

Millstone 3 SPU is bounded by the analysis of the environmental effects of the transportation of fuel and waste as described in the "Extended Burnup Fuel Use in Commercial [Light Water Reactors] LWRs; Environmental Assessment and Finding of No Significant Impact," dated February 29, 1988 (53 FR 6040).

#### Summary

Based on the NRC staff review of licensee's submission, it is concluded that the proposed SPU would not result in a significant increase in occupational or public radiation exposure, and would not result in significant additional fuel cycle environmental impacts. Accordingly, the NRC staff concludes that there would be no significant radiological 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 SPU (i.e., the "no-action" alternative). Denial of the application would result in no change in the current environmental impacts. However, if the proposed SPU were not approved, other agencies and electric power organizations may be required to pursue alternative means of providing electric generation capacity to offset the increased power demand forecasted for the ISO-NE regional transmission territory.

A reasonable alternative to the proposed SPU would be to purchase power from other generators in the ISO-NE network. In 2008, generating capacity in ISO-NE consisted primarily of Combined-cycle generators: combined-cycle generated 37.8 percent of ISO-NE capacity; fossil—29.9 percent; nuclear—13.6 percent; hydroelectric—10.4 percent; combustion turbine—7.4 percent; diesel—0.7 percent; and miscellaneous—0.2 percent. This indicates that the majority of purchased power in the ISO-NE territory would likely be generated by a combined-cycle facility. Construction (if new generation is needed) and operation of a combined-cycle plant would create impacts in air quality, land use, and waste management significantly greater than those identified for the proposed SPU at Millstone 3. Millstone 3 does not emit sulfur dioxide, nitrogen oxides, carbon dioxide, or other atmospheric pollutants that are commonly associated with combined-cycle plants. Conservation programs such as demand-side management could feasibly replace the proposed SPU's additional power

output. However, forecasted future energy demand in the ISO-NE territory may exceed conservation savings and still require additional generating capacity. Furthermore, the proposed SPU does not involve environmental impacts that are significantly different from those originally identified in the 1984 Millstone Power Station FES for operation.

#### *Alternative Use of Resources*

The action does not involve the use of any different resources than those previously considered in the "Final Environmental Statement Related to the Operation of Millstone Nuclear Power Station, Unit 3," dated December 1984, or the "Generic Environmental Impact Statement for License Renewal of Nuclear Power Plants: Regarding Millstone Power Station, Units 2 and 3," dated July 2005.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on July 11, 2008, via electronic mail, (Agencywide Documents Access and Management System (ADAMS) Accession No. ML081980598), the NRC staff consulted with the Connecticut State Official, Mr. Denny Galloway of the Department of Environmental Protection, regarding the environmental impact of the proposed action. The state official did not submit 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 July 13, 2007, as supplemented by letters dated July 13, September 12, November 19, December 13 and 17, 2007, January 10, 11, 14, 18, and 31, February 25, March 5, 10, 25, and 27, April 4, 24, and 29, May 15, 20, and 21, and July 10 and 16, 2008. Publicly available records are accessible electronically via the Agencywide Documents Access and Management System (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 by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov). Additionally, documents may be

examined and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

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

For the Nuclear Regulatory Commission.

**John G. Lamb,**

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

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

### **Notice of Effective Dates**

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

**ACTION:** Notice of effective dates for CAFTA-DR amendment and rule of origin for woven apparel.

**SUMMARY:** In Proclamation 8213 of December 20, 2007, as modified by Proclamation 8272 of June 30, 2008, the President modified the Harmonized Tariff Schedule of the United States (the "HTS") to implement (1) an amendment to the Dominican Republic-Central America-United States Free Trade Agreement ("CAFTA-DR") and (2) a rule of origin under the CAFTA-DR with respect to certain woven apparel. The proclamations provide for each set of modifications to enter into effect on a date that the United States Trade Representative (the "USTR") announces in the **Federal Register** and to apply to goods that are entered, or withdrawn from warehouse for consumption, on or after that date. This Notice announces that the effective date for both sets of modifications is August 15, 2008.

**FOR FURTHER INFORMATION CONTACT:** For further information, please contact Rachel Alarid, Special Trade Assistant, Office of Textiles and Apparel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, fax number, (202) 395-5639.

#### **SUPPLEMENTARY INFORMATION:**

##### **1. Amendment to CAFTA-DR**

The CAFTA-DR parties signed an amendment of the CAFTA-DR on July 27, August 6, and August 14, 2007 (the "Amendment"). The terms of the Amendment are contained in letters of understanding between the United States and the CAFTA-DR signatories described in sections 1634(a)(2) and 1634(b)(2) of the Pension Protection Act of 2006 (Pub. L. 109-280). In

Proclamation 8213, as modified by Proclamation 8272, the President modified the HTS to implement the Amendment with respect to the CAFTA-DR parties. These modifications are set forth in sections A, B, and C of the Annex to Proclamation 8213, as modified by paragraph 2 of Annex VI to Proclamation 8272.

