
Additional background information and documents related to this notice can be found in ADAMS under the following accession numbers:

<table>
<thead>
<tr>
<th>Accession No.</th>
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<tbody>
<tr>
<td>ML11354A432</td>
<td>Memorandum of Understanding Between NRC and OSHA Relating to NRC-Licensed Facilities</td>
</tr>
<tr>
<td>ML083360632</td>
<td>Letter from Felix M. Killar, Senior Director, Fuel and Materials Safety, NEI, to Daniel H. Dorman, Director, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Materials Safety and Safeguards (NMSS) (September 8, 2008).</td>
</tr>
<tr>
<td>ML082900889</td>
<td>Letter from Daniel H. Dorman, Director, Division of Fuel Cycle Safety and Safeguards, NMSS, to Felix M. Killar, Senior Director, Fuel Supply, Material Licenses, of the Nuclear Energy Institute (NEI) (November 10, 2008).</td>
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<td>ML0909690732</td>
<td>Letter from Felix M. Killar, Senior Director, Fuel and Materials Safety, NEI, to Daniel H. Dorman, Director, Division of Fuel Cycle Safety and Safeguards, NMSS (February 24, 2009).</td>
</tr>
<tr>
<td>ML090920296</td>
<td>Letter from Daniel H. Dorman, Director, Division of Fuel Cycle Safety and Safeguards, NMSS, to Felix M. Killar, Senior Director, Fuel Supply, Material Licenses, of the Nuclear Energy Institute (NEI) (June 12, 2009).</td>
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<td>ML14086A267</td>
<td>Letter from Janet R. Schlueter, Sr. Director, Fuel and Materials Safety, NEI, to Marissa G. Bailey, Director, Division of Fuel Cycle Safety and Safeguards, NMSS (March 26, 2014).</td>
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<tr>
<td>ML14251A150</td>
<td>Letter from Marissa G. Bailey, Director, Division of Fuel Cycle Safety and Safeguards, NMSS, to Janet R. Schlueter, NEI (September 15, 2014).</td>
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<tr>
<td>ML14322B019</td>
<td>Letter from Ellen Ginsberg, the General Counsel of the NEI to Margaret Doane, the General Counsel of the NRC, (November 7, 2014).</td>
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SUPPLEMENTARY INFORMATION:

Background

The Administrative Dispute Resolution Act of 1996 authorizes and encourages the use of Alternative Dispute Resolution (ADR) procedures by Federal agencies. The term “ADR” refers to a number of voluntary processes, such as mediation and facilitated dialogues that can be used to assist parties in resolving disputes and potential conflicts. These techniques involve the use of a neutral third party, either from within the agency or from outside the agency, and are voluntary processes in terms of the decision to participate and the content of the final agreement. The NRC’s experience with ADR has demonstrated that the use of these techniques can result in more efficient resolution of issues, more effective outcomes, and improved relationships between the agency and other parties. The NRC established the ADR Program in its Office of Enforcement in 2004.

Since the implementation of the ADR Program, the NRC has reached settlement agreements with licensees (or contractors) and individuals, and has issued subsequent ADR confirmatory orders in more than 90 enforcement cases. The parties to ADR in the NRC’s enforcement program are the NRC staff and, in most cases, a licensee. The proceedings are conducted using the facilitation skills of a trained independent mediator. Mediation allows the NRC staff and the licensee to communicate openly and directly and enables the parties to reach effective and workable agreements that meet the NRC’s regulatory interests. Historically,
the ADR Program has resulted in broader and more comprehensive corrective actions than would be expected using traditional enforcement means.

