

Total Estimated Number of Respondents: 50,000.

Total Estimated Annual Burden Hours: 41,700.

Total Estimated Annual Costs Burden: \$102,500.

Description: Prohibited Transaction Class Exemption 81–8 permits the investment of plan assets that involve the purchase or other acquisition, holding, sale, exchange or redemption by or on behalf of an employee benefit plan of certain types of short-term investments. Without the exemption, certain aspects of these transactions might be prohibited by section 406 of the Employee Retirement Income Security Act of 1974. The third-party disclosure and recordkeeping requirements contained in the Exemption are designed to help protect the interests of plan participants and beneficiaries from potential abuse when a fiduciary exercises the Exemption. For additional information, see related notice published at 72 FR 72763 on December 21, 2007.

Agency: Employee Benefits Security Administration.

Type of Review: Extension without change of currently approved collection.

Title: Delinquent Filer Voluntary Compliance Program.

OMB Number: 1210–0089.

Affected Public: Private Sector: Business or other for-profits.

Total Estimated Number of Respondents: 15,000.

Total Estimated Annual Burden Hours: 750.

Total Estimated Annual Costs Burden: \$608,250.

Description: The Delinquent Filer Voluntary Compliance Program is intended to encourage, through the assessment of reduced civil penalties, delinquent plan administrators to voluntarily comply with their annual reporting obligations under Title I of Employee Retirement Income Security Act of 1974. For additional information, see related notice published at 72 FR 72761 on December 21, 2007.

Agency: Employee Benefits Security Administration.

Type of Review: Extension without change of currently approved collection.

Title: Prohibited Transaction Class Exemption 96–62, Process for Expedited Approval of an Exemption for Prohibited Transaction.

OMB Number: 1210–0098.

Affected Public: Private Sector: Business or other for-profits.

Total Estimated Number of Respondents: 50.

Total Estimated Annual Burden Hours: 62.

Total Estimated Annual Costs Burden: \$67,675.

Description: Prohibited Transaction Class Exemption 96–62 permits a plan to seek approval on an accelerated basis of otherwise prohibited transactions under sections 406 and 407(a) of the Employee Retirement Income Security Act of 1974 by providing the Department and interested persons with information demonstrating the transaction is substantially similar to at least two individual exemptions previously granted and presents little, if any, opportunity for abuse or risk of loss to a plans' participants and beneficiaries. The third-party disclosure and reporting requirements contained in the Exemption are designed to help protect the interests of plan participants and beneficiaries from potential abuse when a fiduciary exercises the Exemption. For additional information, see related notice published at 72 FR 72764 on December 21, 2007.

Agency: Employee Benefits Security Administration.

Type of Review: Extension without change of currently approved collection.

Title: PTE 98–54 Relating to Certain Employee Benefit Plan Foreign Exchange Transactions Executed Pursuant to Standing Instructions.

OMB Number: 1210–0111.

Affected Public: Private Sector: Business or other for-profits.

Total Estimated Number of Respondents: 35.

Total Estimated Annual Burden Hours: 4,200.

Total Estimated Annual Costs Burden: \$0.

Description: Prohibited Transaction Class Exemption 98–54 permits certain foreign exchange transactions between employee benefit plans and certain banks and broker-dealers which are parties in interest with respect to such plans, pursuant to standing instructions. Without the exemption, certain aspects of these transactions might be prohibited by section 406 of the Employee Retirement Income Security Act of 1974. The third-party disclosure requirements contained in the Exemption are designed to help protect the interests of plan participants and beneficiaries from potential abuse when a fiduciary exercises the Exemption. For additional information, see related notice published at 72 FR 72765 on December 21, 2007.

Darrin A. King,

Acting Departmental Clearance Officer.
[FR Doc. E8–4885 Filed 3–11–08; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Maritime Advisory Committee for Occupational Safety and Health; Notice of Meeting Postponement

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Meeting postponement for the Maritime Advisory Committee for Occupational Safety and Health (MACOSH) and its workgroups.

SUMMARY: OSHA is postponing the MACOSH meeting and the workgroup meetings originally scheduled for March 18–20, 2008, at the Wyndham Greenspoint Hotel, 12400 Greenspoint Drive, Houston, TX 77060. OSHA is planning to hold another MACOSH meeting in the coming months and will publish a notice of the rescheduled meeting in the **Federal Register** when arrangements for that meeting are completed.

