



**UNITED STATES
NUCLEAR REGULATORY COMMISSION**
WASHINGTON, D.C. 20555-0001

April 29, 2015

EA-13-188

Mr. David Heacock
President and Chief Nuclear Officer
Dominion Resources
5000 Dominion Boulevard
Glen Allen, VA 23060-6711

**SUBJECT: MILLSTONE POWER STATION UNIT 2 – INSPECTION REPORT
 05000336/2015201, INVESTIGATION REPORT NO. 1-2012-008, AND
 APPARENT VIOLATIONS**

Dear Mr. Heacock:

This letter refers to an investigation completed on May 23, 2013, by the U.S. Nuclear Regulatory Commission's (NRC's) Office of Investigations (OI) at Dominion Nuclear Connecticut's (DNC's) Millstone Power Station (Millstone). The purpose of the investigation was to determine if DNC staff deliberately violated NRC requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.59, "Changes, Tests, and Experiments," when implementing changes to documents related to Millstone Unit 2 spent fuel decay time limits and the Millstone Unit 2 chemical and volume control system (CVCS) charging pumps. The investigation also evaluated whether DNC staff deliberately submitted inaccurate and incomplete information to the NRC pertaining to these changes in violation of the requirements of 10 CFR Section 50.9, "Completeness and Accuracy of Information".

Based on the results of the investigation, three apparent violations (AVs) were identified, two of which are being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. A Factual Summary, included as Enclosure 1 to this letter, provides a summary of the factual basis for the AVs. The AVs are summarized below and described in detail in Enclosure 2.

The first AV being considered for escalated enforcement involves changes made by DNC to Section 14.6.1 of the Millstone Unit 2 UFSAR that removed credit for the CVCS charging pump flow in the mitigation of the design basis accident involving the inadvertent opening of pressurizer power operated relief valves without obtaining prior NRC approval. The NRC found that willfulness was associated with this violation.

The second AV being considered for escalated enforcement involves the failure by DNC to provide complete and accurate information to the NRC in reports and other documents

pertaining to the aforementioned UFSAR change, including a failure to notify the Commission of information having significant implications for public health and safety.

The third AV involves changes made by DNC to Chapter 9 of the Millstone Unit 2 UFSAR and Section 3/4.9.3 of the Technical Specification Bases that decreased the required amount of irradiated fuel decay time from 150 to 100 hours prior to fuel movement in the reactor vessel without obtaining prior NRC approval.

Since the NRC has not made a final determination in this matter, a Notice of Violation is not being issued at this time. In addition, please be advised that the number and characterization of apparent violations described herein may change as a result of further NRC review. Before making its enforcement decision, the NRC staff would like to discuss the apparent violations and DNC's corrective actions at a pre-decisional enforcement conference (PEC). In particular, the NRC is interested in understanding DNC's plans for restoring compliance with its licensing basis in light of the changes DNC apparently made through improper implementation of the 10 CFR 50.59 process.

The NRC decision to hold a PEC does not mean that the NRC has determined that violations have occurred or that enforcement action will be taken. Rather, this conference is being requested to assist the NRC staff in making an enforcement decision. The conference will also include an opportunity for you to provide your perspective on these matters and any other information that you believe the NRC should take into consideration in making an enforcement decision. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any potential civil penalty for the apparent violations.

In lieu of a PEC, you may also request alternate dispute resolution (ADR) with the NRC in an attempt to resolve this issue. ADR is a general term encompassing various techniques for resolving conflicts using a neutral third-party. The technique that the NRC employs is mediation. Mediation is a voluntary, informal process in which a trained neutral third party (the "mediator") works with parties to help them reach resolution. If the parties agree to use ADR, they select a mutually agreeable neutral mediator who has no stake in the outcome and no power to make decisions. Mediation gives both parties an opportunity to discuss issues, resolve misunderstandings, be creative, find areas of agreement, and reach a final resolution of the issues. Additional information concerning the NRC's ADR program can be obtained at <http://www.nrc.gov/about-nrc/regulatory/enforcement/adr.html>. The Institute on Conflict Resolution (ICR) at Cornell University has agreed to facilitate the NRC's program as a neutral third party. Please contact ICR at 877-733-9415 within **10** days of the date of this letter if you are interested in pursuing resolution of this issue through ADR.

