

amendment process is the correct process for the staff to use in reviewing the proposed change. As discussed previously, an emergency plan change that would reduce the effectiveness of the plan would expand the licensee's operating authority under its license. A change expanding the licensee's authority is, according to the courts, a license amendment and must be accomplished through a license amendment process. For research and test reactors, NUREG-0849, "Standard Review Plan for the Review and Evaluation of Emergency Plans for Research and Test Reactors," issued October 1983, provides guidance on EALs and how changes should be made on a case-by-case basis with consideration of the provisions of § 50.54(q).

### 3. Inspection Activities

For power reactors, the NRC inspectors use Inspection Procedure (IP) 71114.04 to conduct a review of the effectiveness of the licensee's implementation of the 10 CFR 50.54(q) change process. For research and test reactors, the NRC inspectors use IP 69011, "Class I Research and Test Reactor Emergency Preparedness," and IP 69001, "Class II Research and Test Reactors." The inspector will perform a screening review of the change relative to the emergency plan; however, this will not constitute NRC approval of the plan as changed.

The documentation of the change reviewed by the inspectors will be the report provided by the licensee as stated in § 50.54(q). Although not required, the inclusion of the applicable licensee evaluation and justification for the change as part of this report would assist the staff in the review.

### 4. Lower Tier Documents

If a licensee has incorporated a lower tier document into the emergency plan or the emergency plan explicitly references a lower tier document as a method to implement a specific requirement in the emergency plan, then, it is considered part of the plan and subject to § 50.54(q) review. Historically, some licensees have developed emergency plan implementing procedures that included the necessary information needed for activities that are required to meet the regulations, for example, procedures for notifications, dose assessment, protective action recommendations, emergency classifications and emergency action levels. The staff is not making the use of § 50.54(q) to review all changes to lower tier documents a requirement, but acknowledges that

using § 50.54(q) as the regulation to provide revision control of these lower tier documents has been in place and supported by the NRC through the inspection and licensing process.

### Backfit Discussion

This RIS revision does not require any action or written response. This RIS revision provides non-regulatory review guidance for licensees and clarifies existing regulatory requirements licensees must follow when proposing changes to their emergency plans. The NRC's Backfit Rule, 10 CFR 50.109, applies to, among other things, the procedures necessary to operate a nuclear power plant. To the extent that using a license amendment process for making modifications to emergency plans that reduce the effectiveness of the plans is considered a change, it would be a change to the NRC's regulatory process for addressing modifications to the emergency plan. The NRC's regulatory review process is not a licensee procedure required for operating a plant that would be subject to backfit limitations.

Further, the Backfit Rule protects licensees from Commission actions that arbitrarily change license terms and conditions. In 10 CFR 50.54(q), a licensee requests Commission authority to do what is not currently permitted under its license. The licensee has no valid expectations protected by the Backfit Rule regarding the means for obtaining the new authority that is not permitted under the current license. For these reasons, this RIS revision does not constitute a backfit under 10 CFR 50.109, and the staff did not perform a backfit analysis.

### Federal Register Notification

To be done after the public comments periods.

### Paperwork Reduction Act Statement

This RIS revision does not contain information collections and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

### Contact

Please direct any questions about this matter to Don A. Johnson at (301) 415-

4040, or by e-mail: [don.johnson@nrc.gov](mailto:don.johnson@nrc.gov).

### End of Draft Regulatory Issue Summary

Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/NRC/ADAMS/index.html>. If you do not have access to ADAMS or if you have problems in accessing the documents in ADAMS, contact the NRC Public Document Room (PDR) reference staff at 1-800-397-4209 or 301-415-4737 or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 24th day of September 2009.

For the Nuclear Regulatory Commission.

### Martin C. Murphy,

Chief, Generic Communications Branch,  
Division of Policy and Rulemaking, Office  
of Nuclear Reactor Regulation.

[FR Doc. E9-23683 Filed 9-30-09; 8:45 am]

BILLING CODE 7590-01-P

## OFFICE OF PERSONNEL MANAGEMENT

### Notice of Federal Long Term Care Insurance Program Special Decision Period for Current Enrollees

**AGENCY:** U.S. Office of Personnel Management.

**ACTION:** Notice of Federal Long Term Care Insurance Program special decision period for current enrollees.

**SUMMARY:** The U.S. Office of Personnel Management (OPM) is announcing rules for current enrollees in the Federal Long Term Care Insurance Program (FLTCIP) who will be eligible to change coverage during a limited Special Decision Period to be held this year. These rules pertain only to current eligible enrollees who may make changes because of new plan features and premium rate increases for some enrollees. Eligible enrollees in the standard plan as of October 1, 2009, and those individuals whose application for the standard plan was received on or before September 30, 2009, and whose enrollment was approved may make changes during the Special Decision Period, provided they are not in benefit eligible status.

