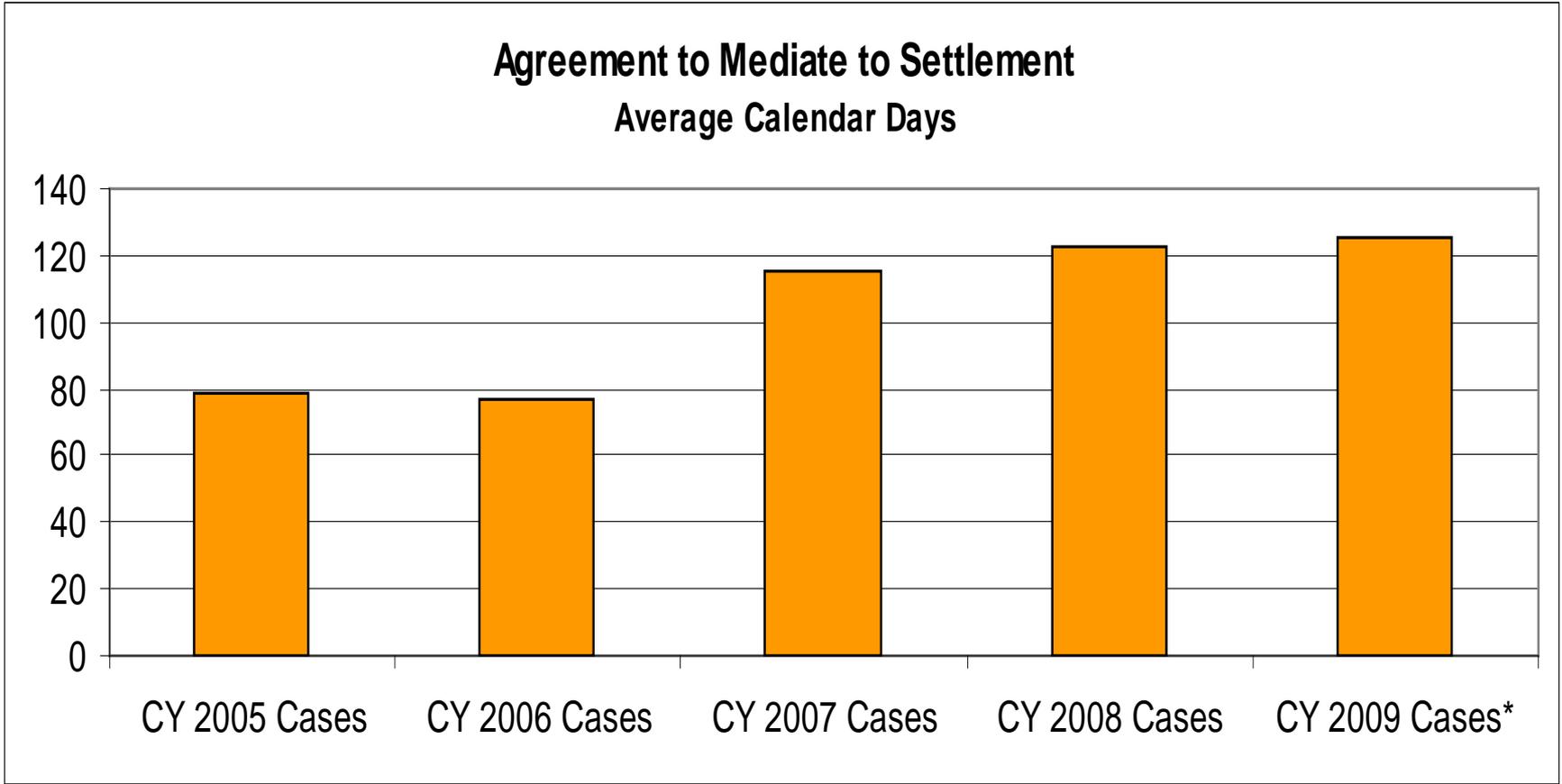
Early ADR



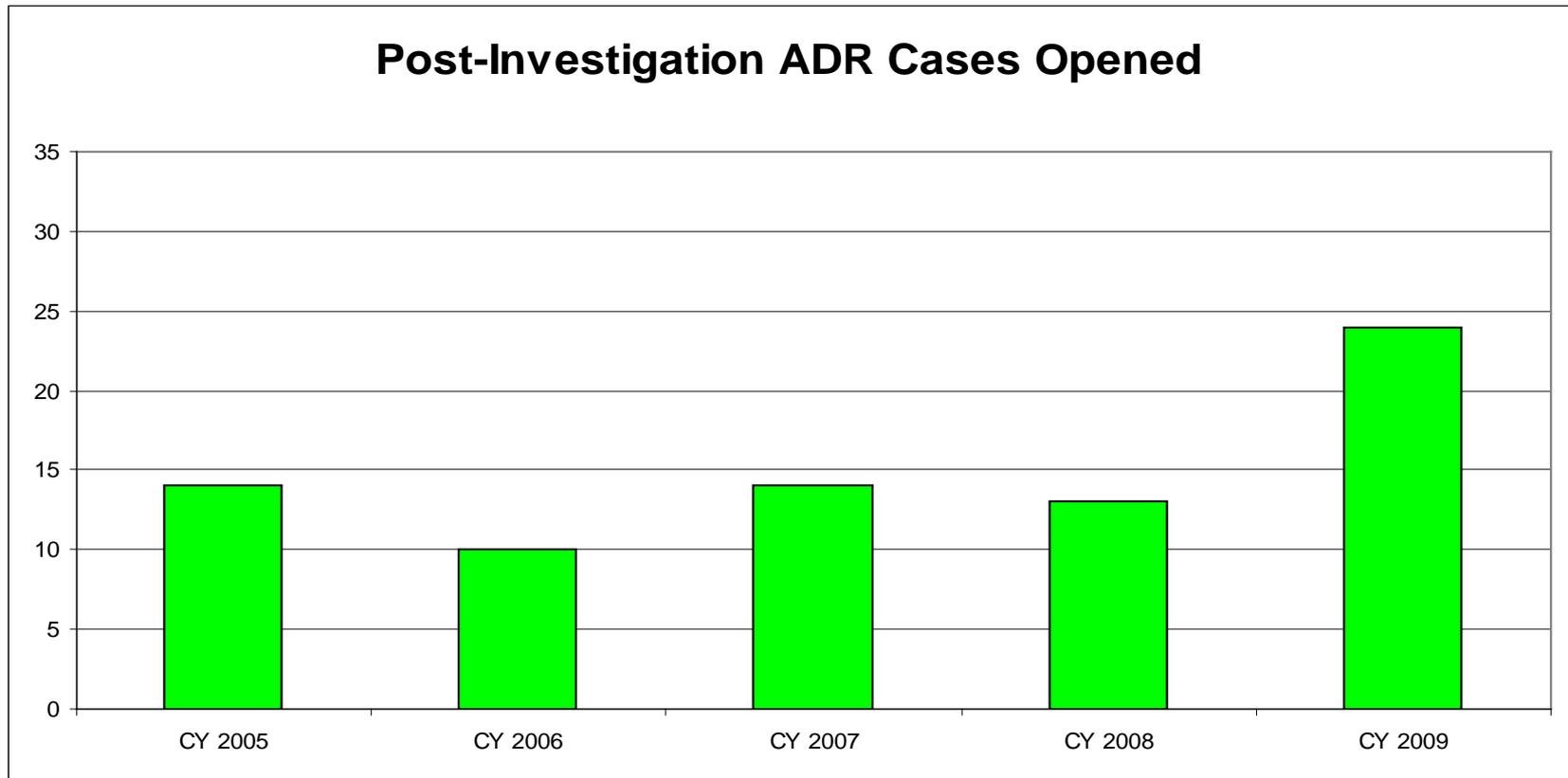
Early ADR

- Intended Benefits
 - Facilitates employee/employer communications
 - Mitigates potential damage to site SCWE
 - More timely resolution of discrimination concerns
 - Less resource intensive for parties
- ADR initiated by the parties (“Licensee Sponsored ADR”)
 - Same as Early ADR but the parties are responsible for mediator fees and expense and for informing the NRC of settlement negotiations prior to the initiation of an OI investigation
- Regardless of mediation process, no OI investigation if parties settle dispute (subject to conditions discussed above)
- If parties do not reach a settlement, case is referred back to the region for investigation

