

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

FRIENDS OF THE EARTH,
Petitioner,
v.
UNITED STATES NUCLEAR
REGULATORY COMMISSION
and the UNITED STATES OF AMERICA,
Respondents,
PACIFIC GAS AND ELECTRIC COMPANY,
Intervenor.
No. 16-1004

FIFTH STATUS REPORT (FILED BY THE FEDERAL RESPONDENTS
AND PACIFIC GAS AND ELECTRIC COMPANY)

On June 20, 2016, Friends of the Earth ("FOE") and Pacific Gas and Electric
Company ("PG&E"), along with other parties, submitted a joint settlement
proposal to the California Public Utilities Commission ("CPUC"), under the terms
of which PG&E agreed to, inter alia, "retire Diablo Canyon at the expiration of its
current [Nuclear Regulatory Commission ('NRC')] operating licenses."1 Under the

1 Joint Proposal of Pacific Gas & Electric Company, Friends of the Earth,
Natural Resources Defense Council, Environment California, International
Brotherhood of Electrical Workers Local 1245, Coalition of California
Utility Employees and Alliance for Nuclear Responsibility to Retire Diablo
Canyon Nuclear Power Plant at Expiration of the Current Operating

terms of the Joint Proposal Application, if approved by the CPUC, PG&E would withdraw the NRC License Renewal Application for the Diablo Canyon nuclear power plant that is the subject of this petition for review.

On June 29, 2016, PG&E and FOE jointly requested, in a “Joint Motion to Suspend Briefing” (Motion), that this Court suspend briefing in this matter pending action by the CPUC on the Joint Proposal Application. The PG&E and FOE Motion asked the Court to issue an order that would, among other things, “[d]irect[] FOE to submit a motion to dismiss this matter within 30 days of NRC acceptance of the withdrawal of the License Renewal Application” for Diablo Canyon. Motion at 5.

On July 21, 2016, this Court entered an order holding this case in abeyance pending further order of the Court. The Court directed the parties to file status reports at 120-day intervals beginning January 23, 2017. The court also directed the parties “to file motions to govern future proceedings in this case within 30 days of the completion of the proceedings of the California Public Utilities Commission and any subsequent proceedings of the Nuclear Regulatory Commission related thereto.”

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Licenses and Replace it with a Portfolio of GHG Free Resources (June 20, 2016), at 3 (“Joint Proposal Application”).

The parties filed the first status report on January 23, 2017, the second report on May 23, 2017, the third report on September 20, 2017, and the fourth report on January 18, 2018.

On April 23, 2018, the NRC published a *Federal Register* notice (Attachment 1) stating that PG&E's request (filed on March 7, 2018) to withdraw the Diablo Canyon license renewal application had been accepted, effective on the date of the notice. Accordingly, the NRC nuclear reactor license renewal proceeding that was the subject of the FOE petition for review has now been terminated without any renewal of the Diablo Canyon NRC operating license, and there are no remaining NRC proceedings pending regarding this matter. As suggested in the Motion, the next step in the instant case would be for FOE to file a motion with the Court requesting dismissal of its petition for review. Per the Court's July 21, 2016, order, the deadline for filing such a motion would have been May 23, 2018 (30 days after the April 23, 2018, *Federal Register* notice).

The Federal Respondents and PG&E are not aware of any change in FOE's position, expressed in the FOE/PG&E joint Motion, that FOE would ask the Court to dismiss its petition for review upon successful withdrawal of the Diablo Canyon license renewal application. FOE has not yet, however, filed a motion to dismiss. Counsel for the Federal Respondents and PG&E have been unsuccessful in their efforts to contact counsel for FOE by both email and phone regarding the timing of

the expected motion to dismiss. PG&E's undersigned counsel understands that FOE is attempting to reach FOE's assigned counsel in this matter to ensure this issue is addressed.

If FOE does not file a motion to dismiss within the next 30 days, and if there are no unanticipated developments in this matter in the interim, the Federal Respondents and PG&E plan (unless the Court directs otherwise) to file a motion to dismiss the petition for review in this case. If any unanticipated developments do occur in the meantime, the Federal Respondents and PG&E will promptly notify the Court.

Respectfully submitted,

/s/ Andrew P. Averbach

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/s/ James E. Adler

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/s/ Thekla Hansen-Young  
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*Counsel for Intervenor*

Dated: June 29, 2018

**CERTIFICATE OF SERVICE**

I certify that on June 29, 2018, I filed the foregoing Fifth Status Report with the U.S. Court of Appeals for the District of Columbia Circuit by filing it with the Court's CM/ECF system. That method is calculated to serve all counsel of record in case number 16-1004.

/s/James E. Adler  
JAMES E. ADLER  
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# **ATTACHMENT 1**

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).

**ADDRESSES:** Comments should be sent to Office of Information and Regulatory Affairs, Attn.: OMB Desk Officer for Education, Office of Management and Budget, Room 10235, Washington, DC 20503, (202) 395-7316.

