

for Docket ID NRC-2009-0039. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

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- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** John Daily, Senior Project Manager, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-3873; email: [John.Daily@nrc.gov](mailto:John.Daily@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The U.S. Nuclear Regulatory Commission (NRC) grants the Florida Power Corporation request to withdraw its application for the renewal of operating license DPR-72, which authorizes Florida Power Corporation (FPC) to operate the Crystal River Nuclear Generating Plant, Unit 3 (CR3), at 2609 megawatts thermal. The FPC stated its decision to withdraw the application is based upon a determination to retire CR3. The CR3 is located near Crystal River, FL; the current operating license for the CR3 expires on December 3, 2016.

The FPC submitted the license renewal application (LRA) by letter dated December 16, 2008, pursuant to Part 54 of Title 10 of the *Code of Federal Regulations* (10 CFR), to renew operating license DPR-72 for CR3 (ADAMS Accession No. ML090080053). The Commission had previously noticed the acceptance of the application in the **Federal Register** on March 9, 2009 (74 FR 10099). The FPC requested withdrawal of the application by letter dated February 6, 2013, based on its determination to retire CR3 (ADAMS Accession No. ML13043A028).

The NRC staff completed its "Safety Evaluation Report With Open Items Related to the License Renewal of Crystal River Unit 3 Nuclear Generating

Plant" (hereinafter known as the SER) in December 2010 (ADAMS Accession No. ML103490568). Consistent with 10 CFR 54.13(a), "[I]nformation provided to the Commission by an applicant for a renewed license \* \* \* must be complete and accurate in all material respects." The staff noted that the SER contains nine open items and two confirmatory items; these items are incomplete in regards to 10 CFR 54.13(a). Since the staff's review to date has identified that FPC's application did not provide technical information in sufficient detail to enable the staff to complete its reviews, if FPC decides to re-submit the application, it must include this technical information in sufficient detail to allow the staff to continue its evaluations.

The staff also issued a Notice of Issuance for the draft supplemental environmental impact statement (DSEIS) related to the proposed license renewal, which was published in the **Federal Register** on June 3, 2011 (76 FR 32237). However, since the licensee has withdrawn its application, all comments received on the DSEIS and all of the above **Federal Register** Notices need not be and will not be resolved.

For further details with respect to this action, see the LRA dated December 16, 2008, and the licensee's letter of withdrawal dated February 6, 2013.

Dated at Rockville, Maryland, this 28th day of February, 2013.

For the Nuclear Regulatory Commission.

**John W. Lubinski,**

*Director, Division of License Renewal, Office of Nuclear Reactor Regulation.*

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**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2013-0046]

### Temporary Scope Expansion of the Post-Investigation Alternative Dispute Resolution Program

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of temporary scope expansion.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is expanding the scope of the post-investigation Alternative Dispute Resolution (ADR) Program for a 1-year pilot period. The NRC and its licensees are the parties to this form of ADR. Currently, post-investigation ADR is used in the NRC's Enforcement Program for cases involving discrimination and other

wrongdoing after the NRC's Office of Investigations has completed an investigation substantiating the allegation. The pilot ADR Program will expand post-investigation ADR to include all escalated non-willful (traditional) enforcement cases with proposed civil penalties (this will not include violations associated with findings assessed through the Reactor Oversight Process (ROP) <sup>1</sup>).

**ADDRESSES:** Please refer to Docket ID NRC-2013-0046 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

- **Federal Rulemaking Web site:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2013-0046. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "ADAMS Public Documents" and then select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

- **NRC's PDR:** You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** Russell Arrighi, telephone: 301-415-0205, email [Russell.Arrighi@nrc.gov](mailto:Russell.Arrighi@nrc.gov); or Maria Schwartz, telephone: 301-415-1888, email [Maria.Schwartz@nrc.gov](mailto:Maria.Schwartz@nrc.gov). Both of these individuals can also be contacted by mail at the U.S. Nuclear Regulatory Commission, Office of Enforcement, Concerns Resolution Branch, Washington, DC 20555-0001.

### Background

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

<sup>1</sup> Reference to the ROP includes the construction ROP.

third party, either from within the agency or from outside the agency, and are voluntary processes in terms of the decision to participate, the type of process used, and the content of the final agreement. Federal agency 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 the other party.