Either the PEC or ADR mediation session will be closed to public observation because the NRC's preliminary findings are based on an NRC OI report that has not been publicly disclosed. However, the time and date of the PEC or ADR will be publicly announced. Please contact Dori Willis, Allegations and Enforcement Team Lead, Office of Nuclear Reactor Regulation, Division of Inspection and Regional Support, at 301-415-7633 within **10** days of the date of this letter to notify the NRC whether you will be attending a PEC or electing to engage in ADR, and to discuss when the meeting will occur. The PEC or the ADR should be held at the NRC Headquarters offices within 30 days of the date of this letter.

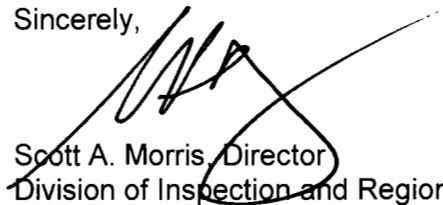
Mr. D. Heacock

- 3 -

No written response regarding the apparent violations is required at this time. In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosures will be made available electronically for public inspection in the NRC's Public Document Room or from the NRC's Agencywide Documents Access and Management System (ADAMS), accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. For administrative purposes this letter is issued as Inspection Report 05000336/2015201.

If you have any questions concerning this matter, please contact Dori Willis at 301-415-7633.

Sincerely,



Scott A. Morris, Director
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

Docket No.: 50-336
License No.: DPR-65

Enclosures:

1. Factual Summary of OI Investigation Report No. 1-2012-008
2. Apparent Violations
3. Brochure NUREG/BR-0317, "The Nuclear Regulatory Commission's Post-Investigation ADR Program: Alternative Dispute Resolution Administered by Cornell University's Institute on Conflict Resolution"

FACTUAL SUMMARY

Office of Investigations Report No. 1-2012-008

On November 4, 2011, the U.S. Nuclear Regulatory Commission's (NRC's) Office of Investigations (OI), Region I Field Office, conducted an investigation to determine if Dominion Nuclear Connecticut (DNC) staff at Millstone Nuclear Power Station (Millstone) deliberately violated NRC requirements in Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.59, "Changes, Tests, and Experiments," when implementing changes to documents related to the Millstone, Unit 2 chemical and volume control system (CVCS) charging pumps and spent fuel decay time limits. The investigation also evaluated whether DNC staff deliberately submitted inaccurate and incomplete information to the NRC pertaining to these changes.

Facts related to the charging pumps

On May 7, 2002, DNC submitted a license amendment request (LAR) to the NRC to remove Technical Specification (TS) operability requirements for the Millstone Unit 2 CVCS charging pumps. In a July 19, 2004, supplement to the LAR, DNC noted that flow from the charging pumps was no longer required for design basis accident (DBA) mitigation. In addition, DNC changed the LAR to only deal with the automatic actuation circuitry for the charging pumps because of reliance on the charging pump flow in probabilistic risk assessment space. On September 9, 2004, NRC issued Amendment No. 283, which removed the TS requirement for the charging pumps to start automatically but retained operability requirements for the pumps.

On February 20, 2007, DNC submitted another LAR to the NRC to revise TS 3/4.5.2 for Millstone Unit 2 to eliminate the surveillance requirement for the charging pumps and to update the associated TS Bases. As the basis for the proposed amendment, DNC stated that charging pump flow was no longer credited in any DBA analysis described in Chapter 14 of the Millstone Unit 2 Updated Final Safety Analysis Report (UFSAR). In August 2007, while this LAR was under review by the NRC staff, DNC discovered that charging pump flow was apparently still credited in the analysis for inadvertent opening of pressurizer power-operated relief valves (PORVs) in section 14.6.1 of the Millstone Unit 2 UFSAR. DNC documented this discovery in a Condition Report (CR) dated August 7, 2007. On September 25, 2007, DNC determined that the charging pump flow was still credited, as described in a 1988 AREVA analysis, for the inadvertent opening of PORVs event. DNC documented this in the CR investigation. Although the LAR was under review by the NRC at the time, DNC did not notify the NRC of the inaccuracy in the LAR.