**DATES:** The Special Decision Period will be from October 1 through December 14, 2009.

**FOR FURTHER INFORMATION CONTACT:** Enrollees may call 1-800-LTC-FEDS (1-800-582-3337) (TTY: 1-800-843-3557) or visit <http://www.ltcfeds.com>. For purposes of this **Federal Register** notice only, the contact at OPM is John Cutler, Senior Policy Analyst, Strategic Human Resources Policy Division, at [john.cutler@opm.gov](mailto:john.cutler@opm.gov) or (202) 606-0735.

**SUPPLEMENTARY INFORMATION:** The Long-Term Care Security Act (Pub. L. 106-265) directs OPM to provide periodic opportunities for eligible persons to apply for coverage in the FLTCIP. OPM has issued regulations (5 CFR 875.402-875.404) which set forth procedures for FLTCIP open seasons. This notice is issued under the provisions of § 875.402(b). The Special Decision Period described in this Notice is solely for current enrollees to make coverage changes. Eligible enrollees will be notified directly about the Special Decision Period by Long Term Care Partners, the program administrator.

Enrollees who have plan options subject to a rate increase beginning in January 2010 will be offered a specified "landing spot" to allow them to reduce their coverage in order to keep their premium approximately the same amount as it is today. Eligible enrollees will also be given an opportunity to change to the new FLTCIP plan design which offers some features different than those currently available. Enrollees who make coverage changes outside of this Special Decision Period may be subject to full underwriting, as specified in § 875.403, and different premium calculation rules.

**Qualified enrollees under these special rules:** Persons enrolled in the FLTCIP standard plan as of October 1, 2009, and those individuals whose application for the standard plan was received on or before September 30, 2009, and whose enrollment was approved are eligible to make changes during the Special Decision Period, provided they are not in benefit eligible status.

**Underwriting requirements:** Eligible enrollees who wish to reduce their coverage or keep their current coverage (subject to any applicable rate increases) will be able to do so without underwriting. They may also change to the specified "landing spot" without underwriting. No enrollee's coverage will change unless he or she voluntarily chooses to change it. Other coverage changes may require underwriting.

If underwriting is required, eligible enrollees who are active workforce members or spouses of active workforce members will be subject to the abbreviated underwriting standards in

effect for the FLTCIP as of October 1, 2009. In accordance with § 875.404(b)(2), active workforce members who seek to make changes that require underwriting must be actively at work in order for coverage changes to become effective. For decision period changes with a January 1, 2010, effective date, actively at work requirements are modified. For a coverage change to become effective January 1, 2010, the active workforce member must be actively at work one day during the month of December 2009. If underwriting is required for any other eligible enrollees, they will be subject to the full underwriting standards in effect for the FLTCIP as of October 1, 2009.

**Billing age:** For enrollees who retain their current benefits, premiums are based on the enrollee's age at purchase. For enrollees who choose to change their benefits, premiums will be determined on a blended rate basis, taking into account the enrollee's age at purchase and the enrollee's attained age as of January 1, 2010.

**Premiums:** Certain current enrollees in the FLTCIP will experience a premium increase, effective January 1, 2010. The premium increase affects current enrollees who applied to the FLTCIP on or before September 30, 2009, who have the Automatic Compound Inflation Option (ACIO) and whose age at purchase was under 70. Enrollees affected by the premium increase will receive detailed written information about the specific amount of the increase from Long Term Care Partners. Long Term Care Partners will also provide information on how enrollees may reduce their benefits in order to avoid the premium increase and keep their new premium approximately the same as their current premium. All eligible enrollees will also be given an opportunity to change to the new FLTCIP plan design. Premiums for coverage changes will vary according to the enrollee's age and the coverage options selected.

**Effective date:** The effective date of coverage changes that do not require underwriting will be January 1, 2010, regardless of when the Special Decision Period request is received. Coverage changes requiring underwriting will be effective January 1, 2010, or the first day of the month following approval of the request, whichever is later.

Enrollees who make coverage changes under these provisions will receive a revised Benefit Booklet and Schedule of Benefits. Enrollees will have 30 days after the date these items are mailed to cancel their Special Decision Period coverage changes and revert to their original coverage or to make another

Special Decision Period choice. Enrollees will receive a refund of any difference in premiums paid for a coverage change that is cancelled within those 30 days. If enrollees cancel the coverage change after 30 days, they will not receive a refund of any difference in premiums paid for the changed coverage, unless those premiums are for a period after the effective date of the cancellation.

OPM expects to hold a FLTCIP Open Season for all individuals eligible to apply in late 2010. We will issue a separate Notice in the **Federal Register** describing the procedures for that Open Season at a later time.

**Authority:** 5 U.S.C. 9008; 5 CFR 875.402.

U.S. Office of Personnel Management.

**John Berry,**

*Director.*

[FR Doc. E9-23727 Filed 9-30-09; 8:45 am]

**BILLING CODE 6325-39-P**

---

## SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-28930]

### Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

September 25, 2009.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of September, 2009. A copy of each application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090. An order granting each application will be issued unless the SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on October 20, 2009, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090.