Proclamations 8213 and 8272 provide for these modifications to enter into effect on the date, as announced by the USTR in the **Federal Register**, that the Amendment enters into force, and to be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after that date. I anticipate that the Amendment will enter into force on August 15, 2008. Accordingly, I announce that these modifications to the HTS shall enter into effect on August 15, 2008.

## 2. Rule of Origin for Woven Apparel

Section 203(o) of the CAFTA-DR Implementation Act (19 U.S.C. 4033(o)) authorizes the President to proclaim, as part of the HTS, the provisions set out in Annex 4.1 of the CAFTA-DR. Among these provisions is a rule of origin set out in Appendix 4.1-B of the CAFTA-DR that provides, subject to certain conditions, for Mexican and Canadian inputs to be treated as though they originated in a CAFTA-DR country for purposes of determining whether certain woven apparel imported into the United States qualifies for duty-free treatment under the agreement. In Proclamation 8213, as modified by Proclamation 8272, the President modified the HTS to implement this rule of origin. These modifications are set forth in section D of the Annex to Proclamation 8213, as modified by paragraph 1 of Annex VI to Proclamation 8272.

Proclamations 8213 and 8272 provide for these modifications to the HTS to enter into effect on the date, as announced by the USTR in the **Federal Register**, that the Amendment enters into force and the conditions set forth in paragraph (a), paragraph (b), or both, of footnote 1 to Appendix 4.1-B of the CAFTA-DR have been fulfilled, and to be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after that date. I anticipate that the Amendment will enter into force on August 15, 2008. In addition, all of the conditions set forth in paragraph (a) of footnote 1 to Appendix 4.1-B of the CAFTA-DR have been fulfilled and therefore the rule of origin may enter into force with respect to woven apparel containing materials produced in Mexico. Accordingly, I announce that these modifications to

the HTS shall enter into effect on August 15, 2008, with respect to materials produced in Mexico.

**Susan C. Schwab,**

*U.S. Trade Representative.*

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## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 28348; 812-13377]

### DNP Select Income Fund Inc., et al.; Notice of Application

July 31, 2008.

**AGENCY:** Securities and Exchange Commission ("Commission").

**ACTION:** Notice of application under section 6(c) of the Investment Company Act of 1940 ("Act") for an exemption from section 19(b) of the Act and rule 19b-1 under the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit a closed-end investment company to make periodic distributions of long-term capital gains with respect to its outstanding common stock as frequently as twelve times each year, and as frequently as distributions are specified by or in accordance with the terms of any outstanding preferred stock that such investment company may issue.

**APPLICANTS:** DNP Select Income Fund Inc. (the "Fund") and Duff & Phelps Investment Management Co. (the "Adviser").

**FLING DATES:** April 11, 2007 and July 24, 2008.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 25, 2008, and should be accompanied by proof of service on applicants, 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 Commission's Secretary.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090; Applicants, 55 East Monroe Street, Suite

3600, Chicago, IL 60603, Attention: Nathan I. Partain.

**FOR FURTHER INFORMATION CONTACT:** Wendy Friedlander, Senior Counsel, at (202) 551-6837, or James M. Curtis, Branch Chief, at (202) 551-6825 (Division of Investment Management, Office of Chief Counsel).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549-1520 (telephone (202) 551-5850).

### Applicants' Representations

1. The Fund is a registered closed-end management investment company organized as a Maryland corporation. The Fund's primary investment objectives are current income and long-term growth of income, with a secondary objective of capital appreciation.<sup>1</sup> The Fund's common stock is listed on the New York Stock Exchange, and the Fund's preferred stock is not listed on any exchange. Applicants believe that the Fund's shareholders are generally conservative, income-sensitive investors who desire steady distributions of income and who will favor a distribution policy with respect to its common stock.

2. The Adviser is registered under the Investment Advisers Act of 1940 and is responsible for the overall management of the Fund and other registered investment companies and institutional accounts.

3. Applicants represent that on February 21, 2007, the Board of Directors (the "Board") of the Fund, including a majority of the directors who are not "interested persons" of the Fund as defined in section 2(a)(19) of the Act (the "Independent Directors"), reviewed information regarding the purpose and terms of a proposed distribution policy, the likely effects of such policy on the Fund's long-term total return (in relation to market price and net asset value ("NAV") per common share) and the relationship between the Fund's distribution rate on its common shares under the policy and the Fund's total return on NAV per share. Applicants state that the

<sup>1</sup> Applicants request that any order issued granting the relief requested in the application also apply to any closed-end investment company that in the future: (a) is advised by the Adviser (including any successor in interest) or by any entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with the Adviser; and (b) complies with the terms and conditions of the requested order. A successor in interest is limited to entities that result from a reorganization into another jurisdiction or a change in the type of business organization.