

applicants for ESP, DC and COL are respectively required to document an evaluation against applicable sections of the SRP and describe differences in specific information provided in the SRP including measures given in the SRP acceptance criteria. This requirement effectively provides applicants more current and comprehensive information related to detailed COL safety analysis report technical content and methods or approaches that the staff previously has found acceptable for meeting NRC requirements than what is available in RG 1.206, Rev. 0.

The guidance in RG 1.206, Revision 1, is divided into two parts: Section C.1 provides guidance for the organization, content, and format of an application under 10 CFR part 52; and Section C.2 contains information and guidance on a number of application regulatory topics related to the preparation, submittal, acceptance, and review of applications. The application regulatory topics include updated guidance that will allow the withdrawal of interim staff guidance. The NRC staff withdraws the following four documents:

- DC/COL-ISC-011, “Interim Staff Guidance Finalizing Licensing Basis Information” (ADAMS Accession No. ML092890623),
- ESP/DC/COL-ISC-015, “Interim Staff Guidance on Post Combined License Commitments” (ADAMS Accession No. ML091671355),
- COL/ESP-ISC-04, “Interim Staff Guidance on the Definition of Construction and on Limited Work Authorizations” (ADAMS Accession No. ML082970729), and
- DC/COL ISC-08, “Final Interim Staff Guidance Necessary Content of Plant-Specific Technical Specifications When a Combined License is Issued” (ADAMS Accession No. ML083310259).

In September 2014, as part of its periodic review of related guidance in RG 1.70, Revision 3 (ADAMS Accession No. ML14272A331), “Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants (LWR),” the staff recommended the withdrawal of RG 1.70 once information relevant to the licensing of nuclear power plants under 10 CFR part 50 is included in an update to RG 1.206. RG 1.70 is used by the operating fleet. As such, the NRC staff will not withdraw RG 1.70 but if information relevant to the licensing of nuclear power plants under 10 CFR part 50 is included in a future update to RG 1.70 or another guidance document, the staff may set a date beyond which RG 1.70 should no longer be referenced or used as guidance for licensing actions. The additional scope related to 10 CFR

part 50 construction permits and operating licenses is not included in the current revision of RG 1.206 and RG 1.70 has not been withdrawn.

The technical application guidance for a safety analysis report that was previously included in RG 1.206, Revision 0, is being updated to reflect lessons learned and will be developed into interim staff guidance (ISG), a NUREG, or other knowledge management document. The document is expected to be useful to both applicants and to staff working on future updates to the SRP, however, direct incorporation of applicant guidance in the SRP is not expected.

## II. Additional Information

The NRC published a notice of the availability of DG-1325 in the **Federal Register** on June 20, 2017, Volume 82, page 28101, for a 90-day public comment period. The public comment period closed on September 18, 2017. Public comments on DG-1325 and the staff responses to the public comments are available in ADAMS under Accession No. ML18129A197.

## III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801-808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

## IV. Backfitting and Issue Finality

RG 1.206, Revision 1, provides guidance for applicants regarding the format and content of applications for new ESPs, DCs, and COLs under 10 CFR part 52. Issuance of RG 1.206, Revision 1, does not constitute backfitting under 10 CFR part 50 and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52. As discussed in the “Implementation” section of this RG, the NRC has no current intention to impose the RG on current holders of ESPs or COLs or a DC applicant under 10 CFR part 52.

RG 1.206, Revision 1, can be applied to applications for 10 CFR part 52 ESPs, COLs, and DCs. Such action does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the applicable issue finality provision in 10 CFR part 52, inasmuch as such applicants are not, with certain exceptions, protected by either the Backfit Rule or any issue finality provisions under 10 CFR part 52. This is because neither the Backfit Rule nor the issue finality provisions under 10 CFR part 52, with certain exclusions discussed below, were intended to

apply to every NRC action that substantially changes the expectations of current and future applicants. The exceptions to the general principle are applicable whenever an applicant references a 10 CFR part 52 license (e.g., an early site permit), an NRC regulatory approval (e.g., a design certification rule), or both, with specified issue finality provisions. The staff does not, at this time, intend to impose the positions represented in RG 1.206, Revision 1, in a manner that is inconsistent with any issue finality provisions. If, in the future, the staff seeks to impose a position in RG 1.206, Revision 1, in a manner that does not provide issue finality as described in the applicable issue finality provision, then the staff must address the criteria for avoiding issue finality as described in the applicable issue finality provision.

Dated at Rockville, Maryland, this 9th day of October 2018.

For the Nuclear Regulatory Commission.

**Jennivine K. Rankin,**

*Acting Chief, Licensing Branch 3, Division of Licensing, Siting, and Environmental Analysis, Office of New Reactors.*

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## PENSION BENEFIT GUARANTY CORPORATION

### Submission of Information Collections for OMB Review; Comment Request; Reportable Events; Notice of Failure To Make Required Contributions

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Notice of request for extension of OMB approval.