In February 2008, after independently learning that charging was still credited in the PORV event, the NRC staff issued requests for additional information (RAIs) to DNC related to this issue. In its response (dated March 6, 2008), DNC stated that its "initial assessment was that high pressure safety injection (HPSI), by itself, was adequate to compensate for the inventory loss through the PORVs and prevent core uncover," and a CR had been generated "to provide the technical documentation to support this assessment and revise the [U]FSAR accordingly to prevent future misinterpretations." DNC also stated that it had completed a technical evaluation in February 2008, "demonstrating that HPSI, by itself, remains adequate to prevent core uncover following an inadvertent opening of the PORVs," and that this evaluation provided the basis for a planned UFSAR change scheduled for the end of April 2008. The technical evaluation indicated that the UFSAR change would be subject to review under 10 CFR 50.59. Although the LAR was still under NRC review when DNC's technical evaluation was completed

(February 2008), DNC did not provide the evaluation to the NRC staff for review. Rather, DNC withdrew its LAR on April 17, 2008.

Shortly after withdrawing the LAR, a DNC engineer performed a 50.59 evaluation that determined the UFSAR change could be made without prior NRC approval. On June 24, 2009, DNC provided a draft of the UFSAR change package and 50.59 evaluation to an outside consultant with expertise in the 50.59 process for an independent review. On June 27, 2009, the consultant provided written comments to DNC that included comments regarding DNC's treatment of the single failure assumption in the UFSAR change package and 50.59 evaluation. In the draft UFSAR change package and 50.59 evaluation provided to the consultant, the engineer acknowledged that the statement in Section 14.6.1 of the UFSAR crediting both "charging and SISs [safety injection systems; i.e., HPSI]" was based on a 1988 AREVA analysis that assumed a single failure of a HPSI pump. In the technical evaluation, the DNC engineer used a comparison of inflow from pumps versus outflow from the stuck open PORVs, but did not apply the single failure assumption. Thus, while AREVA had assumed only one HPSI pump (along with the three charging pumps) was operating, the licensing engineer eliminated the charging pumps but assumed that both HPSI pumps would be operating.

The DNC engineer had characterized the single failure assumption in the 1988 AREVA analysis to be "an unnecessary conservative assumption . . . that was not described anywhere in the [U]FSAR or the Millstone 2 licensing basis." The engineer further stated that even if, hypothetically, single failure had been postulated for the PORV event, the event would then be classified as an accident which would be bounded by the small break loss of coolant accident (LOCA) described in Section 14.6.3 of the UFSAR. Although not asked to address this issue, after reading DNC's discussion of single failure, the consultant provided written comments to DNC stating that he "would be surprised if single failure does not have to be addressed. If both HPSI pumps are truly required to deliver the required flow, then I think you should review your obligation to some of the very basic GDCs [general design criteria]. This would explain the historical use of the charging pumps." He also cautioned that if DNC did have to consider single failure for this event, and if a single HPSI pump could not provide sufficient makeup capacity for the long-term situation, "that could change the entire approach" and "the questions you have hired me to answer may not even matter at that point."

The DNC engineer made several changes to the 50.59 evaluation based on the consultant's comments, but made only minor, non-substantive edits to the discussion of single failure. The engineer signed off on the 50.59 evaluation on July 2, 2009, less than one week after receiving the consultant's report, without conducting any follow-up discussions with the consultant or any additional research on the issue. In September 2009, the DNC engineer changed Section 14.6.1 of its UFSAR to remove credit for charging pumps in preventing core uncover during an inadvertent opening of a PORV event.

A summary of the 50.59 evaluation for this UFSAR change was provided to the NRC on June 30, 2010, in the licensee's report required pursuant to 10 CFR 50.59(d)(2). There was no mention in the report that the AREVA analysis of record considered the flow from one HPSI pump and 3 charging pumps, taking into account the single failure assumption (loss of one HPSI) or that the revised analysis no longer considered the single failure assumption (credited flow from both HPSI pumps).

