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Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, 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. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

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](http://ehd.nrc.gov/EHD_Proceeding/home.asp), unless excluded pursuant to an order of the Commission, or the 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, unless an NRC regulation or other law requires submission of such information. 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 submission.

If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If the hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 20 days from the date this Confirmatory Order was published in the **Federal Register**, without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received. A request for hearing shall not stay the immediate effectiveness of this order.

Dated this 16th day of April 2010.

For the Nuclear Regulatory Commission.

**Elmo E. Collins,**

*Regional Administrator.*

[FR Doc. 2010-9956 Filed 4-29-10; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

**[NRC-2010-0167]**

### **Withdrawal of Regulatory Guide**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Withdrawal of Regulatory Guide (RG) 1.165, "Identification and Characterization of Seismic Sources and Determination of Safe Shutdown Earthquake Ground Motion."

#### **FOR FURTHER INFORMATION CONTACT:**

Rebecca L. Karas, Geosciences & Geotechnical Engineering Branch 1, Division of Site & Environmental Reviews, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone 301-415-7533 or e-mail [Rebecca.Karas@nrc.gov](mailto:Rebecca.Karas@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing RG 1.165, "Identification and Characterization of Seismic Sources and

Determination of Safe Shutdown Earthquake Ground Motion," dated March 1997. RG 1.165 provides general procedures to satisfy the requirements of Title 10 of the Code of Federal Regulations, part 100.23, "Geologic and Seismic Siting Criteria" (10 CFR 100.23) for siting and licensing new reactors or new reactor plant sites. It has been replaced with RG 1.208, "A Performance-Based Approach to Define the Site-Specific Earthquake Ground Motion."

The withdrawal of Regulatory Guide 1.165 does not alter the licensing basis of any currently operating reactor or any of the currently issued early site permits under 10 CFR part 52, subpart A. The siting decision is final for all licenses and early site permits that were reviewed and approved prior to this withdrawal of this guide. Additionally, the withdrawal of Regulatory Guide 1.165 does not affect the approval of any currently approved design certification under 10 CFR part 52, Appendix B. The design basis for each design certification, including seismic and earthquake design, were established and approved as part of the issuance of each design certification and, in accordance with 10 CFR 52.63, may not be changed except through rulemaking amending a design certification rule.

The withdrawal of Regulatory Guide 1.165 may affect applications, design certifications or design certification amendments currently under active consideration by the NRC or any future applications for new, amended, or renewed design certifications. If the applications were prepared (or are being prepared) to comply with RG 1.165, the NRC may request the applicant to demonstrate how the proposed design compares with a design meeting the guidance in Regulatory Guide 1.208. Finally, withdrawal of Regulatory Guide 1.165 may affect the NRC's consideration of any current combined license application under 10 CFR part 52, subpart C if the application was prepared to meet the withdrawn regulatory guide. The NRC may request that the applicant demonstrate how the proposed design meeting the guidance in Regulatory Guide 1.165 compares with a design meeting the guidance in new Regulatory Guide 1.208.

Regulatory Guide 1.165 is being withdrawn and replaced with the improved guidance in RG 1.208 which incorporates new developments in ground motion estimation models; updated models for earthquake sources; methods for determining site response; and new methods for defining a site-specific, performance-based ground motion response spectrum (GMRS).

The outmoded guidance in RG 1.165 was based on site and region-specific investigations combined with a probabilistic seismic hazard assessment. The new guidance in RG 1.208 incorporates developments in ground motion estimation models and new methods for defining site specific ground motion response spectrum which allows for approximately consistent performance of structures, systems, and components across a range of seismic environments.

## II. Further Information

The withdrawal of Regulatory Guide 1.165 does not alter any prior or existing licensing commitments based on its use. The guidance provided in this regulatory guide is no longer necessary. Regulatory guides may be withdrawn when their guidance is superseded by congressional action or no longer provides useful information.

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, MD 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 23rd day of April, 2010.

For the Nuclear Regulatory Commission.

**Robert G. Carpenter,**

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

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## PENSION BENEFIT GUARANTY CORPORATION

### Proposed Submission of Information Collection for OMB Review; Comment Request; Reconsideration of Initial Determinations

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of intent to request extension of OMB approval of information collection.

**SUMMARY:** The Pension Benefit Guaranty Corporation ("PBGC") intends to request the Office of Management and Budget ("OMB") to extend approval, under the Paperwork Reduction Act, of a collection of information under its regulation on Rules for Administrative Review of Agency Decisions. This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

**DATES:** Comments should be submitted by June 29, 2010.

**ADDRESSES:** Comments may be submitted by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the Web site instructions for submitting comments.

*E-mail:* [paperwork.comments@pbgc.gov](mailto:paperwork.comments@pbgc.gov).

*Fax:* 202-326-4224.

*Mail or Hand Delivery:* Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026.

PBGC will make all comments available on its Web site, <http://www.pbgc.gov>.

Copies of the collection of information may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at the above address or by visiting the Disclosure Division or calling 202-326-4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4040.) PBGC's regulation on Administrative Appeals may be accessed on PBGC's Web site at <http://www.pbgc.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Catherine B. Klion, Manager, or Donald McCabe, Attorney, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005-4026, 202-326-4024. (For TTY and TDD, call 800-877-8339 and request connection to 202-326-4024).

**SUPPLEMENTARY INFORMATION:** PBGC's regulation on Rules for Administrative Review of Agency Decisions (29 CFR part 4003) prescribes rules governing the issuance of initial determinations by PBGC and the procedures for requesting and obtaining administrative review of initial determinations through reconsideration or appeal. Subpart A of the regulation specifies which initial determinations are subject to reconsideration. Subpart C prescribes rules on who may request reconsideration, when to make such a

request, where to submit it, form and content of reconsideration requests, and other matters relating to reconsiderations.

Any person aggrieved by an initial determination of PBGC under § 4003.1(b)(1) (determinations that a plan is covered by section 4021 of ERISA), § 4003.1(b)(2) (determinations concerning premiums, interest, and late payment penalties under section 4007 of ERISA), § 4003.1(b)(3) (determinations concerning voluntary terminations), or § 4003.1(b)(4) (determinations concerning allocation of assets under section 4044 of ERISA) may request reconsideration of the initial determination. Requests for reconsideration must be in writing, be clearly designated as requests for reconsideration, contain a statement of the grounds for reconsideration and the relief sought, and contain or reference all pertinent information.

OMB has approved the reconsiderations collection of information under control number 1212-0063 through September 30, 2010. PBGC intends to request that OMB extend approval of this collection of information for three years. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

PBGC estimates that an average of 796 appellants per year will respond to this collection of information. PBGC further estimates that the average annual burden of this collection of information is 0.30 hours and \$601 per person, with an average total annual burden of 231 hours and \$478,575.

PBGC is soliciting public comments to—

- Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- 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.