On December 16, 2010, then NRC Chairman, Gregory Jaczko, issued a memorandum, “ADR Implementation and Assessment” (ADAMS Accession No. ML12030A228) tasking the NRC staff to conduct a comprehensive review of the ADR Program, including determining if it should be expanded. At the time the ADR Program was limited to cases involving discrimination and other wrongdoing. On September 6, 2011, the NRC issued a notice in the Federal Register that solicited nominations of individuals to participate on a panel to discuss ADR Program implementation and whether changes could be made to make it more effective, transparent, and efficient (76 FR 55136). On October 17, 2011, the NRC issued another Federal Register notice that announced its intention to hold a public meeting to solicit feedback from its stakeholders on the ADR Program (76 FR 64124). During the public meeting, which was held on November 8, 2011, external NRC stakeholders expressed support for the expansion of the ADR Program to the extent possible.

In Commission Paper SECY–12–0161, “Status Update, Tasks Related to Alternative Dispute Resolution in the Allegation and Enforcement Programs,” dated November 28, 2012 (ADAMS Accession No. ML12032A1458), the NRC staff notified the public of its intent to pilot the expansion of the ADR Program to include escalated non-willful (traditional) enforcement cases with proposed civil penalties for a 1-year period. The expansion of the program did not include violations associated with findings assessed through the Reactor Oversight Process.

During the pilot period, the NRC staff made ADR available for seven escalated non-willful (traditional) enforcement cases with proposed civil penalties; however, none of the licensees chose ADR. ADR may also be used for discrimination violations based solely on a finding by DOL; however, the NRC will not negotiate the DOL finding. Individuals within the Commission’s jurisdiction may also be offered ADR. ADR complements, and works in conjunction with, the traditional NRC enforcement process. ADR may be offered (1) before a predecisional enforcement conference (PEC), (2) after the initial enforcement action is taken (i.e., an NOV or proposed imposition of a civil penalty), or (3) with the imposition of a civil penalty and prior to a hearing request. Use of the ADR program is voluntary for all parties, including the NRC; any participant may end the process at any time. Mediation activities are kept confidential in accordance with 5 U.S.C. 574; however, the terms of the settlement agreement are normally formalized in a Confirmatory Order, which is published in the Federal Register. Normally, there is also a press release providing information about the settlement agreement.

In some circumstances, it may not be appropriate for the NRC to engage in ADR (e.g., the U.S. Department of Justice has substantial involvement in the case, cases in which the subject matter is such that a Confirmatory Order detailing the terms of a settlement agreement cannot be made public, or other particularly egregious cases in which the public interest is not served by engaging in ADR). The approval of the Director, OE, is required in those cases where the staff proposes not to offer ADR.

Additional information concerning the NRC’s ADR program is available in the NRC Enforcement Manual and on the NRC Web site.

In addition, an individual and his or her employer (or former employer) can use ADR to resolve discrimination complaints (under Section 211 of the ERA) before the initiation of investigative activities by OI (i.e., pre-investigation ADR, commonly referred to as “early ADR”) (see NRC Management Directive 8.8, “Management of Allegations”) or a licensee-sponsored ADR program that is similar in nature to the NRC’s early ADR program. If the parties reach a settlement agreement using early ADR or licensee-sponsored ADR, the NRC subsequently reviews the agreement to ensure that it does not include any provisions in violation of the NRC’s “Employee Protection” regulations. If no such restrictive provisions exist, the NRC will not investigate the discrimination complaint or take enforcement action.

**Congressional Review Act**

This policy revision is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

Dated at Rockville, Maryland, this 26th day of February, 2015.
SECURITIES AND EXCHANGE COMMISSION


Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.: Order Approving a Proposed Rule Change Relating to Revisions to the Definitions of Non-Public Arbitrator and Public Arbitrator

February 26, 2015.

I. Introduction


The proposed rule change was published for comment in the Federal Register on July 3, 2014. On August 4, 2014, FINRA extended the time period in which the Commission must approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to October 1, 2014. The Commission received three hundred sixteen (316) comment letters in response to the Notice of Filing.

II. Notice of Filing


Jill M. Peterson,
Assistant Secretary.

[FR Doc. 2015–04423 Filed 3–3–15; 8:45 am]

BILLING CODE 8011–01–P


The Commission discussed these comments in the Proceedings Order. See infra note 7.