**FOR FURTHER INFORMATION CONTACT:** Dr. Sandra Webb, Director of Grant Policy and Management, Institute of Museum and Library Services, 955 L'Enfant Plaza North SW, Suite 4000, Washington, DC 20024-2135. Dr. Webb can be reached by Telephone: 202-653-4718 Fax: 202-653-4608, or by email at [swebb@imls.gov](mailto:swebb@imls.gov), or by teletype (TTY/TDD) for persons with hearing difficulty at 202-653-4614.

**SUPPLEMENTARY INFORMATION:** The Institute of Museum and Library Services is the primary source of federal support for the nation's libraries and museums. We advance, support, and empower America's museums, libraries, and related organizations through grant making, research, and policy development. Our vision is a nation where museums and libraries work together to transform the lives of individuals and communities. To learn more, visit [www.imls.gov](http://www.imls.gov).

**Current Actions:** This notice proposes the clearance of the IMLS National Medals Nomination forms and instructions. The 60-day Notice for the "Notice of Proposed Information Collection Requests: 2019-2021 IMLS National Medals Nomination Forms was published in the **Federal Register** on November 27, 2017 (82 FR 56058). The agency has taken into consideration the one comment that was received under this notice.

The National Medals are designed to recognize outstanding libraries and museums that have made significant contributions in service to improve the wellbeing of their communities. These institutions exceed expected levels of community outreach beyond a single program or exhibit by building community cohesion and serving as catalysts for positive community change. Nominees should review the IMLS strategic plan (<https://www.imls.gov/publications/transforming-communities-imls-strategic-plan-2018-2022>) and highlight how their work aligns (e.g., promoting lifelong learning, building institutional

capacity, increasing community access). We are particularly interested in enhanced services for veterans/military families, sustained opportunities for diverse youth and young professionals, and assistance to marginalized young families or seniors. Recipient institutions are honored at an awards ceremony that is held in Washington, DC.

**Agency:** Institute of Museum and Library Services.

**Title:** IMLS National Medals Nomination Forms.

**OMB Number:** 3137-0097.

**Frequency:** Once per year.

**Affected Public:** Library and Museum applicants.

**Number of Respondents:** 160.

**Estimated Average Burden per**

**Response:** 9 hours.

**Estimated Total Annual Burden:**

1,440 hours.

**Total Annualized Capital/Startup**

**Costs:** n/a.

**Total Annual Costs:** \$40,219.

Dated: April 18, 2018.

**Kim Miller,**

*Grants Management Specialist, Office of Grants Policy and Management.*

[FR Doc. 2018-08407 Filed 4-20-18; 8:45 am]

**BILLING CODE 7036-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-275 and 50-323; NRC-2009-0552]

### Pacific Gas & Electric Company; Diablo Canyon Power Plant, Unit Nos. 1 and 2; Withdrawal of License Renewal Application

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License renewal application; withdrawal by applicant.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Pacific Gas & Electric Company (PG&E or the licensee) to withdraw its application, and all associated correspondence and commitments, dated November 23, 2009, for license renewal of Diablo Canyon Power Plant (DCPP), Unit Nos. 1 and 2 (Operating License Nos. DPR-80 and DPR-82, respectively). The license renewal application had requested 20 additional years of operation for DCPP, Unit Nos. 1 and 2. By withdrawing the license renewal application, the current operating licenses will expire on November 2, 2024, for DCPP Unit No. 1, and on August 26, 2025, for Unit No. 2.

**DATES:** The effective date of the withdrawal of the license renewal application is April 23, 2018.

**ADDRESSES:** Please refer to Docket ID NRC-2009-0052 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <http://www.regulations.gov> and search for Docket ID NRC-2009-0052. Address questions about NRC dockets to Jennifer Borges; telephone: 301-287-9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection 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 (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

- **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:** Elaine Keegan, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-8517; email: [Elaine.Keegan@nrc.gov](mailto:Elaine.Keegan@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The licensee submitted its application for license renewal for DCPP, Unit Nos. 1 and 2, on November 23, 2009 (ADAMS Accession No. ML093340086). DCPP, Unit Nos. 1 and 2, are located in San Luis Obispo County, California, approximately 7 miles northwest of Avila Beach and 12 miles west-southwest of San Luis Obispo. On April 10, 2011, PG&E requested the deferral of a final decision on the license renewal application until seismic studies and a report addressing the results of those studies were completed (ADAMS Accession No. ML111010592).

The NRC staff issued a safety evaluation report on June 2, 2011 (ADAMS Accession No. ML11153A103),



that documented the technical safety review of DCP, Unit Nos. 1 and 2. Appendix A of the safety evaluation report listed PG&E's commitments for renewal of the operating licenses.

The NRC staff resumed the review of the license renewal application after PG&E submitted the annual update for the application on December 22, 2014 (ADAMS Package Accession No. ML14364A259). Subsequently, on June 21, 2016, PG&E requested that the NRC staff suspend the license renewal review (ADAMS Accession No. ML16175A561). At that time, PG&E also requested approval from the California Public Utilities Commission not to proceed with license renewal. The NRC staff suspended the license renewal review in July 2016. On January 11, 2018, the California Public Utilities Commission approved PG&E's proposal to close DCP, Unit Nos. 1 and 2, when its current licenses expire. By letter dated March 7, 2018, PG&E requested withdrawal of its license renewal application, including all associated correspondence and commitments, for DCP, Unit Nos. 1 and 2 (ADAMS Accession No. ML18066A937).