On August 14, 1992 (57 FR 36678), the NRC issued a general policy statement which supports and encourages the use of ADR in NRC activities. On September 8, 2003, the Commission approved an NRC staff proposal to develop and implement a pilot ADR Program to evaluate the use of ADR in handling allegations or findings of discrimination and other wrongdoing. (see the staff requirements memorandum (SRM) for SECY-03-0115, "Alternative Dispute Resolution Review Team (ART) Pilot Program Recommendations for Using Alternative Dispute Resolution (ADR) Techniques in the Handling of Discrimination and Other External Wrongdoing Issues" (ADAMS Accession No. ML030170277). In response to the SRM, the NRC staff proposed a pilot ADR Program to evaluate the use of ADR in the Enforcement Program in SECY-04-0044, "Proposed Pilot Program for the Use of Alternative Dispute Resolution in the Enforcement Program," dated March 12, 2004 (ADAMS Accession No. ML040550473). The Commission approved the pilot ADR Program (August 13, 2004; 69 FR 50219), and the NRC staff began implementing it in September 2004.

In SECY-06-0102, "Evaluation of the Pilot Program on the Use of Alternative Dispute Resolution in the Allegation and Enforcement Programs," dated May 5, 2006 (ADAMS Accession No. ML061110254), the NRC staff provided the Commission with the results of the evaluation of the pilot ADR Program. The NRC staff concluded that implementation of the pilot ADR Program was successful. The Program was effective, timely, and generally viewed positively by both internal and external stakeholders. Accordingly, the staff indicated its intent to continue to use ADR in both the Allegation and Enforcement Programs while obtaining Commission approval for the changes necessary to formalize the use of ADR in the Allegation and Enforcement Policy documents. Since ADR program implementation, 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.

On December 16, 2010, the NRC Chairman 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. On September 6, 2011 (76 FR 55136), the NRC 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. On October 17, 2011 (76 FR 64124), the NRC announced its intention to hold a public meeting to solicit feedback from its stakeholders on the ADR Program. During the November 8, 2011 public meeting, the NRC external stakeholders expressed support for the expansion of the ADR Program to the extent possible.

For purposes of discussing the expansion of the ADR program, it is necessary to distinguish between the two types of programs, early ADR and post-investigation ADR. These programs differ because of the parties involved. In early ADR, a licensee or contractor engages in mediation with its employee; where as in post-investigation ADR, the NRC engages in mediation with the subject of a potential enforcement action.

In SECY-12-0161, "Status Update, Tasks Related to Alternative Dispute Resolution in the Allegation and Enforcement Programs," dated November 28, 2012 (ADAMS Accession No. ML12321A145), the NRC staff notified the Commission of its intent to expand the scope of post-investigation ADR and offer it as an option for escalated non-willful (traditional) enforcement cases with proposed civil penalties for a 1-year pilot period. The expansion of the Program does not include violations associated with findings assessed through the ROP. The current program for post-investigation ADR is limited to discrimination and other wrongdoing cases.

At the completion of the 1-year period, the NRC staff will evaluate the results of the pilot ADR Program and seek Commission approval for the permanent inclusion in the Enforcement Policy if the expanded scope is deemed beneficial to the advancement of the agency's mission.

#### **Paperwork Reduction Act Statement**

This Notification does not contain any information collections and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### **Public Protection Notification**

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

#### **Congressional Review Act**

In accordance with the Congressional Review Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the OMB Office of Information and Regulatory Affairs.

Dated at Rockville, Maryland, this 25th day of February 2013.

For the Nuclear Regulatory Commission.

**Roy P. Zimmerman,**

*Director, Office of Enforcement.*

[FR Doc. 2013-05306 Filed 3-6-13; 8:45 am]

**BILLING CODE 7590-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-69011]

### **Topaz Exchange, LLC; Order Granting Application for a Conditional Exemption Pursuant to Section 36(a) of the Exchange Act From Certain Requirements of Rules 6a-1 and 6a-2 Under the Exchange Act**

March 1, 2013.

#### **I. Introduction**

On July 3, 2012, Topaz Exchange, LLC ("Applicant") submitted to the Securities and Exchange Commission ("Commission") an application on Form 1 under the Securities Exchange Act of 1934 ("Exchange Act"), to register as a national securities exchange.<sup>1</sup> In

<sup>1</sup> On December 19, 2012, the Applicant submitted Amendment No. 1 to its Form 1 application. Amendment No. 1, among other things, includes changes to the Limited Liability Company Agreement and the Constitution of Topaz Exchange concerning board composition and size, the initial director election process, and the use of regulatory funds. Amendment No. 1 also includes revisions to proposed rules of Topaz Exchange to remove rules relating to complex orders; to respond to comments on the Form 1 application from Commission staff; and to reflect recent changes to comparable rules of International Securities Exchange, LLC ("ISE"). Amendment No. 1 further provides additional descriptions in the Form 1 application regarding proposed allocation procedures, auction mechanisms, execution of qualified contingent crosses, and the initial director election process, and removes references to complex orders. On December 31, 2012, the Applicant submitted Amendment No. 2 to its Form 1 application. Amendment No. 2, among other things, provides updated information regarding the board of directors of ISE and the Corporate Governance Committee of ISE and includes information