

received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG-1217 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML092250316.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at (301) 415-4737 or (800) 397-4205, 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 Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 26th day of October, 2009.

For the Nuclear Regulatory Commission.

**John N. Ridgely,**

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

[FR Doc. E9-26282 Filed 10-30-09; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[NRC-2009-0176]

### Notice of Issuance of Regulatory Guide

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of issuance and availability of Regulatory Guide 1.189, Revision 2.

**FOR FURTHER INFORMATION CONTACT:** R.A. Jervy, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 251-7404 or e-mail to [RAJ@nrc.gov](mailto:RAJ@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing a revision to an existing guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the

NRC staff for implementing specific parts of the agency's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

Revision 2 of Regulatory Guide 1.189, "Fire Protection for Nuclear Power Plants," was issued with a temporary identification as Draft Regulatory Guide, DG-1214. The NRC staff developed this regulatory guide to provide a comprehensive fire protection guidance document and to identify the scope and depth of fire protection program (FPP) that the staff would consider acceptable for nuclear power plants. This revision incorporates guidance developed to address and close previously unresolved issues including spurious actuation of components as a result of fire affecting electrical circuits.

The regulatory framework that the U.S. Nuclear Regulatory Commission (NRC) has established for nuclear plant FPPs consists of a number of regulations and supporting guidelines, including, but not limited to, Title 10 of the Code of Federal Regulations, Part 50, "Domestic Licensing of Production and Utilization Facilities," (10 CFR part 50), Appendix A, "General Design Criteria for Nuclear Power Plants," General Design Criterion (GDC) 3, "Fire Protection"; 10 CFR 50.48, "Fire Protection"; Appendix R, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979," to 10 CFR part 50; regulatory guides; generic communications (e.g., generic letters [GLs], regulatory issue summaries [RISs], bulletins, and information notices [INs]); NUREG-series reports, including NUREG-0800, "Standard Review Plan [SRP] for the Review of Safety Analysis Reports for Nuclear Power Plants"; and industry standards. Not all fire protection regulations promulgated by the NRC apply to all plants. Regulatory guides do not always refer to regulations as requirements. Licensees should refer to their plant-specific licensing bases to determine the applicability of a specific regulation to a specific plant.

##### II. Further Information

In April 2009, DG-1214 was published with a public comment period of 60 days from the issuance of the guide. The public comment period closed on May 29, 2009. The staff's responses to the public comments are located in NRC's Agencywide Documents Access and Management System under accession number ML092580570. The regulatory analysis included within DG-1214 is valid and

applicable to the issue of this revision. Electronic copies of Regulatory Guide 1.189, Revision 2 are available through the NRC's public Web site under "Regulatory Guides" at <http://www.nrc.gov/reading-rm/doc-collections/>.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR) located at Room O-1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852-2738. The PDR's mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached 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).

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Dated at Rockville, Maryland, this 26th day of October, 2009.

For the Nuclear Regulatory Commission.

**John N. Ridgely,**

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

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## OFFICE OF PERSONNEL MANAGEMENT

[OMB Control No. 3206-0212; Forms RI 38-117, RI 38-118, and RI 37-22]

### Submission for OMB Review; Request for Comments on a Revised Information Collection

**AGENCY:** Office of Personnel Management.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget (OMB) a request for review of a revised information collection. This information collection, "Rollover Election" (OMB Control No. 3206-0212, Form RI 38-117), is used to collect information from each payee affected by a change in the tax code so that OPM can make payment in accordance with the wishes of the payee. "Rollover Information" (OMB Control No. 3206-0212, Form RI 38-118), explains the election. "Special Tax Notice Regarding Rollovers" (OMB Control No. 3206-0212, Form RI 37-22), provides more detailed information.

The estimated number of respondents is 1,500. We estimate it takes

approximately 30 minutes to complete the form. The annual burden is 750 hours.

For copies of this proposal, contact Cyrus S. Benson on (202) 606-0623, FAX (202) 606-0910 or via E-mail to *Cyrus.Benson@opm.gov*. Please include a mailing address with your request.

**DATES:** Comments on this proposal should be received within 30 calendar days from the date of this publication.

**ADDRESSES:** Send or deliver comments to—James K. Friert, Deputy Assistant Director, Retirement Services Program, Center for Retirement and Insurance Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3305, Washington, DC 20415-3500 and OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 725 17th Street, NW., Room 10235, Washington, DC 20503.

For information regarding administrative coordination contact: Cyrus S. Benson, Team Leader, Publications Team, RIS Support Services/Support Group, U.S. Office of Personnel Management, 1900 E Street, NW., Room 4H28, Washington, DC 20415, (202) 606-0623.

