

For the U.S. Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. E9-1904 Filed 1-28-09; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-277 and 50-278; NRC-2009-0033]

Entergy Nuclear Operations, Inc.; Peach Bottom Atomic Power Station Unit Nos. 2 and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix R, Section III.G, "Fire Protection of Safe Shutdown Capability," for the use of operator manual actions in lieu of the requirements specified in Section III.G.2 as requested by Exelon Generation Company, LLC, (the licensee, in addition to PSEG Nuclear, LLC) for operation of Peach Bottom Atomic Power Station (PBAPS), Units 2 and 3 located in York and Lancaster Counties, Pennsylvania. Therefore, as required by 10 CFR 51.21, the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would grant an exemption to 10 CFR Part 50, Appendix R, Section III.G.2 for 25 operator manual actions contained in the licensee's Fire Protection Program (FPP). The licensee's FPP requires that the identified operator manual actions be performed outside of the control room to achieve shutdown following fires in certain fire areas. The licensee states that each of the manual actions were subjected to a manual action feasibility review for PBAPS that determined that the manual actions are feasible and can be readily performed.

The proposed action is in accordance with the licensee's application dated October 5, 2007, as supplemented on May 1 and December 11, 2008 (Agencywide Documents Access and Management System (ADAMS) Accession Numbers ML072820129, ML081220873 and ML083470170, respectively).

The Need for the Proposed Action

The proposed exemption from 10 CFR Part 50, Appendix R, was submitted in

response to the need for an exemption as identified by NRC Regulatory Information Summary (RIS) 2006-10, "Regulatory Expectations with Appendix R Paragraph III.G.2 Operator Manual Actions." The RIS noted that NRC inspections identified that some licensees had relied upon operator manual actions, instead of the options specified in 10 CFR Part 50, Appendix R, Section III.G.2, as a permanent solution to resolve issues related to Thermo-Lag 330-1 fire barriers. The licensee indicates that the operator manual actions, referenced in the October 5, 2007, application, were previously included in correspondence with the NRC and found acceptable in a fire protection-related Safety Evaluation (1993 SE) dated September 16, 1993 (ADAMS Accession Number ML081690220). However, RIS 2006-10 identifies that an exemption under 10 CFR Part 50.12 is necessary for use of the manual actions in lieu of the requirements of 10 CFR Part 50, Appendix R, Section III.G.2, even if the NRC previously issued a safety evaluation found the manual actions acceptable. The proposed exemption provides the formal vehicle for NRC approval for the use of the specified operator manual actions instead of the options specified in 10 CFR Part 50, Appendix R, Section III.G.2.

Environmental Impacts of the Proposed Action

The NRC has completed its safety evaluation of the proposed action and concludes that the exemption will not present an undue risk to the public health and safety. The details of the NRC staff's safety evaluation will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption to the regulation.

In the 1993 SE, the NRC staff evaluated the operator manual actions presented in the proposed exemption, and found that they maintained a safe shutdown capability that satisfies the requirements of 10 CFR Part 50, Appendix R, Section III.G. In addition, the licensee supplemented the October 5, 2007, request for exemption with additional information in a letter dated December 11, 2008, to confirm that the operator manual actions addressed in the 1993 SE are feasible and that the safety basis for these actions remains valid. Therefore, the proposed action will not significantly increase the probability or consequences of accidents. No changes are being made in the types of effluents that may be released offsite. There is no significant increase in the amount of any effluent

released offsite. There is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action. The NRC staff, thus, concludes that granting the proposed exemption would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed action does not have a potential to affect any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the NRC staff considered denial of the proposed action (*i.e.*, the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for PBAPS Units 1, 2, and 3, dated April 1973, and for PBAPS Units 2 and 3, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants," (NUREG-1437, Supplement 10), dated January 2003.

Agencies and Persons Consulted

In accordance with its stated policy, on August 8, 2008, the NRC staff consulted with the Pennsylvania State official, Dennis Dyckman of the Pennsylvania State Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated October 5, 2007, as supplemented on May 1 and December 11, 2008 (ADAMS Accession Numbers ML072820129, ML081220873 and ML083470170, respectively). Documents may be examined, and/or copied for a fee, at the NRC'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 ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.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 send an e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 22nd day of January 2009.

For the Nuclear Regulatory Commission.

