

increased attention being focused on safety culture, including the unique aspects of security, at Agreement State licensees?

**Q2.6.1.** What is the level of understanding at Agreement State licensees regarding the value in maintaining safety culture and security culture?

**Q2.6.2.** What is the level of understanding of safety culture and security culture within the Agreement States?

**Q2.6.3.** How do the Agreement States view the NRC's goal of increasing the attention paid to safety culture and security culture at materials licensees and certificate holders?

**Q2.6.4.** What topics do the Agreement States believe should be addressed in the policy statement(s)?

**Q2.6.5.** How could the NRC help the Agreement States to increase attention to safety culture and security culture at their licensees?

**Q2.6.6.** How should the NRC address safety culture and security culture at Agreement State licensees that engage in activities within NRC jurisdiction under reciprocity?

**Q2.6.7.** How might NRC use stakeholder involvement to increase the attention that materials licensees and certificate holders give to maintaining a safety culture, including the unique aspects of security?

### **Topic 3: Does safety culture as applied to reactors needs to be strengthened?**

A number of enhancements were made to the ROP in 2006 to address safety culture (for example: Safety culture cross-cutting aspect assignment to findings; identifying substantive cross-cutting issues; performing an independent NRC safety culture assessment for licensees in Column 4 of the ROP Action Matrix).

**Q3.1.** What are the strengths and weaknesses of the current approach for evaluating licensee safety culture in the ROP?

**Q3.2.** How has the use of safety culture cross-cutting aspects that are assigned to inspection findings helped to identify potential safety culture issues? Suggest any alternative approaches that licensees could use to identify potential safety culture issues.

**Q3.3.** What may be better or more effective methods or tools that the NRC could use to help identify precursors to future plant performance deficiencies?

**Q3.4.** In the following situations the NRC may/or will request a licensee to perform a safety culture assessment (licensee self-assessment, independent assessment, or a third-party assessment): (a) The same substantive cross-cutting

issue had been identified in three consecutive assessment letters (generated from assessments conducted at 6 month intervals); (b) a 95002 inspection (Inspection for One Degraded Cornerstone or Any Three White Inputs in a Strategic Performance Area) that confirmed the licensee had not identified a safety culture component that either caused or significantly contributed to the risk-significant performance issue that resulted in the supplemental inspection; and (c) a plant enters Column 4 of the Action Matrix.

Under what other situations should the NRC consider requesting that a licensee perform a safety culture assessment?

Another ROP enhancement was for the NRC to perform an independent safety culture assessment for plants that enter the multiple repetitive/degraded cornerstone column (column 4).

**Q3.5.** In what other circumstances might the NRC consider performing an independent safety culture assessment?

**Q3.6.** What other entity, other than the NRC, could perform an independent safety culture assessment or simply verify the results of the licensee's assessments and corrective actions?

**Q3.7.** What additional safety culture related ROP changes could help the NRC to improve the focus of NRC and licensee attention on site safety culture issues?

The NRC has held public meetings where draft changes to several ROP guidance documents resulting from a lessons learned evaluation of the initial implementation period of the ROP safety culture enhancements have been made available for public comment.

**Q3.8.** What areas beyond the draft changes (for example, a provision in Inspection Procedure 95003 for the NRC to be able to conduct a graded safety culture assessment) presented by the NRC have the potential to further enhance how the ROP addresses safety culture?

**Q3.8.1.** How would these potential changes enhance or improve how the NRC addresses safety culture through the ROP?

**Q3.9.** In what ways does the current process lead to consistency/predictability of implementation by the NRC? Provide examples to support your view.

**Q3.9.1.** In what ways does it lead to inconsistency or unpredictability?

**Q3.10.** How effective is the ROP in addressing security culture issues?

**Q3.10.1.** What ROP changes could help the NRC to improve the focus of NRC and licensee attention on site security culture issues?

In previous public meetings, the NRC has discussed using the ROP safety culture components and modified aspects as a tool to understand the challenges to safety culture during new reactor construction.

**Q3.11.** How can challenges to safety culture in new reactor construction be identified and addressed in regulatory oversight?

Dated at Rockville, Maryland, this 14th day of January, 2009.

For the Nuclear Regulatory Commission.

**Stewart L. Magruder,**

*Deputy Director, Office of Enforcement.*

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## **OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

### **2009 Special 301 Review: Identification of Countries Under Section 182 of the Trade Act of 1974: Request for Public Comment**

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

**ACTION:** Request for written submissions from the public.

**SUMMARY:** Section 182 of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2242) requires the United States Trade Representative (USTR) to identify countries that deny adequate and effective protection of intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. (The provisions of section 182 are commonly referred to as the "Special 301" provisions of the Trade Act.) In addition, the USTR is required to determine which of these countries should be identified as Priority Foreign Countries.

USTR requests written submissions from the public concerning foreign countries' acts, policies, and practices that are relevant to the decision of whether particular trading partners should be identified under section 182 of the Trade Act.