Facts related to the spent fuel "Decay Time" TS change

On June 22, 2010, DNC revised Chapter 9 of the Millstone Unit 2 UFSAR and TS Bases Sections 3.9.3 and 4.9.3 by removing all discussion of the spent fuel pool (SFP) heat load analysis. DNC staff performed a 10 CFR 50.59 screening for the changes and concluded that a full 10 CFR 50.59 evaluation was not needed because DNC determined the change did not involve a change to the TSs. Without the discussion of the SFP heat load analysis, TS 3.9.3.1 was no longer used to ensure the heat load in the SFP was not adversely affected by recently irradiated spent fuel being added to the pool. By changing the UFSAR the licensee revised the required minimum amount of irradiated fuel decay time, from 150 to 100 hours, prior to movement of irradiated fuel from the reactor vessel to the spent fuel pool, thereby changing a UFSAR requirement controlled by TS 3.9.3.1. This change also resulted in a larger maximum heat load in the SFP (bulk water temperature up to 28° F higher), an increase in fuel temperature during emergency core offloads, an increase in the quantity of SFP make-up water during core offload conditions, a lower required ultimate heat sink temperature (10° F lower service water supply), a decrease in the time to boil during refueling and core off loads, and a substantial reduction in margin to local boiling.

Apparent Violations

1. 10 CFR 50.59(c)(1) states, in part, that a licensee may make changes in the facility as described in the final safety analysis report (as updated) without obtaining a license amendment pursuant to 10 CFR Part 50.90 only if a change to the technical specifications incorporated in the license is not required and the change does not meet any of the criteria in Paragraph (c)(2) of 10 CFR 50.59.

10 CFR 50.59(c)(2)(vi) requires, in part, that a licensee shall obtain a license amendment prior to implementing a proposed change if the change would create a possibility for a malfunction of an SSC [system, structure, or component] important to safety with a different result than any previously evaluated in the [FSAR] (as updated).

10 CFR 50.59(c)(2)(viii) requires, in part, that a licensee shall obtain a license amendment prior to implementing a proposed change if the change would result in a departure from a method of evaluation described in the FSAR (as updated) used in establishing the design bases or in the safety analyses.

10 CFR 50.59(a)(2) defines that a departure from a method of evaluation described in the FSAR (as updated) used in establishing the design bases or in the safety analyses means changing any of the elements of the method described in the FSAR (as updated) unless the results of the analysis are conservative or essentially the same.

Contrary to the above, on July 2, 2009, DNC changed Section 14.6.1 of the Millstone Unit 2 UFSAR removing credit for the charging pumps in the analysis for inadvertent opening of the PORVs without first obtaining a license amendment from the NRC when the change met the criteria in 10 CFR 50.59(c)(2). Specifically, removal of credit for charging pump flow for the inadvertent opening of the PORVs event in Section 14.6.1 of the UFSAR:

- a. created a possibility for a malfunction of an SSC important to safety with a different result than any previously evaluated in the Millstone Unit 2 UFSAR. DNC did not take into account the single failure criterion, stated in Chapter 14 of the Millstone Unit 2 UFSAR. Under the licensee's new analysis, a failure of one HPSI pump, in accordance with the UFSAR single failure criterion discussion, would not provide long-term core coverage. Not providing long term core coverage during a malfunction of a HPSI pump is a different result than any previously evaluated;
- b. resulted in a departure from a method of evaluation described in the Millstone Unit 2 UFSAR used in establishing the design bases. DNC did not adhere to the single failure criterion, as stated in Chapter 14 of the Millstone Unit 2 UFSAR. The single failure criterion is relied on by the NRC to establish an appropriate level of conservatism in performing UFSAR design basis accident and event analyses. Removing the single failure from the Millstone Unit 2 UFSAR Section 14.6.1 analysis is a departure from a method of evaluation described in the UFSAR.

This apparent violation is designated as AV 05000336/2015201-01, "Failure to Obtain a License Amendment for the Removal of Credit for Charging Pump Flow during the Inadvertent Opening of the PORVs."

2. 10 CFR 50.9(a), "Completeness and Accuracy of Information," states, in part, that information provided to the Commission by a licensee or information required by statute or by the Commission's regulations to be maintained by the licensee shall be complete and accurate in all material respects.

