6. Department of Agriculture, Risk Management Agency (N1–258–08–20, 1 item, 1 temporary item). Internal control records pertaining to measures taken to safeguard assets, ensure the accuracy of accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies.

7. Department of Agriculture, Risk Management Agency (N1–258–08–21, 1 item, 1 temporary item). General correspondence relating to personal property management including records relating to nonexpendable equipment, acquisitions, maintenance and disposal of office equipment.

8. Department of Defense, Defense Logistics Agency (N1–361–08–3, 13 items, 12 temporary items). Records relating to criminal incidents, contract fraud and investigations. Included are such records as case files, logs, polygraph examinations, reports, assessments, and related information. Proposed for permanent retention are polygraph examinations relating to historically significant cases. Historically valuable case files are retained permanently by the Defense Criminal Investigative Service.

9. Department of Defense, Defense Logistics Agency (N1–361–08–5, 1 item, 1 temporary item). Records relating to labor hours, projects, workload, civilian time and attendance, contract management, and contractor performance.

10. Department of Health and Human Services, Food and Drug Administration (N1–88–08–2, 11 items, 8 temporary items). Records relating to drug marketing and pre-marketing applications. Included are such records as application files lacking in historical value, records relating to the electronic transport of applications, duplicate copies of applications, and associated tracking data. Proposed for permanent retention are historically significant drug marketing and pre-marketing applications.

11. Department of Homeland Security, National Protection and Programs Directorate (N1–563–08–27, 1 item, 1 temporary item). Master files of an electronic information system used to support the identification of potentially significant changes in the operational status of the nation's critical infrastructure and key resources.

12. Department of Homeland Security, Science and Technology Directorate (N1–563–08–37, 1 item, 1 temporary item). Master files containing information about sets of data on Internet traffic available from non-agency data hosts for cyber defense research and user requests to publish research based on the datasets.

13. Department of Justice, Federal Bureau of Prisons (N1–129–09–12, 2 items, 2 temporary items). Records of regional psychology services offices including drug abuse, mental health, and sex offender treatment files.

14. Department of Justice, Federal Bureau of Prisons (N1–129–09–13, 3 items, 3 temporary items). Master files of an electronic information system used to capture, transfer and store X-ray images and reports for inmates.

15. Department of Justice, Federal Bureau of Prisons (N1–129–09–14, 3 items, 3 temporary items). Master files of an electronic information system used to assess and track inmates' reentry skills and progress.

16. Department of Justice, National Drug Intelligence Center (N1–523–08–5, 1 item, 1 temporary item). Master files of an asset repository that contains intelligence data related to illegal drug manufacturing, trafficking, and related activities.

17. Department of Labor, Bureau of Labor Statistics (N1–257–09–2, 26 items, 23 temporary items). Records from the Office of Survey Methods Research, including researchers working files, study related e-mail, Office of Management and Budget study clearance packages, study announcement and recruitment materials, advance materials, participant database, study materials, interviewer notes, recordings of test sessions, eye tracking database, keystroke recordings, usability test environment files, Monthly Labor Review manuscripts, Web publications, and articles published in professional journals and conference proceedings. Proposed for permanent retention are final reports, presentations at conferences and professional meetings, and training session materials.

18. Department of the Treasury, Internal Revenue Service (N1–58–08–14, 1 item, 1 temporary item). Claims-related letters which are returned to the agency as undeliverable.

19. Federal Election Commission, Office of the Inspector General (N1–339–08–1, 14 items, 10 temporary items). Files of the agency Inspector General, including such records as files relating to non-significant investigations and audits, hotline files, peer review files, policy and procedures files, general correspondence, planning files, and related reports. Proposed for permanent retention are significant investigative and audit files and semi-annual reports.

20. Federal Energy Regulatory Commission, Agency-wide (N1–138–09–1, 28 items, 28 temporary items). Monthly, quarterly, annual, biennial, variable and non-periodic reports submitted by electric, gas, oil, steam-electric, hydropower, transmission, and other public and private utilities. Paper recordkeeping copies were all previously approved for disposal.

21. Millennium Challenge Corporation, Agency-wide (N1–561–08–2, 6 items, 6 temporary items). Master files of electronic information systems used to track correspondence and monitor the status of agency projects. Also included are the agency's public Web site and intranet.

Dated: December 23, 2008.

Michael J. Kurtz,

Assistant Archivist for Records Services—Washington, DC.

