

**Week of January 4, 2010—Tentative**

There are no meetings scheduled for the week of January 4, 2010.

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\* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415-1292. Contact person for more information: Rochelle Bavol, (301) 415-1651.

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The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

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The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301-492-2279, TDD: 301-415-2100, or by e-mail at [rohn.brown@nrc.gov](mailto:rohn.brown@nrc.gov). Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

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This notice is distributed electronically to subscribers. If you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969), or send an e-mail to [darlene.wright@nrc.gov](mailto:darlene.wright@nrc.gov).

Dated: November 25, 2009.

**Rochelle C. Bavol,**

*Office of the Secretary.*

[FR Doc. E9-28815 Filed 11-27-09; 11:15 am]

BILLING CODE 7590-01-P

**NUCLEAR REGULATORY COMMISSION**

[NRC-2009-0522; Docket No. 50-284; License No. R-110]

**Idaho State University; Receipt of Request for Action Under 10 CFR 2.206**

Notice is hereby given that by petition dated June 26, 2009, Dr. Kevan Crawford requested that the U.S. Nuclear Regulatory Commission (NRC) take the following enforcement actions:

(1) The reactor operating license should be suspended immediately. All continuing violations, including items that Dr. Crawford determined: (1) Were unresolved from the 93-1 Notice of Violation (NOV), (2) as well as the

additional 20 violations<sup>1</sup> that Dr. Crawford determined to be concealed must be reconciled with the regulatory requirements immediately.

(2) The licensee should be fined for all damages related to the violations and cover-up of violations.

(3) The licensee should be required to carry a 50-year \$50,000,000 bond to cover latent radiation injuries instead of covering these injuries with unreliable State budget allocations for contingency funds.

(4) Every potential exposure and contamination victim should be identified through facility records, located, and informed of the potential risk to them and their families. The Medical Center in Pocatello, ID, should also be informed so that they may do the same. They should be informed of the entire range of expected symptoms. They should be informed of their right to seek compensation from the licensee.

(5) The following should warrant immediate revocation of the operating license due to the inability of the licensee to account for, with documentation, controlled by-product nuclear materials that were:

- a. Released in clandestine, undocumented shipments before August 4, 1993,
- b. In possession of individuals not licensed to hold the materials, and were not certified to handle the materials,
- c. Without proper *Title 49 Code of Federal Regulations* (49 CFR) Department of Transportation (DOT) certified containers,
- d. Without proper labeling for transport on public roads, and
- e. Concealed via fraudulent Annual Operating Reports as defined in 18 USC 1001 that were never amended even after NOV in 93-1.

(6) It is recommended that the Broad Form License be permanently revoked.

(7) The licensee must publicly acknowledge that there was a loss of Special Nuclear Material (SNM) control.

(8) The licensee must publicly acknowledge persons that served as an accessory to concealing unlawful distribution of controlled substances, fraud (both Annual Operating Reports and National Whistleblower Center), loss of control of SNM, and child endangerment.

The request is being treated pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) 2.206 of the Commission's regulations. The request has been referred to the Director of the Office of Nuclear Reactor Regulation

<sup>1</sup> Page 9 from the June 26, 2009, petition letter to the Executive Director of Operations states 20 "Violations Completely Concealed by the NRC."

(NRR). The Petitioner participated in a conference call with the NRR Petition Review Board (PRB) on September 1, 2009, to discuss the petition. The additional information provided by the Petitioner was considered by the PRB before making its final recommendation.

By letter dated September 21, 2009, the Director accepted in part for review, pursuant to 10 CFR 2.206, the Petitioner's concerns regarding:

(1) Failure to conduct 10 CFR 50.59 safety review of the modification of the Controlled Access Area by the addition of an undocumented roof access for siphon breaker experiment implemented prior to 1991. The June 26, 2009, petition letter states this allowed random student access to the roof of the reactor room.

(2) Release of controlled by-product nuclear materials in containers not certified [10 CFR 49] for transport of such materials on public roads and not labeled with the required labeling.

(3) Failure to require the reactor operator conducting the startup procedures to wear protective clothing to routinely remove the activated startup channel detector from the reactor core. In the June 26, 2009, letter, Dr. Crawford states that this was cited and mishandled in the 93-1 NOV.

(4) Violation of 10 CFR 20 for the routine, unprotected handling of an unshielded neutron source.

The issues that were not accepted into the 2.206 petition process did not satisfy the criteria as specified in NRC Management Directive (MD) 8.11, "Review Process for 10 CFR 2.206 Petitions." In such instances: (1) The incoming correspondence does not ask for an enforcement-related action or fails to provide sufficient facts to support the petition, but simply alleges wrongdoing, violations of NRC regulations, or existence of safety concerns and/or, (2) The petitioner raises issues that have already been the subject of NRC staff review and evaluation, either on that facility, other similar facilities, or on a generic basis, for which a resolution has been achieved, the issues have been resolved, and the resolution is applicable to the facility in question.

On September 28, 2009, the petitioner was contacted via telephone and was provided the initial recommendations of the PRB. Pursuant to NRC MD 8.11, the petitioner was offered the opportunity to comment on the recommendations and to "provide any relevant additional explanation and support for the request in light of the PRB's recommendations." Through subsequent e-mail communication, the petitioner declined the opportunity for response to the

recommendations of the PRB and to provide further information to support the petition request (Agencywide Documents Access and Management Systems (ADAMS) Accession Nos. ML092720460 and ML092720824).