**DATES:** Submissions from the general public must be received on or before 10 a.m. on Tuesday, February 17, 2009. Foreign governments who chose to make written submissions may do so on or before 10 a.m. on Monday, March 2, 2009.

**ADDRESSES:** All comments should be sent electronically to <http://www.regulations.gov>, docket number USTR-2009-0001.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Choe Groves, Senior Director

for Intellectual Property and Innovation and Chair of the Special 301 Committee, Office of the United States Trade Representative, at (202) 395-4510.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 182 of the Trade Act, USTR must identify those countries that deny adequate and effective protection for intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. Those countries that have the most onerous or egregious acts, policies, or practices and whose acts, policies, or practices have the greatest adverse impact (actual or potential) on relevant U.S. products are to be identified as Priority Foreign Countries. Acts, policies, or practices that are the basis of a country's designation as a Priority Foreign Country are normally the subject of an investigation under the section 301 provisions of the Trade Act.

USTR may not identify a country as a Priority Foreign Country if that country is entering into good faith negotiations, or making significant progress in bilateral or multilateral negotiations, to provide adequate and effective protection of intellectual property rights.

USTR requests that, where relevant, submissions mention particular regions, provinces, states, or other subdivisions of a country in which an act, policy, or practice deserve special attention in this year's report. Such mention may be positive or negative. For example, submissions may address China's protection and enforcement of intellectual property rights at the provincial level, including, where relevant, areas that were the focus of USTR's review of provincial and local issues in China conducted in 2008 (2008 Special 301 Report, pp. 25-33, available at <http://www.ustr.gov>).

Section 182 contains a special rule regarding actions of Canada affecting United States cultural industries. The USTR must identify any act, policy, or practice of Canada that affects cultural industries, which is adopted or expanded after December 17, 1992, and is actionable under Article 2106 of the North American Free Trade Agreement (NAFTA). Any act, policy, or practice so identified shall be treated the same as an act, policy, or practice which was the basis for a country's identification as a Priority Foreign Country under section 182(a)(2) of the Trade Act, unless the United States has already taken action pursuant to Article 2106 of the NAFTA.

USTR must make the above-referenced identifications within 30 days after publication of the National

Trade Estimate (NTE) report, *i.e.*, approximately April 30, 2009.

**Requirements for Comments:** Comments should include a description of the problems experienced and the effect of the acts, policies, and practices on U.S. industry. Comments should be as detailed as possible and should provide all necessary information for assessing the effect of the acts, policies, and practices. Any comments that include quantitative loss claims should be accompanied by the methodology used in calculating such estimated losses. Comments must be in English. All comments should be sent electronically to <http://www.regulations.gov>, docket number USTR-2009-0001.

To submit comments to <http://www.regulations.gov>, enter docket number USTR-2009-0001 on the home page and click "go." The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notice" under "Document Type" on the left side of the search-results page, and click on the link entitled "Send a Comment or Submission." (For further information on using the <http://www.regulations.gov> Web site, please consult the resources provided on the Web site by clicking on "How to Use This Site" on the left side of the home page).

The <http://www.regulations.gov> site provides the option of providing comments by filling in a "General Comments" field, or by attaching a document. It is expected that most comments will be provided in an attached document. If a document is attached, it is sufficient to type "See attached" in the "General Comments" field.

A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such, the submission must be marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page, and should indicate using brackets the specific information which is confidential. Any comment containing business confidential information must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary will be placed in the docket and open to public inspection.

USTR will maintain a docket on the 2009 Special 301 Review, accessible to the public. The public file will include non-confidential comments received by USTR from the public, including foreign governments, with respect to the 2009 Special 301 Review.

**Public Inspection of Submissions:** Comments will be placed in the docket and open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Comments may be viewed on the <http://www.regulations.gov> Web site by entering docket number USTR-2009-0001 in the search field on the home page.

**Stanford K. McCoy,**

*Assistant USTR for Intellectual Property and Innovation.*

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Determination Regarding Waiver of Discriminatory Purchasing Requirements With Respect to Goods and Services Covered by Chapter Nine of the United States-Peru Trade Promotion Agreement

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

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

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

**FOR FURTHER INFORMATION CONTACT:** Jean Heilman Grier, Senior Procurement Negotiator, Office of the United States Trade Representative, (202) 395-9476, or Katherine Tai, Associate General Counsel, Office of the United States Trade Representative, (202) 395-9589.

On April 12, 2006, the United States and Peru entered into the United States-Peru Trade Promotion Agreement ("Peru TPA"). Chapter Nine of the Peru TPA sets forth certain obligations with respect to government procurement of goods and services, as specified in Annex 9.1 of the Peru TPA. On December 14, 2007, the President signed into law the United States-Peru Trade Promotion Agreement Implementation Act ("the Peru TPA Act") (Pub. L. No. 110-138, 121 Stat. 1455) (19 U.S.C. 3805 note). In section 101(a) of the Peru TPA Act, the Congress approved the Peru TPA. The Peru FTA will enter into force on February 1, 2009.

Section 1-201 of Executive Order 12260 of December 31, 1980 (46 FR 1653) delegates the functions of the