[FR Doc. E8–31112 Filed 12–30–08; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–499]

STP Nuclear Operating Company Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–80, issued to STP Nuclear Operating Company (the licensee), for operation of the South Texas Project (STP), Unit 2, located in Matagorda County, Texas.

The proposed amendment would extend the Allowed Outage Time (AOT) for Technical Specification (TS) 3.7.1.7, ''Main Feedwater System.'' This AOT extension is requested to facilitate repairs to the Unit 2 Train D Main Feedwater Isolation Valve (MFIV).

The Action Statement for TS 3.7.1.7 requires that, with one MFIV inoperable in MODES 1 and 2 but open, operation may continue provided the inoperable valve is restored to OPERABLE status within 4 hours; otherwise, the Unit must be placed in HOT STANDBY within the next 6 hours. There is no action required for an inoperable MFIV that is closed.

The Unit 2 Train D MFIV is currently operable, but degraded. The degraded condition is a nitrogen leak of the tubing to the valve accumulator. Temporary repairs have reduced the tube leak such that operator action is maintaining the nitrogen accumulator pressure, assuring the MFIV operability. The licensee states that, although these actions are sufficient at the present time, it is

unknown if the leak will degrade to a point where operator action would not be able to assure operability of the Unit 2 Train D MFIV. In that case, Unit 2 must be shut down in accordance with the Action Statement.

The licensee has proposed to repair the Unit 2 Train D MFIV nitrogen tubing. The licensee estimates that the repair of the tubing leak will render the MFIV inoperable for approximately 8 hours, which exceeds the 4-hour AOT. Therefore, the licensee requests a one-time extension of AOT to 24 hours to permit repair of the MFIV valve without shutting the Unit down. The licensee requests that the amendment be approved on an exigent basis to assure that further degradation of the Unit 2 Train D MFIV will not result in a Unit shutdown.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

No. The proposed change extends the action completion time for Unit 2 Train D MFIV from 4 hours to 24 hours. Extending the completion time is not an accident initiator and thus does not change the probability that an accident will occur. However, it could potentially affect the consequences of an accident if an accident occurred during the extended unavailability of the [MFIV, which is inoperable]. The increase in time, that the MFIV is unavailable, is small and the probability of an event occurring during this time period, which would require isolation of the main feedwater flow paths, is low.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

No. The proposed change does not involve any physical alteration of plant equipment and does not change the method by which any safety-related structure, system, or component performs its function or is tested. Closure of the MFIVs is required to mitigate the consequences of the Main Steam Line Break and Main Feedwater Line Break accidents.

Therefore, the proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response:

No. The proposed change [ ] does not adversely affect existing plant safety margins or the reliability of the equipment assumed to operate in the safety analysis. There are no changes being made to safety analysis assumptions, safety limits or safety system settings that would adversely affect plant safety [margins] as a result of the proposed change.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rulemaking, Directives and Editing Branch, TWB–05–B01M, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

Within 60 days after the date of publication of this notice, the person(s) may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person(s) whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request via electronic submission through the NRC E-filing system for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the Commission's PDR, located at One White Flint North, Public File Area O1F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr*. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to

rely in proving the contention at the hearing. The petitioner/requestor must also provide references to those specific sources and documents of which the petitioner/requestor is aware and on which the petitioner/requestor intends to rely to establish those facts or expert opinion. The petitioner/requestor must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule, which the NRC promulgated on August 28, 2007 (72 FR 49139). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek a waiver in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten (10) days prior to the filing deadline, the petitioner/requestor must contact the Office of the Secretary by e-mail at *hearing.docket@nrc.gov*, or by calling (301) 415–1677, to request (1) a digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and/or (2) creation of an electronic docket for the proceeding (even in instances in which the petitioner/requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate). Each petitioner/requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at *http://www.nrc.gov/site-help/e-submittals/install-viewer.html*. Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html*.

Once a petitioner/requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html*. A filing is considered complete at the time the filer submits its documents through EIE. To be timely, an electronic filing must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html* or by calling the NRC electronic filing Help Desk, which is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday. The electronic filing Help Desk can be contacted by telephone at 1–866–672–7640 or by e-mail at *MSHD.Resource@nrc.gov*.

Participants who believe that they have a good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at *http://ehd.nrc.gov/ehd_proceeding/home.asp*, unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, Participants are requested not to include copyrighted materials in their submissions.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)–(viii).