Early ADR



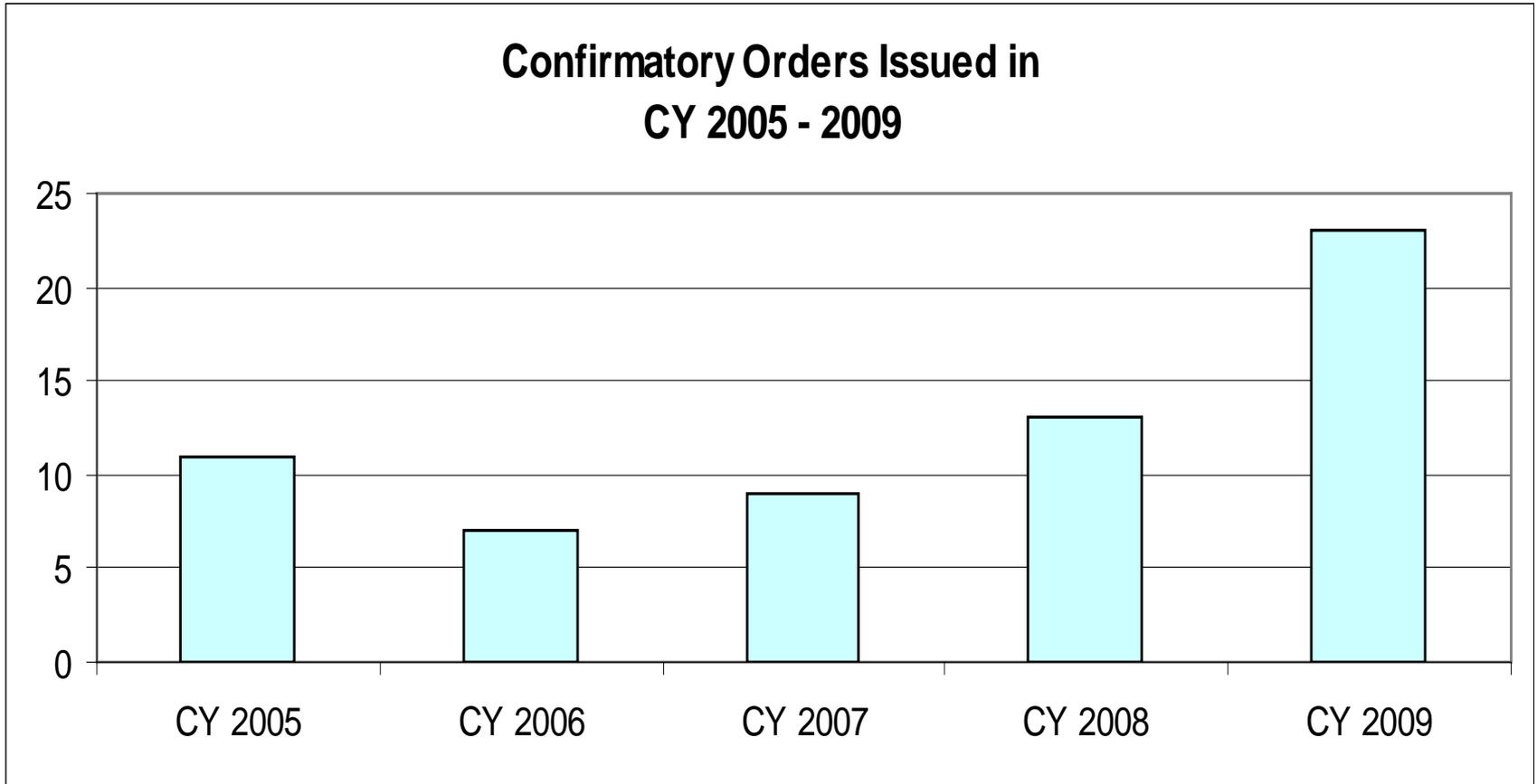
Post-Investigation ADR



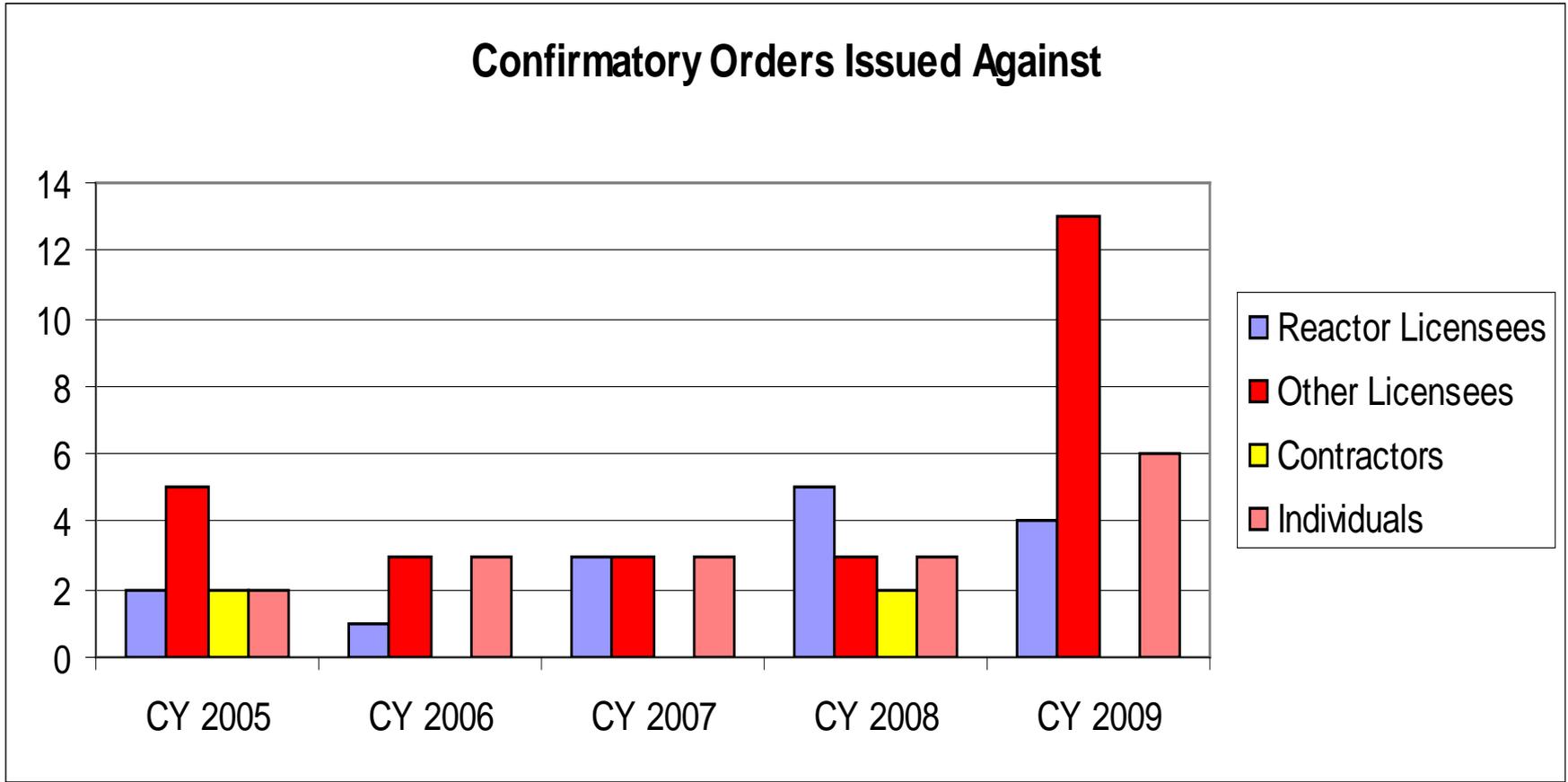
Post-Investigation ADR

- After OI has completed its investigation
 - Covers discrimination and other wrongdoing cases
 - Available at three stages of the enforcement process
- Parties are the NRC and the licensee, contractor or individual
- Mediator fees and expenses are equally shared by the parties
 - Mediator does not have binding authority
- Mediation is confidential
- Settlement agreement is typically finalized in a publicly issued confirmatory order