As provided by Section 2.206, appropriate action will be taken on this petition within a reasonable time. A copy of the petition and addenda can be located at ADAMS Accession Nos. ML092440721 and ML092650381 (respectively), and are available for inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

Dated at Rockville, MD, this 19th day of November 2009.

For the Nuclear Regulatory Commission.

**Eric J. Leeds,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. E9-28658 Filed 11-30-09; 8:45 am]

**BILLING CODE 7590-01-P**

## **PENSION BENEFIT GUARANTY CORPORATION**

### **PBGC Flat Premium Rates**

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice regarding flat premium rates.

**SUMMARY:** This notice informs the public of the PBGC flat premium rates for premium payment years beginning in 2010 and announces that PBGC will no longer publish annual flat premium rate notices in the **Federal Register**. These rates can be derived from information published elsewhere and are published by PBGC on its Web site (<http://www.pbgc.gov>).

**DATES:** The flat premium rates announced in this notice apply to premium payment years beginning in 2010.

**FOR FURTHER INFORMATION CONTACT:** Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 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:** Pension Benefit Guaranty Corporation (PBGC) administers the pension plan termination insurance program under Title IV of the Employee Retirement Income Security Act of 1974 (ERISA). Pension plans covered by Title IV must

pay premiums to PBGC. Section 4006 of ERISA deals with premium rates.

The Deficit Reduction Act of 2005 (Pub. L. 109-171) (DRA 2005) amended section 4006 of ERISA. DRA 2005 changed the per-participant flat premium rate for plan years beginning in 2006 from \$19 to \$30 for single-employer plans and from \$2.60 to \$8 for multiemployer plans and provided for inflation adjustments to the flat rates for future years. The adjustments are based on changes in the national average wage index as defined in section 209(k)(1) of the Social Security Act, with a two-year lag—for example, for 2010, the 2008 index is compared to the baseline (the 2004 index). The provisions were written in such a way that the premium rate can never go down; if the change in the national average wage index is negative, the premium rate remains the same as in the preceding year. Also, premium rates are rounded to the nearest whole dollar.

The baseline national average wage index, the 2004 index, was \$35,648.55. The 2008 index is \$41,334.97. The ratio of the 2008 index to the 2004 index is 1.1595134. Multiplying this ratio by \$30.00 gives \$34.79, which rounds to \$35.00. Multiplying the ratio by \$8.00 gives \$9.28, which rounds to \$9.00. Thus, the 2010 flat premium rates for PBGC's two insurance programs will be \$35.00 per participant for single-employer plans and \$9.00 per participant for multiemployer plans.

Before DRA 2005, PBGC flat premium rates remained constant for many years at a time. Since DRA 2005, PBGC has published annual notices (like this one) in the **Federal Register** to inform the public of the rates. PBGC also publishes the flat rates in its annual premium instructions on its Web site (<http://www.pbgc.gov>; click on "Practitioners," then on "Premium Instructions and Forms" under the heading "Premium Filings" in the center column). PBGC has concluded that since the flat rates are easily accessible to the public on its Web site, it is no longer necessary to publish annual flat premium rate notices in the **Federal Register**.

Issued in Washington, DC, on this 13th day of November 2009.

**Vincent K. Snowbarger,**

*Acting Director, Pension Benefit Guaranty Corporation.*

[FR Doc. E9-28640 Filed 11-30-09; 8:45 am]

**BILLING CODE 7709-01-P**

## **SMALL BUSINESS ADMINISTRATION**

### **Administrator's Line of Succession Designation, No. 1-A, Revision 31**

This document replaces and supersedes "Line of Succession Designation No. 1-A, Revision 30"

### **Line of Succession Designation No. 1-A, Revision 31**

Effective immediately, the Administrator's Line of Succession Designation is as follows:

(a) In the event of my inability to perform the functions and duties of my position, or my absence from the office, the Deputy Administrator will assume all functions and duties of the Administrator. In the event the Deputy Administrator and I are both unable to perform the functions and duties of the position or are absent from our offices, I designate the officials in listed order below, if they are eligible to act as Administrator under the provisions of the Federal Vacancies Reform Act of 1998, to serve as Acting Administrator with full authority to perform all acts which the Administrator is authorized to perform:

- (1) Chief Operating Officer
- (2) Chief of Staff
- (3) General Counsel
- (4) Associate Administrator for Disaster Assistance
- (5) Regional Administrator for Region 1.

(b) Notwithstanding the provisions of SBA Standard Operating Procedure 00 01 2, "absence from the office," as used in reference to myself in paragraph (a) above, means the following:

- (1) I am not present in the office and cannot be reasonably contacted by phone or other electronic means, and there is an immediate business necessity for the exercise of my authority; or
- (2) I am not present in the office and, upon being contacted by phone or other electronic means, I determine that I cannot exercise my authority effectively without being physically present in the office.

(c) An individual serving in an acting capacity in any of the positions listed in subparagraphs (a) (1) through (5), unless designated as such by the Administrator, is not also included in this Line of Succession. Instead, the next non-acting incumbent in the Line of Succession shall serve as Acting Administrator.

(d) This designation shall remain in full force and effect until revoked or superseded in writing by the Administrator, or by the Deputy Administrator when serving as Acting Administrator.