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Dated: January 7, 2010.

**Rochelle C. Bavol,**

*Office of the Secretary.*

[FR Doc. 2010-466 Filed 1-8-10; 4:15 pm]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[NRC-2010-0008]

### Withdrawal of Regulatory Guide 7.5

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Withdrawal of Regulatory Guide 7.5, "Administrative Guide for Obtaining Exemptions From Certain NRC Requirements Over Radioactive Material Shipments."

#### FOR FURTHER INFORMATION CONTACT:

Thomas J. Herrity, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-251-7447 or e-mail [Thomas.Herrity@nrc.gov](mailto:Thomas.Herrity@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide (RG) 7.5, "Administrative Guide for Obtaining Exemptions From Certain NRC Requirements Over Radioactive Material Shipments."

Prior to expansion of the Department of Transportation (DOT) regulations in 1998 to include hazardous material transported while in intrastate commerce, most intrastate shipments of NRC-licensed material were not subject to DOT regulations. Recognizing this, in 10 CFR 71.5, "Transportation of Licensed Material," the NRC imposed the same DOT requirements on these shipments (through 10 CFR 71.5(b)) that were already imposed on shipments in interstate commerce. Additionally, in 10

CFR 71.5(b), NRC provided licensees a method to request a modification, waiver, or exemption from the DOT regulations imposed in § 71.5(a). RG 7.5, originally published in May 1977, provided guidance on obtaining a modification, waiver, or exemption from the NRC-imposed DOT regulations via 10 CFR 71.5(b).

The number of shipments currently not subject to DOT regulations is markedly lower than in 1997. Shipments of licensed material that would not be subject to DOT regulations are those shipments that are not in commerce, e.g., Federal, State, or local government radioactive material shipments transported by government employees in government vehicles. In the almost 11 years after the DOT final rule became effective on October 1, 1998, NRC has not approved any requests for exemption, waiver, or modification of DOT requirements under 10 CFR 71.5(b).

#### II. Further Information

The withdrawal of RG 7.5 does not alter any prior or existing licensing commitments based on its use. The guidance provided in this RG is neither necessary nor current. RGs 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, Maryland 20852-2738. You can reach the PDR 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).

Dated at Rockville, Maryland, this 5th day of January 2010.

For the Nuclear Regulatory Commission.

**Andrea D. Valentin,**

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

[FR Doc. 2010-336 Filed 1-11-10; 8:45 am]

BILLING CODE 7590-01-P

## POSTAL REGULATORY COMMISSION

[Docket No. ACR2009; Order No. 380]

### FY 2009 Annual Compliance Report; Comment Request

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Postal Service has filed an Annual Compliance Report on the costs, revenues, rates, and quality of service associated with its products in fiscal year 2009. Within 90 days, the Commission must evaluate that information and issue its determination as to whether rates were in compliance with title 39, chapter 36 and whether service standards in effect were met. To assist in this, the Commission seeks public comments on the Postal Service's Annual Compliance Report.

**DATES:** Comments are due: February 1, 2010. Reply comments are due: February 16, 2010.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>. Commenters who cannot submit their views electronically should contact the person identified in "FOR FURTHER INFORMATION CONTACT" by telephone for advice on alternatives to electronic filing.

#### FOR FURTHER INFORMATION CONTACT:

Stephen L. Sharfman, General Counsel, 202-789-6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** Section 3652 of title 39 of the United States Code requires the Postal Service to file several reports with the Postal Regulatory Commission. Section 3652(a)(1) requires a report on the costs, revenues, rates, and quality of service associated with its products within 90 days after the close of each fiscal year. That section requires that the Postal Service's annual report be sufficiently detailed to allow the Commission and the public to determine whether the rates charged and the service provided comply with all of the requirements of title 39.

The Postal Service filed annual reports to the Commission in compliance with 39 U.S.C. 3652 on December 29, 2009, referred to comprehensively as the Annual Compliance Report (ACR) FY 2009. Appended to it are four basic data reports: (1) The Cost and Revenue Analysis (CRA); (2) the International Cost and Revenue Analysis (ICRA); (3) the models of costs avoided by worksharing; and (4) billing determinant information.<sup>1</sup> A full list of materials supporting the FY 2009 ACR

<sup>1</sup> United States Postal Service FY 2009 Annual Compliance Report, December 29, 2009 (FY 2009 ACR). Public portions of the Postal Service's filing are available at the Commission's Web site, <http://www.prc.gov>.