FOR FURTHER INFORMATION CONTACT: For general information about the postponement of the MACOSH meeting, contact: Dorothy Dougherty, Director, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; Phone: (202) 693–2086; Fax: (202) 693–1663.

Authority: Edwin G. Foulke, Jr., Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by Sections 6(b)(1) and 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655, 656), the Federal Advisory Committee Act (5 U.S.C. App. 2), Secretary of Labor's Order 5–2007 (72 FR 31159), and 29 CFR part 1912.

Signed at Washington, DC on March 6, 2008.

Edwin G. Foulke, Jr.,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. E8–4881 Filed 3–11–08; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–315 and 50–316]

Indiana Michigan Power Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments

to Facility Operating License Nos. DPR-58 and DPR-74 issued to Indiana Michigan Power Company (the licensee) for operation of the Donald C. Cook Nuclear Plant, Units 1 and 2, located in Berrien County, Michigan.

The proposed amendment would revise the licensing basis for ice condenser ice fusion time following normal maintenance of a portion of the ice baskets. Specifically, the licensee proposed to revise the Updated Final Safety Analysis Report to allow plant operation during the 5-week period following ice basket maintenance based on conservatism in the original ice basket seismic testing, practical experience with ice fusion gained through decades of ice condenser operation, and design features of the ice condenser. As an additional conservatism, in the event of an operating basis earthquake, or greater seismic disturbance, within 5 weeks of loading ice baskets, the ice condenser would be inspected within 24 hours to ensure that no ice fallout has occurred that could impede proper functioning of the ice condenser lower inlet doors.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in Title 10 of the Code of Federal Regulations (10 CFR), section 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability of occurrence or consequences of an accident previously evaluated?

Response: No.

The previously evaluated accidents of concern regarding the proposed change to licensing basis requirements for the ice condenser are a loss of coolant accident (LOCA) and a main steam line break (MSLB) in containment. The ice condenser will not initiate a previously evaluated accident and provides no function until mitigation of a LOCA or MSLB in containment is required.

Therefore, a change to the ice condenser design or licensing basis does not significantly impact the probability of occurrence of an accident previously evaluated.

Following the proposed amendment, the licensing basis would allow plant operation to continue during the five weeks following ice loading with procedural requirements to inspect the ice condenser within 24 hours following an OBE or greater seismic disturbance. With these changes, the ice condenser is still expected to perform its mitigation function under all circumstances following a LOCA or MSLB. Therefore, the proposed amendment does not involve a significant increase in the consequences of an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment does not change the design function or operation of any system, structure, or component (SSC). The proposed amendment does not affect the capability of the ice condenser or other SSCs to perform their function. As a result, no new failure mechanisms, malfunctions, or accident initiators are created. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment involves no change in the capability of an SSC. Under the proposed amendment, the ice condenser would remain fully capable of performing its design function under credible circumstances. Therefore, there is no significant reduction in a margin of safety as a result of the proposed amendment.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment

involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the person(s) may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person(s) whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request via electronic submission through the NRC E-filing system for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic

Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order. As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for hearing or a petition for leave to intervene must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve documents over the internet or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least five (5) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at HEARINGDOCKET@NRC.GOV, or by calling (301) 415-1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the "Contact Us" link located on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html> or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The help line number is (800) 397-4209 or locally, (301) 415-4737.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-

class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date. Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at: http://ehd.nrc.gov/EHD_Proceeding/home.asp, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, Participants are requested not to include copyrighted materials in their submissions.

For further details with respect to this license amendment application, see the application for amendment dated February 29, 2008, which is available for public inspection at the Commission's PDR, located at One White Flint North, File Public Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <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, 301–415–4737, or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 5th day of March 2008.

For the Nuclear Regulatory Commission.

Peter S. Tam,

Senior Project Manager, Plant Licensing Branch III–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E8–4913 Filed 3–11–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. PAPO–001; ASLBP No. 08–861–01–PAPO–BD01]

Atomic Safety and Licensing Board; In the Matter of: U.S. Department of Energy: (High-Level Waste Repository: Pre-Application Matters, Advisory PAPO Board); Notice and Memorandum (Requesting Information From Potential Parties)

March 6, 2008.