**SUMMARY:** The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act, of collections of information under PBGC's regulation on Reportable Events and Certain Other Notification Requirements with modifications. This notice informs the public of PBGC's request and solicits public comment on the collection.

**DATES:** Comments must be submitted by November 13, 2018.

**ADDRESSES:** Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov) or by fax to (202) 395-6974.

A copy of the request will be posted on PBGC's website at <https://>

[www.pbgc.gov/prac/laws-and-regulations/information-collections-under-omb-review](http://www.pbgc.gov/prac/laws-and-regulations/information-collections-under-omb-review). It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel, 1200 K Street NW, Washington, DC 20005-4026, faxing a request to 202-326-4042, or calling 202-326-4040 during normal business hours (TTY users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4040). The Disclosure Division will email, fax, or mail the information to you, as you request.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Cibinic, Deputy Assistant General Counsel for Regulatory Affairs ([cibinic.stephanie@pbgc.gov](mailto:cibinic.stephanie@pbgc.gov); 202-326-4400, extension 6352), Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005-4026. TTY users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4400, extension 6352.

**SUPPLEMENTARY INFORMATION:** Section 4043 of the Employee Retirement Income Security Act of 1974 (ERISA) requires plan administrators and plan sponsors to report certain plan and employer events to PBGC. The reporting requirements give PBGC notice of events that may indicate plan or employer financial problems. PBGC uses the information provided in determining what, if any, action it needs to take. For example, PBGC might need to institute proceedings to terminate a plan (placing it in trusteeship) under section 4042 of ERISA to ensure the continued payment of benefits to plan participants and their beneficiaries or to prevent unreasonable increases in PBGC's losses.

The provisions of section 4043 of ERISA have been implemented in PBGC's regulation on Reportable Events and Certain Other Notification Requirements (29 CFR part 4043). Subparts B and C of the regulation deal with reportable events.

PBGC has issued Forms 10 and 10-Advance and related instructions under subparts B and C (approved under OMB control number 1212-0013). OMB approval of this collection of information expires November 30, 2018. PBGC is requesting that OMB extend its approval for another three years, with modifications. 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 is proposing in this renewal request that all reportable events filings include controlled group information,

company financial statements, and the plan's actuarial valuation report. Currently there are five reportable events where some or all of that information isn't required. All three types of information would be added to two of these events ("Active Participant Reduction" and "Distribution to a Substantial Owner"). One type of information would be added to two events ("Transfer of Benefit Liabilities" and "Change in Contributing Sponsor or Controlled Group"), and two types to one event ("Extraordinary Dividend or Stock Redemption"). These reporting requirements give PBGC notice of events that may indicate plan or employer financial problems. The additional information is needed to help PBGC determine a sponsor's ability to continue to maintain a pension plan.

PBGC estimates that requiring this information will add 30 minutes to approximately 30 percent of the 568 reportable events notices it expects to receive in a year under subpart B of the reportable events regulation using Form 10 (out of approximately 590 that includes notices under subpart C using the Form 10-Advance). PBGC further estimates that the total average annual burden of this collection of information is 1,855 hours and \$439,500.

Section 303(k) of the Employee Retirement Income Security Act of 1974 (ERISA) and section 430(k) of the Internal Revenue Code of 1986 (Code) impose a lien in favor of an underfunded single-employer plan that is covered by PBGC's termination insurance program if (1) any person fails to make a required payment when due, and (2) the unpaid balance of that payment (including interest), when added to the aggregate unpaid balance of all preceding payments for which payment was not made when due (including interest), exceeds \$1 million. (For this purpose, a plan is underfunded if its funding target attainment percentage is less than 100 percent.) The lien is upon all property and rights to property belonging to the person or persons that are liable for required contributions (*i.e.*, a contributing sponsor and each member of the controlled group of which that contributing sponsor is a member).

Only PBGC (or, at its direction, the plan's contributing sponsor or a member of the same controlled group) may perfect and enforce this lien. ERISA and the Code require persons that fail to make payments to notify PBGC within 10 days of the due date whenever there is a failure to make a required payment and the total of the unpaid balances (including interest) exceeds \$1 million.

PBGC Form 200, Notice of Failure to Make Required Contributions, and related instructions implement the statutory notification requirement. Submission of Form 200 is required by 29 CFR 4043.81 (Subpart D of PBGC's regulation on Reportable Events and Other Notification Requirements, 29 CFR part 4043).

OMB has approved this collection of information under OMB control number 1212-0041, which expires November 30, 2018. PBGC is requesting that OMB extend its approval for another three years, with minor modifications. 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 it will receive 100 Form 200 filings per year and that the average annual burden of this collection of information is 100 hours and \$72,500.

Issued in Washington, DC.

**Stephanie Cibinic,**  
Deputy Assistant General Counsel for  
Regulatory Affairs, Pension Benefit Guaranty  
Corporation.

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## POSTAL REGULATORY COMMISSION

[Docket Nos. MC2019-2 and CP2019-2]

### New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* October 16, 2018.

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

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

**SUPPLEMENTARY INFORMATION:**

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