

The authority under which the evidentiary hearing will be held is the Atomic Energy Act, 42 U.S.C. 2231, 2239, and 2241. Unless otherwise indicated, the evidentiary hearing on the four admitted contentions will be conducted pursuant to the NRC hearing procedures set forth in 10 CFR Part 2, Subpart L, 10 CFR 2.1200–2.1213. During the course of this adjudicatory proceeding, the Board may also hear oral arguments as provided in 10 CFR 2.331 and may hold various prehearing conferences pursuant to 10 CFR 2.329. These may be held via teleconference, video-conference, and/or in person. Except where certain legally privileged documents or testimony are being heard, all of the proceedings will be open to the public. See 10 CFR 2.328. Prior to the evidentiary hearing and to each oral argument or prehearing conference, the Board will issue an order, notice, and/or memorandum that specifies the date, time and place of such event. A copy of any such order, notice and/or memorandum will be made available to the public on the Diablo Canyon “Board Orders” section of the NRC Electronic Hearing Docket found at <http://ehd1.nrc.gov/EHD/>. The public should be aware that new documents are regularly added to this Web site as the parties file pleadings and the Board issues orders or notices. Therefore this Web site should be monitored regularly by interested members of the public. In addition, hard copies of Board orders, notices and/or memoranda are also available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Finally, the public is advised that the Secretary of the Commission will give notice of a hearing (and of other events in the proceeding) to any member of the public who requests it.<sup>3</sup> See 10 CFR 2.315(b).

As provided in 10 CFR 2.315(a), any person who is not a party to the proceeding may, in the discretion of this Board, be permitted to submit a written limited appearance statement. Such statements should focus on the admitted contentions. Limited appearance statements do not constitute legal evidence, but they are placed in the docket for the hearing. The limited appearance statement is an opportunity for a member of the public to inform the Board and/or the parties of his or her concerns, issues, and questions and suggestions relating to the matters at

issue in the adjudicatory proceeding, *i.e.*, relating to the admitted contentions.

A written limited appearance statement should be sent to the Office of the Secretary using one of the following methods: (1) Mail to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, with a copy to Alex S. Karlin, the Chairman of this Licensing Board at Mail Stop T–3F23, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; (2) e-mail to the Office of the Secretary at [hearing.docket@nrc.gov](mailto:hearing.docket@nrc.gov), with a copy to the Board Chairman c/o Ashley Prange at [ashley.prange@nrc.gov](mailto:ashley.prange@nrc.gov); or (3) fax to the Office of the Secretary at 301–415–1101 (facsimile verification number: 301–415–1966), with a copy to the Board Chairman at 301–415–5599 (facsimile verification number: 301–415–7550).

The Board may, at a later time, schedule a meeting where members of the public may provide oral limited appearance statements. If any such session is scheduled, the Board will issue a prior order or notice, which will be posted in the Diablo Canyon Board Orders section of the Electronic Hearing Docket webpage at <http://ehd1.nrc.gov/EHD/>.

The time and date of the evidentiary hearing herein cannot be set at this time. This is because the law specifies that, in scheduling the evidentiary hearing, the Board must “take into consideration the NRC staff’s projected schedule for completion of its safety and environmental evaluations to ensure that the hearing schedule does not adversely impact the staff’s ability to complete its reviews in a timely manner.” 10 CFR 2.332(d). At the moment, the NRC Staff estimates that its Final Safety Evaluation Report will be considered by the NRC Advisory Committee on Reactor Safeguards in July 2011 and that the Staff will issue the Final Supplemental Environmental Impact Statement in August 2011. But the Staff’s schedule is subject to change. The evidentiary hearing herein concerning environmental matters is not likely to commence until 3 or 4 months after August 2011. See 10 CFR 2.332(d).

Documents relating to this adjudicatory proceeding are available for public inspection in the NRC’s Electronic Hearing Docket at <http://ehd1.nrc.gov/EHD/>. Those documents, and some documents relating to the Staff’s review of this license application, are also available from the Commission’s Public Document Room or electronically from the publicly

available records component of NRC’s document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail at [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov).

It is so ordered.

Dated: September 1, 2010.

For the Atomic Safety and Licensing Board.

**Alex S. Karlin,**  
Chairman, Administrative Judge, Rockville, Maryland.

[FR Doc. 2010–22478 Filed 9–8–10; 8:45 am]

BILLING CODE 7590–01–P

## NUCLEAR REGULATORY COMMISSION

[NRC–2010–0295]

### Withdrawal of Regulatory Guides 1.38, 1.94, and 1.116

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Withdrawal of three Regulatory Guides: Regulatory Guide 1.38, “Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage, and Handling of Items for a Water-Cooled Nuclear Power Plant,” dated May 1977; Regulatory Guide 1.94, “Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete, and Structural Steel During the Construction Phase of Nuclear Power Plants,” dated April 1976; and Regulatory Guide 1.116, “Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems,” dated May 1977.

#### FOR FURTHER INFORMATION CONTACT:

Mark P. Orr, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone: 301–251–7495 or e-mail [Mark.Orr@nrc.gov](mailto:Mark.Orr@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide 1.38, “Quality Assurance Requirements for Packaging, Shipping, Receiving, Storage, and Handling of Items for Water-Cooled Nuclear Power Plants,” dated May 1977; Regulatory Guide 1.94, “Quality

<sup>3</sup> Any such request may be directed to the Secretary of the Commission by electronic mail at [hearing.docket@nrc.gov](mailto:hearing.docket@nrc.gov) or by telephone at 301–415–1677.

Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete, and Structural Steel During the Construction Phase of Nuclear Power Plants,” dated April 1976; and Regulatory Guide 1.116, “Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems,” dated May 1977.

Regulatory Guide 1.38 endorses the American Society of Mechanical Engineers (ASME) American National Standard Institute (ANSI) Standard N45.2.2—1972, “Packaging, Shipping, Receiving, Storage and Handling of Items for Nuclear Power Plants (During the Construction Phase),” dated December 20, 1972.

Regulatory Guide 1.94 endorses the ASME/ANSI Standard N45.2.5—1974, “Supplementary Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel During the Construction Phase of Nuclear Power Plants,” dated July 8, 1974 and American Concrete Institute (ACI) standard 309–72, “Recommended Practices for Consolidation of Concrete,” dated October 1, 1972.

Regulatory Guide 1.116 endorses ASME/ANSI Standard N45.2—1975, “Supplementary Quality Assurance Requirements for Installation, Inspection and Testing of Mechanical Equipment and Systems for the Construction Phase of Nuclear Power Plants,” dated May 20, 1975; U.S. Atomic Energy Commission (USAEC) Technical Reports WASH 1309, “Guidance on Quality Assurance Requirements During the Construction Phase of Nuclear Power Plants,” dated May 10, 1974; and WASH–1284, “Guidance on Quality Assurance Requirements During the Operations Phase of Nuclear Power Plants,” dated October 26, 1973.

The standards endorsed by Regulatory Guides 1.38, 1.94, and 1.116 have been superseded and replaced by the ASME/ANSI Standard NQA–1, “Quality Assurance Requirements for Nuclear Facility Applications,” which is endorsed by Title 10 of the Code of Federal Regulations (10 CFR) Subsection 50.55a, “Codes and Standards,” (10 CFR 50.55a).

The quality assurance requirements in 10 CFR 50.55a paragraphs (b)(1)(iv), “Quality Assurance,” (b)(2)(x), “Quality Assurance,” and (b)(2)(xxvii)(3)(i), “Quality Assurance” all state that the requirements in specific editions and addenda of NQA–1 are an acceptable method of demonstrating compliance with the quality assurance requirements of Appendix B to 10 CFR part 50,

“Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants.” In those cases where the requirements of the licensee’s Appendix B quality assurance program are more stringent than those contained in NQA–1, the licensee’s quality assurance program applies.

Additional quality assurance guidance for NRC staff, licensees, and applicants may be found in NUREG–0800, “Standard Review Plan,” Chapter 17, “Quality Assurance” as well as Regulatory Guide 1.28, “Quality Assurance Program Criteria (Design and Construction)” which was revised and issued in June 2010 to endorse (with additions and modifications) the Part I and Part II requirements of NQA–1–2008 and the NQA 1a–2009 Addenda for the implementation of a QA program during the design and construction phases of nuclear power plants and fuel reprocessing facilities.

## II. Further Information

The withdrawal of Regulatory Guides 1.38, 1.94, and 1.116 does not alter any prior or existing licensing commitments based on their use. The guidance provided in these regulatory guides is no longer necessary. Regulatory guides may be withdrawn when their guidance no longer provides useful information, or is superseded by technological, congressional actions, or other events.

Guides are revised for a variety of reasons and the withdrawal of a Regulatory Guide should be thought of as the final revision of the guide. Although a regulatory guide is withdrawn, current licensees may continue to use it, and withdrawal does not affect any existing licenses or agreements. Withdrawal means that the guide should not be used for future NRC licensing activities. Changes to existing licenses would be accomplished using other regulatory products.

Regulatory guides are available for inspection or downloading through the NRC’s public Web site under “Regulatory Guides” in the NRC’s Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections>. Regulatory guides are also available for inspection at the NRC’s Public Document Room (PDR), Room O–1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852–2738. The PDR’s mailing address is US NRC PDR, Washington, DC 20555–0001. You can reach the staff by telephone at 301–415–4737 or 800–397–4209, by fax at 301–415–3548, and by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

Dated at Rockville, Maryland, this 31st day of August 2010.

For the Nuclear Regulatory Commission.

**Harriet Karagiannis,**

*Acting Chief, Regulatory Guide Development Branch, Division of Engineering, Office of Nuclear Regulatory Research.*

[FR Doc. 2010–22492 Filed 9–8–10; 8:45 am]

**BILLING CODE 7590–01–P**

## PENSION BENEFIT GUARANTY CORPORATION

### Submission of Information Collection for OMB Review; Comment Request; Annual Reporting and Disclosure

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of request for extension of OMB approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of the collection of information for annual reporting and disclosure under 29 CFR part 2520 (OMB control number 1212–0057, expires September 30, 2010), without change. This notice informs the public of PBGC’s intent and solicits public comment on the collection of information.

**DATES:** Comments must be submitted by October 12, 2010.

**ADDRESSES:** Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, via electronic mail at [OIRA\\_DOCKET@omb.eop.gov](mailto:OIRA_DOCKET@omb.eop.gov) or by fax to 202–395–6974.

Copies of the collection of information and PBGC’s request may also be obtained without charge by writing to the Disclosure Division, Office of General Counsel, at the above address or by visiting the Disclosure Division or calling 202–326–4040 during normal business hours. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

#### FOR FURTHER INFORMATION CONTACT:

Grace Kraemer, Staff Attorney, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026; 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

#### SUPPLEMENTARY INFORMATION:

The Employee Retirement Income Security Act of 1974 (ERISA) contains