

Project On Government Oversight

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February 23, 2010

Mr. Shahram Ghasemian
Senior Enforcement Advisor
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Ghasemian:

I am writing to follow up to my remarks at the Commission briefing on NRC Allegation and Enforcement Program Initiatives on January 19, 2010, regarding the Alternative Dispute Resolution (ADR) program.

During my remarks, I said I was encouraged by the "NRC's effort to better explain the ADR process to allegers so that they know if they choose the ADR path NRC was out of the game." However, I now want to include a specific recommendation about how the NRC can go one step further to clarify the ADR process.

The following sentences should be added to the NRC's "Allegation Guidance Memorandum 2004-003: Implementation of the Alternative Dispute Resolution Pilot Program within the Allegation Program":

You should additionally be aware that the NRC's ADR policy allows for the licensee to submit any negotiated settlement to the NRC for review and acceptance as a 'licensee equivalent' ADR agreement. This may occur with or without your expressed consent. Any settlement you make with the company which is approved by the NRC will result in the NRC not investigating your discrimination complaint.

These sentences should be added after the sentence stating "As mentioned above, the NRC's ADR program is voluntary, and any participant may end the mediation at any time," and before the sentence stating "Additional information on this pilot program is included in the attached brochure, 'NRC's Early ADR Program' and more detailed information on the program can be found on our website at...."

In addition to the changes requested above, the brochure "NRC's Early ADR Program" needs to specifically explain that "the licensee may petition to have any mediated settlement agreement approved by the NRC as originating in a 'licensee equivalent' ADR process, regardless of whether the alleger is informed or not."

1100 G Street, NW
Suite 900
Washington, DC
20005-3806
Phone: 202-347-1122
Fax: 202-347-1116

www.POGO.org
pogo@pogo.org

Please let us know if you will include these additional recommendations in your CY 2010 ADR Program Initiatives.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ingrid Drake', written in a cursive style.

Ingrid Drake
Investigator, Project On Government Oversight

CC:

Lisamarie Jarriel, Agency Allegation Advisor, U.S. Nuclear Regulatory
Commission