**John Berry,**  
*Director, U.S. Office of Personnel Management.*

[FR Doc. E9-26314 Filed 10-30-09; 8:45 am]

**BILLING CODE 6325-38-P**

## RAILROAD RETIREMENT BOARD

### 2010 Railroad Experience Rating Proclamations, Monthly Compensation Base and Other Determinations

**AGENCY:** Railroad Retirement Board.

**ACTION:** Notice.

**SUMMARY:** Pursuant to section 8(c)(2) and section 12(r)(3) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(2) and 45 U.S.C. 362(r)(3), respectively), the Board gives notice of the following:

1. The balance to the credit of the Railroad Unemployment Insurance (RUI) Account, as of June 30, 2009, is \$73,515,830.17;
2. The September 30, 2009, balance of any new loans to the RUI Account, including accrued interest, is zero;
3. The system compensation base is \$3,712,573,424.54 as of June 30, 2009;
4. The cumulative system unallocated charge balance is (\$319,754,784.70) as of June 30, 2009;
5. The pooled credit ratio for calendar year 2010 is zero;

6. The pooled charged ratio for calendar year 2010 is zero;

7. The surcharge rate for calendar year 2010 is 1.5 percent;

8. The monthly compensation base under section 1(i) of the Act is \$1,330 for months in calendar year 2010;

9. The amount described in sections 1(k) and 3 of the Act as “2.5 times the monthly compensation base” is \$3,325 for base year (calendar year) 2010;

10. The amount described in section 4(a-2)(i)(A) of the Act as “2.5 times the monthly compensation base” is \$3,325 with respect to disqualifications ending in calendar year 2010;

11. The amount described in section 2(c) of the Act as “an amount that bears the same ratio to \$775 as the monthly compensation base for that year as computed under section 1(i) of this Act bears to \$600” is \$1,718 for months in calendar year 2010;

12. The maximum daily benefit rate under section 2(a)(3) of the Act is \$66 with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 2010.

**DATES:** The balance in notice (1) and the determinations made in notices (3) through (7) are based on data as of June 30, 2009. The balance in notice (2) is based on data as of September 30, 2009. The determinations made in notices (5) through (7) apply to the calculation, under section 8(a)(1)(C) of the Act, of employer contribution rates for 2010. The determinations made in notices (8) through (11) are effective January 1, 2010. The determination made in notice (12) is effective for registration periods beginning after June 30, 2010.

**ADDRESSES:** Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611-2092.

**FOR FURTHER INFORMATION CONTACT:** Marla L. Huddleston, Bureau of the Actuary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611-2092, telephone (312) 751-4779.

**SUPPLEMENTARY INFORMATION:** The RRB is required by section 8(c)(1) of the Railroad Unemployment Insurance Act (Act) (45 U.S.C. 358(c)(1)) as amended by Public Law 100-647, to proclaim by October 15 of each year certain system-wide factors used in calculating experience-based employer contribution rates for the following year. The RRB is further required by section 8(c)(2) of the Act (45 U.S.C. 358(c)(2)) to publish the amounts so determined and proclaimed. The RRB is required by section 12(r)(3) of the Act (45 U.S.C. 362(r)(3)) to publish by December 11, 2009, the computation of the calendar year 2010 monthly compensation base (section 1(i) of the Act) and amounts described in

sections 1(k), 2(c), 3 and 4(a-2)(i)(A) of the Act which are related to changes in the monthly compensation base. Also, the RRB is required to publish, by June 11, 2010, the maximum daily benefit rate under section 2(a)(3) of the Act for days of unemployment and days of sickness in registration periods beginning after June 30, 2010.

### Surcharge Rate

A surcharge is added in the calculation of each employer's contribution rate, subject to the applicable maximum rate, for a calendar year whenever the balance to the credit of the RUI Account on the preceding June 30 is less than the greater of \$100 million or the amount that bears the same ratio to \$100 million as the system compensation base for that June 30 bears to the system compensation base as of June 30, 1991. If the RUI Account balance is less than \$100 million (as indexed), but at least \$50 million (as indexed), the surcharge will be 1.5 percent. If the RUI Account balance is less than \$50 million (as indexed), but greater than zero, the surcharge will be 2.5 percent. The maximum surcharge of 3.5 percent applies if the RUI Account balance is less than zero.

The system compensation base as of June 30, 1991 was \$2,763,287,237.04. The system compensation base for June 30, 2009 was \$3,712,573,424.54. The ratio of \$3,712,573,424.54 to \$2,763,287,237.04 is 1.34353511. Multiplying 1.34353511 by \$100 million yields \$134,353,511. Multiplying \$50 million by 1.34353511 produces \$67,176,756. The Account balance on June 30, 2009, was \$73,515,830.17. Accordingly, the surcharge rate for calendar year 2010 is 1.5 percent.

### Monthly Compensation Base

For years after 1988, section 1(i) of the Act contains a formula for determining the monthly compensation base. Under the prescribed formula, the monthly compensation base increases by approximately two-thirds of the cumulative growth in average national wages since 1984. The monthly compensation base for months in calendar year 2010 shall be equal to the greater of (a) \$600 or (b)  $600 [1 + \{A - 37,800\} / 56,700]$ , where A equals the amount of the applicable base with respect to tier 1 taxes for 2010 under section 3231(e)(2) of the Internal Revenue Code of 1986. Section 1(i) further provides that if the amount so determined is not a multiple of \$5, it shall be rounded to the nearest multiple of \$5.

The calendar year 2010 tier 1 tax base is \$106,800. Subtracting \$37,800 from