10 CFR 50.9(b) states, in part, that a licensee shall notify the Commission of information identified by a licensee as having a significant implication for public health and safety and that a licensee is only in violation of this if the licensee fails to notify the Commission of this information, via the Administrator of the appropriate Regional Office, within two working days of identification.

Contrary to the above, on multiple occasions DNC provided information to the Commission that was not complete and accurate in all material respects, as illustrated in the examples (a) and (b) below, and failed to notify the Commission of information having a significant implication for public health and safety, as illustrated by example (c) below:

- a. On June 30, 2010, DNC provided its biennial 10 CFR 50.59 change report for 2008 and 2009, as required by 10 CFR 50.59(d)(2), to the NRC. This report contained a summary of the 10 CFR 50.59 evaluation for the removal of charging pumps from the analysis of inadvertent opening of the PORVs in Chapter 14 of the Millstone, Unit 2 UFSAR that was not complete and accurate. Specifically, DNC described the change as being more conservative (i.e., less inventory is available to mitigate the consequences of the inadvertent opening of the PORVs), when in fact the revised analysis appears to be less conservative (more inventory is available to mitigate the consequences of the inadvertent opening of the PORVs).¹ DNC's summary of this 10 CFR 50.59 evaluation was also incomplete because it failed to state that the revised analysis did not apply the "single failure" assumption stated in the UFSAR. This prevented the NRC from fully understanding the nature of the change in the analysis of the PORV event.
- b. On two occasions, DNC provided NRC with information associated with license amendment requests that was not accurate. On July 19, 2004, the licensee submitted responses to requests for additional information associated with a 2002 license amendment request which stated that "flow from the charging pumps was no longer required for design basis accident mitigation, and, therefore, the charging pumps were no longer required to be controlled by technical specifications." On February 20, 2007, the licensee submitted a different license amendment request which stated that charging pump flow is no longer credited in any design basis accident analysis described in Chapter 14 of the Millstone, Unit 2 UFSAR. At the time of each of these submittals, UFSAR Section 14.6.1 and Table 14.0.9-1

¹ NEI-96-07, Rev. 1, "Guidelines for 10 CFR 50.59 Implementation," Section 4.3.8.1, "Guidelines for Changing One or More Elements of a Method of Evaluation," states that gaining margin by changing one or more elements of a method of evaluation is considered a non-conservative change and thus a departure from a method of evaluation for purposes of 10 CFR 50.59. Regulatory Guide 1.1.87, "Guidance for Implementation of 10 CFR 50.59, Changes, Tests, and Experiments," endorses NEI-96-07.

described the charging pumps as mitigating equipment for a design basis accident (i.e., inadvertent opening of the PORVs).

- c. On September 25, 2007, DNC staff identified information having significant implication for public health and safety and did not notify the Commission of this information. Specifically, in the investigation of Condition Report CR-07-08295, dated August 7, 2007, DNC staff identified that the charging pumps were credited for mitigating a design basis accident (i.e., the inadvertent opening of the PORVs) in Chapter 14 of the Millstone, Unit 2 UFSAR, contrary to the information submitted to the NRC in license amendment requests (LARs) on May 7, 2002, and February 20, 2007. On September 9, 2004, the NRC approved the removal of the automatic safety function for the charging pumps, based, in part, on DNC's submittal of inaccurate information in the May 2002 LAR stating that flow from the charging pumps was no longer required for design basis accident mitigation. The information documented in CR-07-08295 invalidated the basis for the previously approved amendment. Additionally, because the NRC was in the process of reviewing DNC's February 20, 2007, LAR to eliminate the TS surveillance requirement for the charging pumps, DNC's failure to notify the NRC of this information could have resulted in the NRC staff approving removal of the charging pumps from the Millstone, Unit 2 TS, which were credited for design basis accident mitigation during inadvertent opening of the PORVs, had the NRC not become aware of this information on its own.

This apparent violation is designated as AV 05000336/2015201-02, "Failure to Provide Complete and Accurate Information in Charging Pump License Amendment Requests."