Before Administrative Judges: Thomas S. Moore, Chairman; G. Paul Bollwerk, III; E. Roy Hawkens.

I. Introduction

On December 13, 2007, the Commission authorized the establishment of an Advisory Pre-License Application Presiding Officer Board (Advisory PAPO Board) to obtain input from potential parties¹ on the broad range of procedural matters expected to arise from, and associated case management requirements that could be imposed in, any adjudication regarding an application by the Department of Energy (DOE) for authorization to construct a high-level waste (HLW) repository at Yucca Mountain, Nevada.² Pursuant to this authority, this Board was established on February 13, 2008.³ This memorandum is the first request from this Board for information from potential parties to the HLW repository proceeding on the construction permit application of DOE.⁴

II. Requests for Information

A. Request for Information From Any Potential Parties

The Nuclear Waste Policy Act of 1982, as amended, sets a three-year time period, with the possibility of a one-year extension, for the NRC to review and make a licensing determination on the application for the construction of the

¹ “Potential party,” as it is used here, means DOE, the NRC Staff, the State of Nevada, and any person or entity that meets the definitions of “party,” “potential party,” or “interested governmental participant” under 10 CFR 2.1001.

² Staff Requirements Memorandum COMSECY–07–0030—Requesting Authority to Issue Case Management Orders in High-Level Waste Proceeding Prior to the Issuance of a Notice of Opportunity for Hearing (Dec. 13, 2007).

³ See 73 FR 9358 (Feb. 20, 2008).

⁴ To ensure a wide dissemination of this Memorandum, it is being published in the **Federal Register**. It is also being served on the service list for the PAPO proceeding, docket number PAPO–00, which the Secretary of the Commission has incorporated as the initial service list for this proceeding.

HLW repository.⁵ Appendix D of 10 CFR Part 2 establishes a schedule, based upon the time period prescribed by the Nuclear Waste Policy Act, for the adjudication arising from challenges to the DOE license application, and 10 CFR 2.1026 mandates that licensing boards in the HLW proceeding meet this schedule.⁶

The schedule in the Commission's regulations is rigorous, considering the potential complexity of the HLW proceeding,⁷ with initial deadlines for the filing of contentions, answers to those contentions, and replies to answers due in relatively short order following the issuance of the initial hearing opportunity notice. Pursuant to 10 CFR 2.309(b)(2), potential parties (i.e., petitioners) must file petitions to intervene containing contentions within 30 days of the date of publication of the Notice of Opportunity for Hearing in the **Federal Register**.⁸ Thereafter, Appendix D requires applicant DOE, the NRC staff, and any other potential party challenging the admission of contentions to file answers to any intervention petitions within 25 days.⁹ After DOE, the NRC staff, and any other potential party challenging contention admissibility file their answers, potential parties (i.e., petitioners) have 7 days within which to file replies.¹⁰

If potential parties request extensions of time for filing answers or replies, the authority of any licensing board is expressly limited to extensions of an additional 15 days.¹¹ All requests for extensions of time in excess of 15 days must be referred to the Commission.¹² As a consequence, if licensing boards are to manage realistically these proceedings within the schedule set out in Appendix D, it is imperative that procedural standards be developed at the outset to organize potential party submissions.

Before we request input on such procedural standards from potential parties, however, we need a realistic estimation of the scope of the challenge we (and the potential parties) face.

Accordingly, we request the following:

1. Each potential party considering filing a petition to intervene should

⁵ Nuclear Waste Policy Act of 1982, as amended, section 114(d), 42 U.S.C. 10134(d).

⁶ See 10 CFR Part 2, App. D; 10 CFR 2.1026(a).

⁷ The Commission has acknowledged the potential complexity of the HLW repository proceeding. See 69 FR 2182, 2204 (Jan. 14, 2004).

⁸ 10 CFR 2.309(b)(2).

⁹ CFR Part 2, App. D (Day 55).

¹⁰ *Id.* (Day 62).

¹¹ 10 CFR 2.1026(b)(1).

¹² 10 CFR 2.1026(b)(2).