John D. Hughey,

Project Manager, Plant Licensing Branch I-2, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. E9-1903 Filed 1-28-09; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[NRC-2009-0013]

Safety Culture Policy Statement Development: Public Meeting and Request for Public Comments; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Correction.

SUMMARY: This document corrects a notice appearing in the **Federal Register** on January 23, 2009 (74 FR 4260), that informs the public of the public meeting and Request for Comments on topics relating to the development of the policy statement. In addition to announcing the public meeting, the NRC is using this notice to request comments on the topics discussed in this notice. These topics can be found in section D (Topics for Discussion of the Supplementary Information).

FOR FURTHER INFORMATION CONTACT: June Cai at (301) 415-5192; june.cai@nrc.gov.

SUPPLEMENTARY INFORMATION: On page 4262, column 1, in the fourth complete paragraph, in the 17th line, is corrected to delete "Some of the questions use

terminology such as 'your organization,' but input from individual stakeholders who may not be part of a specific organization in the topic area are requested as well."

On page 4262, column 1, in the seventh paragraph, in the 46th line, is corrected to read: "How do you generally view the relationship or hierarchy between safety and security functions and decision making"?

On page 4262, column 1, in the eighth paragraph, in the 61st line, is corrected to read: "Are there any other examples where efforts to maintain safety and security require different approaches or result in competing outcomes that need to be addressed to achieve the desired outcome or goal"?

Dated at Rockville, Maryland, this 23rd day of January 2009.

For the Nuclear Regulatory Commission.

Stewart L. Magruder,

Deputy Director, Office of Enforcement.

[FR Doc. E9-1902 Filed 1-28-09; 8:45 am]

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination of Trade Surplus in Certain Sugar Goods of Peru

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: In accordance with relevant provisions of the Harmonized Tariff Schedule of the United States (HTS), the Office of the United States Trade Representative (USTR) is providing notice of its determination of the trade surplus in certain sugar goods of Peru. As described below, the level of Peru's trade surplus in these goods relates to the quantity of sugar goods for which the United States grants duty-free tariff treatment under the United States—Peru Trade Promotion Agreement (Peru TPA).

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

ADDRESSES: Inquiries may be mailed or delivered to Leslie O'Connor, Director of Agricultural Affairs, Office of Agricultural Affairs, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

FOR FURTHER INFORMATION CONTACT: Leslie O'Connor, Office of Agricultural Affairs, 202-395-6127.

SUPPLEMENTARY INFORMATION: Pursuant to section 101 of the United States—Peru Trade Promotion Agreement Implementation Act (Pub. L. 110-138; 19 U.S.C. 3805 note), Presidential Proclamation No. 8341 of January 16,

2009 (74 FR 4105) implemented the Peru TPA on behalf of the United States and modified the HTS to reflect the tariff and rules of origin treatment provided for in the Peru TPA.

U.S. Note 28(c) to subchapter XXII of HTS chapter 98 provides that USTR is required to publish annually in the **Federal Register** a determination of the amount of Peru's trade surplus, by volume, with all sources for goods in Harmonized System (HS) subheadings 1701.11, 1701.12, 1701.91, 1701.99, 1702.20, 1702.40, and 1702.60, except that Peru's imports of U.S. goods classified under HS subheadings 1702.40 and 1702.60 that are originating goods under the Peru TPA and Peru's exports to the United States of goods classified under HS subheadings 1701.11, 1701.12, 1701.91, and 1701.99 are not included in the calculation of Peru's trade surplus.

U.S. Note 28(d) to subchapter XXII of HTS chapter 98 provides duty-free treatment for certain sugar goods of Peru entered under subheading 9822.06.10 in an amount equal to the lesser of Peru's trade surplus or the specific quantity set out in that note for that calendar year.

During calendar year (CY) 2007, the most recent year for which data is available, Peru's imports of the sugar goods described above exceeded its exports of those goods by 245,132 metric tons according to data published by its customs authority, the *Superintendencia Nacional de Administracion Tributaria*. Based on this data, USTR determines that Peru's trade surplus is negative. Therefore, in accordance with U.S. Note 28(d) to subchapter XXII of HTS chapter 98, goods of Peru are not eligible to enter the United States duty-free under subheading 9822.06.10 in CY2009.

James Murphy,

Assistant United States Trade Representative.

[FR Doc. E9-1830 Filed 1-28-09; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94-409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, January 29, 2009 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain