

and conclusions reached on the scope of the environmental review including the significant issues identified, and will send this summary to each participant in the scoping process for whom the staff has an address. The staff will then prepare and issue for comment the draft EIS, which will be the subject of a separate **Federal Register** notice and a separate public meeting. Copies of the draft EIS will be available for public inspection at the PDR through the above-mentioned address and one copy per request will be provided free of charge. After receipt and consideration of comments on the draft EIS, the NRC will prepare a final EIS, which will also be available to the public.

Information about the proposed action, the EIS, and the scoping process may be obtained from either Mrs. Stacey Imboden at the U.S. Nuclear Regulatory Commission, Mail Stop T-6D38M, Washington, DC 20555-0001, by phone at 301-415-2462, or by e-mail at [Stacey.Imboden@nrc.gov](mailto:Stacey.Imboden@nrc.gov) and/or Ms. Tomeka Terry at the U.S. Nuclear Regulatory Commission, Mail Stop T-6D38M, Washington, DC 20555-0001, by phone at 301-415-1488, or by e-mail at [Tomeka.Terry@nrc.gov](mailto:Tomeka.Terry@nrc.gov).

Dated at Rockville, Maryland, this 30th day of December 2008.

For the Nuclear Regulatory Commission.  
**Nilesh Chokshi,**  
*Deputy Director, Division of Site and Environmental Reviews, Office of New Reactors.*  
[FR Doc. E8-31420 Filed 1-5-09; 8:45 am]  
**BILLING CODE 7590-01-P**

**NUCLEAR REGULATORY COMMISSION**

**Sunshine Federal Register Notice**

**AGENCY HOLDING THE MEETINGS:** Nuclear Regulatory Commission.

**DATES:** Weeks of January 5, 12, 19, 26, February 2, 9, 2009.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**Week of January 5, 2009**

There are no meetings scheduled for the week of January 5, 2009.

**Week of January 12, 2009—Tentative**

There are no meetings scheduled for the week of January 12, 2009.

**Week of January 19, 2009—Tentative**

There are no meetings scheduled for the week of January 19, 2009.

**Week of January 26, 2009—Tentative**

There are no meetings scheduled for the week of January 26, 2009.

**Week of February 2, 2009—Tentative**

There are no meetings scheduled for the week of February 2, 2009.

**Week of February 9, 2009—Tentative**

There are no meetings scheduled for the week of February 9, 2009.

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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.

\* \* \* \* \*

This notice is distributed by mail to several hundred 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). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [darlene.wright@nrc.gov](mailto:darlene.wright@nrc.gov).

Dated: December 31, 2008.

**Rochelle C. Bavol,**  
*Office of the Secretary.*

[FR Doc. E9-32 Filed 1-2-09; 4:15 pm]  
**BILLING CODE 7590-01-P**

**OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**Determination Regarding Waiver of Discriminatory Purchasing Requirements With Respect to Goods and Services Covered by Chapter 9 of the Dominican Republic-Central America-United States Free Trade Agreement for Costa Rica**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Determination under Trade Agreements Act of 1979.

**DATES:** *Effective Date:* January 1, 2009.

**FOR FURTHER INFORMATION CONTACT:** Jean Heilman Grier, Senior Procurement Negotiator, Office of the United States Trade Representative, (202) 395-9476, or Maria Pagan, Associate General Counsel, Office of the United States Trade Representative, (202) 395-9626.

On August 5, 2004, the United States and Costa Rica entered into the Dominican Republic-Central America-United States Free Trade Agreement ("the CAFTA-DR"). Chapter 9 of the CAFTA-DR sets forth certain obligations with respect to government procurement of goods and services, as specified in Annex 9.1.2(b)(i) of the CAFTA-DR.

The United States approved the CAFTA-DR through the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act ("the CAFTA-DR Act") (Pub. L. No. 109-53, 119 Stat. 462) (19 U.S.C. 4001 et seq.). The CAFTA-DR entered into force for Costa Rica on January 1, 2009.

Section 1-201 of Executive Order 12260 of December 31, 1980 (46 FR 1653) delegates the functions of the President under Sections 301 and 302 of the Trade Agreements Act of 1979 ("the Trade Agreements Act") (19 U.S.C. 2511, 2512) to the United States Trade Representative.

Now, therefore, I, Susan C. Schwab, United States Trade Representative, in conformity with the provisions of Sections 301 and 302 of the Trade Agreements Act and Executive Order 12260, and in order to carry out U.S. obligations under Chapter 9 of the CAFTA-DR, do hereby determine that:

1. Costa Rica is a country, other than a major industrialized country, which, pursuant to the CAFTA-DR, will provide appropriate reciprocal competitive government procurement opportunities to United States products and suppliers of such products. In accordance with Section 301(b)(3) of the Trade Agreements Act, Costa Rica is so designated for purposes of Section 301(a) of the Trade Agreements Act.

2. With respect to eligible products of Costa Rica (i.e., goods and services covered by the Schedules of the United States in Annex 9.1.2(b)(i) of the CAFTA-DR) and suppliers of such products, the application of any law, regulation, procedure, or practice regarding government procurement that would, if applied to such products and suppliers, result in treatment less favorable than accorded—

(A) To United States products and suppliers of such products; or

(B) To eligible products of another foreign country or instrumentality which is a party to the Agreement on Government Procurement referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17)) and suppliers of such products, shall be waived.

With respect to Costa Rica, this waiver shall be applied by all entities listed in the Schedules of the United States in Section A of Annex 9.1.2.(b)(i) and in List A of Section B of Annex 9.1.2(b)(i) of the CAFTA-DR.

3. The designation in paragraph 1 and the waiver in paragraph 2 are subject to modification or withdrawal by the United States Trade Representative.

Dated: December 30, 2008.

**Susan C. Schwab,**

*United States Trade Representative.*

[FR Doc. E8-31406 Filed 1-5-09; 8:45 am]

**BILLING CODE 3190-W9-P**

## POSTAL REGULATORY COMMISSION

[Docket No. ACR2008; Order No. 161]

### FY 2008 Annual Compliance Report; Comment Request

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is establishing a docket for consideration of the Postal Service's compliance with statutory provisions pertaining to costs, revenues, rates, and quality of service. The Postal Service's recently-filed FY 2008 report forms the basis for consideration. The public is invited to comment.

**DATES:** Comments are due January 30, 2009. Reply comments are due February 13, 2009.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202-789-6820 and [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 a report with the Postal Regulatory Commission 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. See 39 U.S.C. 3652(a)(1) and (e)(1)(A). The Postal Service filed its annual compliance report for FY 2008 with the Commission on December 29, 2008. Appended to it are four major sets of data: (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>

After receiving the FY 2008 ACR, the Commission is required under 39 U.S.C. 3653 to provide an opportunity to comment to the interested public and an officer of the Commission to represent the interests of the general public. A public representative (officer of the Commission) will be designated in a subsequent notice to be issued in the near future. The Commission hereby solicits public comment on the degree to which the Postal Service's operations and financial results comply with the policies of title 39. Comments by interested persons are due on or before January 30, 2009. Reply comments are due on or before February 13, 2009. After completing its review of the FY 2008 ACR, public comments, and any other information submitted in this proceeding, the Commission will issue an Annual Compliance Determination (ACD).

The Commission is aware that the comment periods in annual compliance report proceedings are brief when one considers the complexity of the issues involved. However, the statute affords the Commission 90 days to digest the report filed by the Postal Service and evaluate the Postal Service's compliance with the broad range of policies articulated in title 39. Expediting public comment is essential if the Commission is to have sufficient time to take the public's concerns into account in making its evaluation.

This is the second compliance report filed by the Postal Service since passage

of the Postal Accountability and Enhancement Act (PAEA) of 2006. The first compliance report was filed on December 28, 2007, and covered FY 2007. FY 2007 was a transitional period during which the rate-setting criteria of the former Postal Reorganization Act (PRA) remained in force. The fact that FY 2007 was a transitional period presented the Postal Service with a difficult task.<sup>2</sup> The Commission therefore reviewed the Postal Service's rates and service under the standards of the PAEA with due regard for the "unique and non-recurring factors" confronted by the Postal Service and with appreciation for "the good faith effort of the Postal Service to provide useful available information. \* \* \* *Id.* The Commission stated that "[i]n future years, when the Postal Service has the benefit of \* \* \* rules [keyed to the evaluation of the PAEA's standards], a more rigorous level of scrutiny will be more justifiable." *Id.*

The Postal Service states that although the transition issues are "less acute" this year, some still remain. As an example, the Postal Service points to the fact that the lists of market dominant and competitive products in the Mail Classification Schedule were not finalized until after the start of FY 2008. Moreover, the Postal Service notes that final rules governing the form and content of the annual compliance report have not yet been issued.<sup>3</sup>

Among the materials submitted by the Postal Service as part of its filing is a document identified as USPS-FY08-9 which serves as a roadmap summarizing other materials submitted as part of the FY 2008 ACR and discussing changes in methodologies from the Commission's methodologies in the FY 2007 ACD.

The Postal Service states that the major sets of materials and the formats in which they are presented should be familiar to the Commission and those persons who have participated in earlier postal rate proceedings. The one

<sup>2</sup> Included among the difficulties faced by the Postal Service was the fact that it "[did] not have experience producing annual cost, revenue, and volume figures so quickly after the close of the fiscal year." FY 2007 ACD at 9. In addition, many of the Postal Service's products "did not have service standards and service measurement procedures in effect during FY 2007." *Id.* at 8. The rates that were charged during FY 2007 were also established under similar, but different, policies of the PRA. *Id.*

<sup>3</sup> On August 28, 2008, the Commission instituted a rulemaking proceeding in which it proposed periodic reporting rules to implement all of the PAEA's provisions intended to make the Postal Service's operations and finances transparent and accountable. Docket No. RM2008-4, Notice of Proposed Rulemaking Prescribing Form and Content of Periodic Reports, August 22, 2008. The Commission is reviewing the initial and reply comments submitted in that proceeding.

<sup>1</sup> United States Postal Service FY 2008 Annual Compliance Report, December 29, 2008 (FY 2008 ACR). Public portions of the Postal Service's filing are available at the Commission's Web site, <http://www.prc.gov>.