Pursuant to the requirements in part 2 of title 10 of the *Code of Federal Regulations*, the Commission grants PG&E's request to withdraw DCP, Unit Nos. 1 and 2, license renewal application.

Dated at Rockville, Maryland, this 17th day of April 2018.

For the Nuclear Regulatory Commission.

**Eric R. Oesterle**,  
 Chief, License Renewal Project Branch,  
 Division of Materials and License Renewal,  
 Office of Nuclear Reactor Regulation.

[FR Doc. 2018-08366 Filed 4-20-18; 8:45 am]

**BILLING CODE 7590-01-P**

**POSTAL SERVICE**

**Revision to ZIP Code Zone Charts for APO/FPO/DPO Inbound Mail**

**AGENCY:** Postal Service™.

**ACTION:** Notice.

**SUMMARY:** The Postal Service will rezone Inbound Mail from APO/FPO/DPO ZIP Codes to coordinate the Origin/Destination ZIP Codes with the designated International Service Centers (ISC) through which each originating ZIP Code dispatches mail.

**DATES:** *Applicable:* June 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** Direct questions or comments to Kimberly G. Forehan by email at [kimberly.g.forehan@usps.gov](mailto:kimberly.g.forehan@usps.gov) or phone (859) 447-2652.

**SUPPLEMENTARY INFORMATION:** Effective with the ZIP Code Zone Charts update on June 1, 2018, Inbound Mail from APO/FPO/DPO ZIP Codes will be rezoned to coordinate the Origin/Destination ZIP Codes with the designated International Service Centers (ISC) through which each originating ZIP Code dispatches mail. This means that mail being sent from the various APO/FPO/DPO ZIP codes will be realigned so that both outbound and inbound ZIPs will be paired with the areas they serve. The US Postal Service refers to these relationships as "reciprocal" or "retrograde" pairs. This is a change from the current process where Pacific ZIP Codes are zoned through the San Francisco ISC and the European ZIP Codes are zoned through the JFK ISC. After June 1, 2018, each of the five ISCs will be aligned with reciprocal pairs for inbound mail from APO/FPO/DPO ZIP Codes. This will result in a more accurate pricing model for Military customers mailing items back to the United States.

**Ruth Stevenson**,

*Attorney, Federal Compliance.*

[FR Doc. 2018-08366 Filed 4-20-18; 8:45 am]

**BILLING CODE 7710-12-P**

**SECURITIES AND EXCHANGE COMMISSION**

**Submission for OMB Review; Comment Request**

*Upon Written Request, Copies Available From:* Securities and Exchange Commission Office of FOIA Services, 100 F Street NE, Washington, DC 20549-2736

*Extension:*

Rule 206(3)-2; SEC File No. 270-216, OMB Control No. 3235-0243

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (the "Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 206(3)-2, (17 CFR 275.206(3)-2,) which is entitled "Agency Cross Transactions for Advisory Clients," permits investment advisers to comply with section 206(3) of the Investment Advisers Act of 1940 (the "Act") (15 U.S.C. 80b-6(3)) by obtaining a client's blanket consent to enter into agency cross transactions (*i.e.*, a transaction in which an adviser acts as a broker to both the advisory client and the opposite party to the transaction). Rule 206(3)-2,

applies to all registered investment advisers. In relying on the rule, investment advisers must provide certain disclosures to their clients. Advisory clients can use the disclosures to monitor agency cross transactions that affect their advisory account. The Commission also uses the information required by Rule 206(3)-2, in connection with its investment adviser inspection program to ensure that advisers are in compliance with the rule. Without the information collected under the rule, advisory clients would not have information necessary for monitoring their adviser's handling of their accounts and the Commission would be less efficient and effective in its inspection program.

The information requirements of the rule consist of the following: (1) Prior to obtaining the client's consent, appropriate disclosure must be made to the client as to the practice of, and the conflicts of interest involved in, agency cross transactions; (2) at or before the completion of any such transaction, the client must be furnished with a written confirmation containing specified information and offering to furnish upon request certain additional information; and (3) at least annually, the client must be furnished with a written statement or summary as to the total number of transactions during the period covered by the consent and the total amount of commissions received by the adviser or its affiliated broker-dealer attributable to such transactions.

The Commission estimates that approximately 426 respondents use the rule annually, necessitating about 50 responses per respondent each year, for a total of 21,300 responses. Each response requires an estimated 0.5 hours, for a total of 10,650 hours. The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or representative survey or study of the cost of Commission rules and forms.

This collection of information is found at (17 CFR 275.206(3)-2) and is necessary in order for the investment adviser to obtain the benefits of Rule 206(3)-2, The collection of information requirements under the rule is mandatory. Information subject to the disclosure requirements of Rule 206(3)-2 does not require submission to the Commission; and, accordingly, the disclosure pursuant to the rule is not kept confidential.

Commission-registered investment advisers are required to maintain and preserve certain information required under Rule 206(3)-2 for five (5) years. The long-term retention of these records