3. 10 CFR 50.59(c)(1) states, in part, that a licensee may make changes in the facility as described in the final safety analysis report (as updated) without obtaining a license amendment pursuant to 10 CFR Part 50.90, "Application for Amendment of License, Construction Permit, or Early Site Permit," only if a change to the TSs incorporated in the license is not required and the change does not meet any of the criteria in 10 CFR 50.59 (c)(2).

Contrary to the above, on June 22, 2010, DNC made a change to Millstone Unit 2 Chapter 9 of the UFSAR and TS Bases Sections 3.9.3 and 4.9.3 that required a change to the TSs without first obtaining a license amendment. Specifically, DNC removed all discussion of the spent fuel pool (SFP) heat load analysis from TS Bases Sections 3.9.3 and 4.9.3 and Chapter 9 of the UFSAR, thereby changing the meaning of TS 3.9.3.1, without obtaining prior NRC approval. Specifically, DNC removed all discussion of the SFP heat load analysis, which eliminated one of the principal reasons for the existence of the decay time TS. In addition, DNC determined that a decrease in the required amount of irradiated fuel decay time did not have an adverse effect and did not complete a 50.59(c)(2) evaluation. However, the change resulted in a larger maximum heat load in the SFP (bulk water temperature up to 28° F higher), an increase in fuel temperature during emergency core offloads, an increase in the quantity of SFP make-up water during core offload conditions, a lower required ultimate heat sink temperature (10° F lower service water supply), a decrease in the time to boil during refueling and core off loads, and a substantial reduction in margin to local boiling, all of which met the requirement for performing a 50.59(c)(2) evaluation in accordance with 50.59(c)(1).

This apparent violation is designated as AV 05000336/2015201-03, "Failure to Obtain a License Amendment for a Change to the Decay Time Technical Specification."

Brochure NUREG/BR-0317,

"The Nuclear Regulatory Commission's Post Investigation ADR Program: Alternative Dispute Resolution Administered by Cornell University's Institute on Conflict Resolution"



**The Nuclear
Regulatory
Commission's**

**POST-INVESTIGATION
ADR PROGRAM**

Alternative Dispute Resolution

Administered by
Cornell University's

Institute on Conflict Resolution

What is ADR?

- ☐ The U.S. Nuclear Regulatory Commission is using alternative dispute resolution (ADR) to promote improved effectiveness of the enforcement program through efficient, timely, and amicable resolution of investigation findings.
- ☐ ADR includes a variety of processes that emphasize creative, cooperative approaches to handling conflicts in lieu of adversarial procedures.
- ☐ Parties in ADR remain in control of the decision on whether to participate in the process and whether to agree to any resolution. In other words, **the process is completely voluntary and any party may withdraw from the negotiation at any time.**



The Post-Investigation ADR Program

- ☐ Post-Investigation ADR occurs after the NRC Office of Investigations (OI) has completed its investigation of the case and an enforcement panel concludes that pursuit of an enforcement action appears warranted.
- ☐ Post-Investigation ADR may be used to resolve both discrimination and other wrongdoing cases apparently in violation of the NRC's regulations at three distinct points:
 - prior to the predecisional enforcement conference,
 - after the initial enforcement action is taken, and
 - after imposition of a civil penalty and prior to a hearing request.
- ☐ Post-Investigation ADR *may* resolve: whether a violation occurred, the appropriate enforcement action, and the appropriate corrective actions for the violation(s).
- ☐ Terms of the ADR settlement agreement will be confirmed by order.

Who can use Post-Investigation ADR?

- ☐ After OI has completed its investigation of the case and an enforcement panel concludes that pursuit of an enforcement

action appears warranted; the licensee (or contractor) will typically be offered a chance to participate in ADR with the NRC.

- ☐ The NRC's program administrator can advise and assist the licensee in determining ADR potential for their case.
- ☐ After the licensee and the NRC agree to participate, the program administrator will help them appoint a neutral mediator and get started.

Why use Post-Investigation ADR?

- ☐ It allows people to develop solutions quickly to assist in resolving the case.
- ☐ Post-Investigation ADR will benefit both parties by bringing about more effective, efficient, and timely resolution of enforcement concerns.

What is mediation?

- ☐ Mediation is the ADR process normally used in the Post-Investigation ADR Program.
- ☐ It is an informal process in which a trained neutral (the "mediator") works with the parties to help them reach resolution.
- ☐ The mediator, who has no stake in the outcome and no power to make decisions, uses consensus-building skills and knowledge of negotiation to help parties find creative solutions.

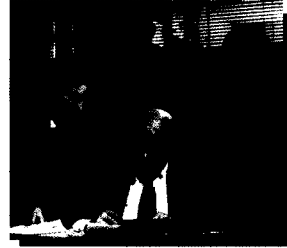


How does mediation work in the Post-Investigation ADR Program?

- ☐ The mediator guides the parties through an informal process to develop solutions to resolve the case.
- ☐ The mediator helps the parties work together to reach an agreement that meets their needs without conforming strictly to their original positions.
- ☐ The mediator will usually give each party an opportunity to explain the issues. Often, the mediator will meet privately with each party (where they are more likely to speak freely)

to understand the parties' situations better and explore and assess options.

- ☐ The mediator may ask questions that will aid parties in assessing the merits of their positions, identify potential settlement options, and probe participants' realistic alternatives.
- ☐ A settlement agreement in Post-Investigation ADR will not become binding until both parties agree to it and a confirmatory order is issued.



Who serves as neutrals in ADR?

- ☐ To ensure a source of skilled, unbiased neutrals, the NRC uses Cornell University's Institute on Conflict Resolution (ICR) to select and oversee a roster of experienced mediators and administer the Post-Investigation ADR program's operations.
- ☐ Parties may jointly select the mediator for their case from among a panel of three furnished by ICR.
- ☐ Parties preferring to locate their own mediator may do so by mutual consent.

What does ADR cost me?

- ☐ The licensee requesting Post-Investigation ADR pays half the mediator's fees and the NRC, subject to availability of funds, will pay half.

Where do Post-Investigation ADR sessions take place?

- ☐ The session will typically occur at or near the licensed facility, or at NRC's Headquarters or Regional Office depending on site availability and party desires.

How long do sessions take?

- ☐ Many Post-Investigation ADR cases will be completed in one meeting that lasts several hours. Some could require a few additional sessions.

Is ADR confidential?

- ☐ Yes. With limited exception, the proceedings are private and the ADR neutral is generally prohibited from discussing the mediation with outsiders.
- ☐ To obtain additional details on confidentiality in Post-Investigation ADR, see the NRC's web site at <http://www.nrc.gov/what-we-do/regulatory/enforcement/adr.html>.

Who administers the ADR Program?

- ☐ Cornell University's Institute on Conflict Resolution (ICR) is the neutral program administrator for the Post-Investigation ADR program's day-to-day operation, including working with parties to identify appropriate mediators.
- ☐ ICR embraces a network of independent dispute resolution practitioners who work on a regional, national, and international basis.
- ☐ ICR works in partnership with companies, unions, and government to help resolve conflicts and evaluate the efficacy of conflict resolution methods.



How do I obtain additional information?

Further information on participating in the Post-Investigation ADR program (besides this brochure's overview of the Post-Investigation ADR program) is available from:

- ☐ The NRC ADR Program Administrator (ICR: Catherwood Library Tower, Ives Hall, Cornell University, Ithaca, NY 14853; Phone: (877) 733-9415)
- ☐ The NRC's Enforcement ADR Pilot Program on its web site: <http://www.nrc.gov/what-we-do/regulatory/enforcement/adr.html>.

NUREG/BR-0317
January 2005

Mr. D. Heacock

- 3 -

If you have any questions concerning this matter, please contact Dori Willis at 301-415-7633.

Sincerely,

/RA/

Scott A. Morris, Director
Division of Inspection and Regional Support
Office of Nuclear Reactor Regulation

Docket No.: 50-336
License No.: DPR-65

Enclosures:

1. Factual Summary
2. Apparent Violation
3. Brochure NUREG/BR-0317, "The Nuclear Regulatory Commission's Post-Investigation ADR Program: Alternative Dispute Resolution Administered by Cornell"

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DATE	4/29/15	4/24/15	4/29/15		

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