For further details with respect to this exigent license application, see the application for amendment dated December 19, 2008, which is available

for public inspection at the Commission's Public Document Room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site *http://www.nrc.gov/reading-rm.html*. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1–800–397–4209, or 301–415–4737, or by e-mail to *pdr.resource@nrc.gov*.

Dated at Rockville, Maryland, this 23rd day of December 2008.

For the Nuclear Regulatory Commission.

Mohan C. Thadani,

Senior Project Manager, Plant Licensing Branch LPL IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E8–31163 Filed 12–30–08; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–247 and 50–286]

Indian Point Nuclear Generating Unit Nos. 2 and 3; Notice of Availability of the Draft Supplement 38 to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants and Public Meeting for the License Renewal of Indian Point Nuclear Generating Unit Nos. 2 and 3

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC, Commission) has published a draft plant-specific supplement to the Generic Environmental Impact Statement for License Renewal of Nuclear Plants (GEIS), NUREG–1437, regarding the renewal of operating licenses DPR–26 and DPR–64 for an additional 20 years of operation for the Indian Point Nuclear Generating Unit Nos. 2 and 3 (IP2 and IP3). IP2 and IP3 are located in Westchester County in the village of Buchanan, New York, approximately 24 miles north of New York City. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative energy sources. Draft Supplement 38 to the GEIS is publicly available at the NRC Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, or from the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMS Public Electronic Reading Room is accessible at *http://adamswebsearch.nrc.gov/dologin.htm*. The Accession Numbers for draft Supplement 38 to the GEIS are ML083540594 (Volume 1, main report) and ML083540614 (Volume 2, appendices). Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the NRC(s PDR reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail at *PDR.Resource@nrc.gov*. In addition, the White Plains Public Library (White Plains, NY), Hendrick Hudson Free Library (Montrose, NY), and the Field Library (Peekskill, NY), have agreed to make the draft supplement to the GEIS available for public inspection.

Any interested party may submit comments on the draft supplement to the GEIS for consideration by the NRC staff. To be considered, comments on the draft supplement to the GEIS and the proposed action must be received by March 18, 2009; the NRC staff is able to ensure consideration only for comments received on or before this date. Comments received after the due date will be considered only if it is practical to do so. Written comments on the draft supplement to the GEIS should be sent to: Chief, Rulemaking, Directives and Editing Branch, Division of Administrative Services, Office of Administration, Mailstop T–6D59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Comments may be hand-delivered to the NRC at 11545 Rockville Pike, Room T–6D59, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays. Electronic comments may be submitted to the NRC by e-mail at *IndianPoint.EIS@nrc.gov*. All comments received by the Commission, including those made by Federal, State, local agencies, Native American Tribes, or other interested persons, will be made available electronically at the Commission's PDR in Rockville, Maryland, and through ADAMS.

The NRC staff will hold a public meeting to present an overview of the draft plant-specific supplement to the GEIS and to accept public comments on the document. The public meeting will be held on February 12, 2009, at the Colonial Terrace, 119 Oregon Road, Cortlandt Manor, New York 10567. There will be two sessions to accommodate interested parties. The first session will convene at 1:30 p.m. and will continue until 4:30 p.m., as necessary. The second session will convene at 7 p.m. with a repeat of the overview portions of the meeting and will continue until 10 p.m., as necessary. Both meetings will be transcribed and will include: (1) A presentation of the contents of the draft plant-specific supplement to the GEIS, and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No comments on the draft supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meeting or in writing. Persons may pre-register to present oral comments at the meeting by contacting Mr. Andrew Stuyvenberg, the NRC Environmental Project Manager at 1–800–368–5642, extension 4006, or by e-mail at *IndianPoint.EIS@nrc.gov*, no later than January 29, 2009. Members of the public may also register to provide oral comments within 15 minutes of the start of each session. Individual, oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Stuyvenberg's attention no later than January 26, 2009, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

FOR FURTHER INFORMATION CONTACT: Mr. Stuyvenberg, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Mail Stop O–11F1, Washington, DC 20555–0001. Mr. Stuyvenberg may be contacted at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 22nd day of December, 2008.

For the Nuclear Regulatory Commission.

David J. Wrona,

Branch Chief, Projects Branch 2, Division of License Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. E8–31161 Filed 12–30–08; 8:45 am]

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