Post-Investigation ADR



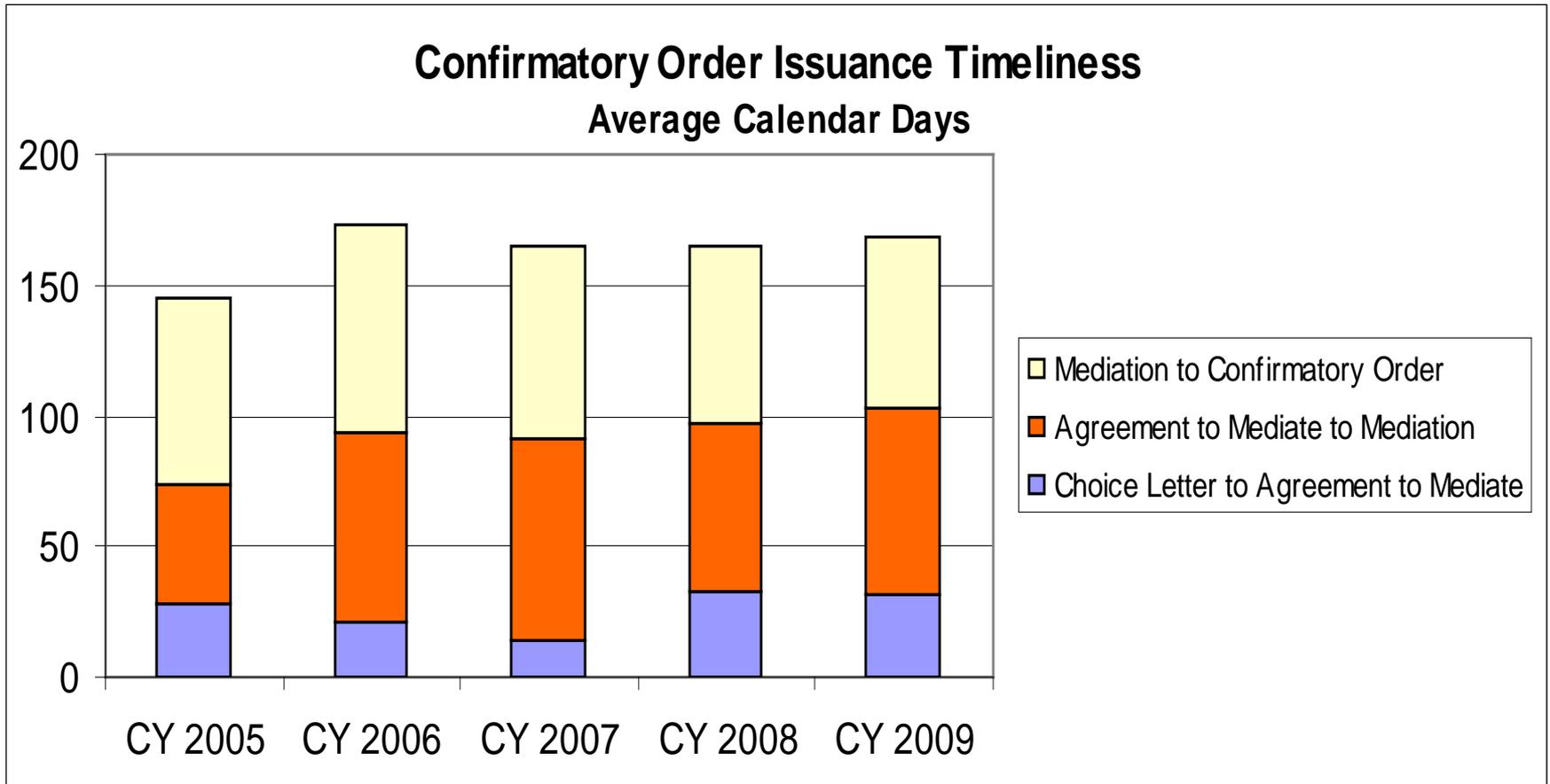
Post-Investigation ADR



Post-Investigation ADR

- Intended Benefits
 - Facilitates communication between the NRC and the licensee in an informal setting
 - Typically brings about more effective, efficient and timely resolution of wrongdoing enforcement concerns

Post-Investigation ADR



ADR Program Improvements

- Examples:
 - Modified the model Early ADR and Post-Investigation ADR Agreements to Mediate
 - Modified model settlement agreement close out letters to reiterate that the settlement agreement does not impact any pending technical issues
 - Enhanced Early ADR FAQs (and other staff documents) to reiterate that settlement agreements initiated pursuant to licensee sponsored programs fall within the scope of the NRC ADR policy
 - Conducted mediator orientation
 - Expanded Regional Administrators' ADR related delegation of authority
 - Expanded roster (by position) of NRC lead negotiators
 - Published more information on NRC ADR webpage
 - Developed internal guidance for following up on Confirmatory Orders

ADR Program Initiatives

- Near-term
 - Publicize program
 - Publish statistical data about the program
 - Pay closer attention to ADR process timeliness
 - Enhance program infrastructure
- Long-term
 - Enhance website
 - Update brochures

Sources of Information

- NRC public website
 - www.nrc.gov/about-nrc/regulatory/enforcement/adr.html
- Cornell University's Institute on Conflict Resolution
 - (877) 733-7415
- Shahram Ghasemian, NRC ADR Program Manager
 - shahram.ghasemian@nrc.gov
 - (301) 415-3591