

requests, interpretations, appeals, and background files.

4. Department of Agriculture, Risk Management Agency (N1-258-08-5, 6 items, 5 temporary items). Records relating to the development and management of crop insurance plans for specific crops. Proposed for permanent retention are final policy dockets reviewed and approved by the Federal Crop Insurance Corporation Board.

5. Department of Agriculture, Risk Management Agency (N1-258-08-7, 3 items, 3 temporary items). Proposals, project files, and other records supporting risk management partnerships, grants, and cooperative agreements.

6. Department of Agriculture, Risk Management Agency (N1-258-08-8, 4 items, 4 temporary items). Records relating to maximum yields used to monitor production, files that pertain to non-reinsured supplemental insurance products, division-level weekly reports, and general correspondence with industry associations.

7. Department of the Army, Agency-wide (N1-AU-09-2, 1 item, 1 temporary item). Master files of an electronic information system that contains records management information, such as records retention schedules, file plans, user lists, and unit profile data.

8. Department of Education, Office of Communications and Outreach (N1-441-08-12, 7 items, 1 temporary item). Routine communications records, including such records as photographs of award and retirement ceremonies, inquiries received from the media, reference copies of publications, radio news feeds on education issues, and artwork created in connection with the production of publications. Proposed for permanent retention are publications, posters, photographs, video recordings, and testimony by senior officials that relate to the agency's mission and substantive policies and activities.

9. Department of Health and Human Services, Food and Drug Administration (N1-88-08-1, 22 items, 22 temporary items). Records relating to medical device pre-marketing applications and post-marketing surveillance, radiological product monitoring, and x-ray trend surveys.

10. Department of Health and Human Services, Food and Drug Administration (N1-88-08-3, 5 items, 5 temporary items). Records relating to training, including such records as course descriptions and materials, course rosters, training reports, and employee training and certification records.

11. Department of Homeland Security, Headquarters Offices (N1-563-08-3, 11 items, 8 temporary items). Distribution

lists, copies of grant project files, interagency agreements, responses to requests for information, presentations and speeches by non-executive level staff, and situation awareness reports maintained by non-executive level staff and staff outside of the National Operations Center. Proposed for permanent retention are biographies of senior level staff, brochures, publications, and posters.

12. Department of Justice, Justice Management Division (N1-60-08-27, 5 items, 4 temporary items). Records of the Audit Liaison Group, including such records as audit and investigation files, background materials, and correspondence. Final Inspector General and Attorney General semi-annual reports to Congress are proposed for permanent retention.

13. Department of Justice, Justice Management Division (N1-60-09-4, 6 items, 6 temporary items). Records of the Justice Command Center, including such records as watch logs, message logs, contact lists, and travel logs. Also included are master files of the Justice Automated Command Center System, which tracks incoming calls and messages and also includes information on key agency personnel, such as contact information, travel status, and committee appointments.

14. Department of Justice, Bureau of Prisons (N1-129-09-4, 1 item, 1 temporary item). Master files for an electronic information system used to track and maintain control over tools and shop equipment.

15. Department of Justice, Federal Bureau of Investigation (N1-65-06-9, 3 items, 3 temporary items). Outputs, usage agreements, memorandums of understanding, and security audit logs associated with the National DNA Indexing System.

16. Department of Justice, Federal Bureau of Investigation (N1-65-09-3, 10 items, 10 temporary items). Records relating to agency health care activities. Records relate to such matters as emergency medicine programs, fitness for duty programs, alcohol and controlled substance abuse programs, and regional health care.

17. Environmental Protection Agency, Agency-wide (N1-412-07-61, 3 items, 2 temporary items). Records relating to disaster response, other than records relating to disasters that are designated as major disasters by the President. Included are such records as damage surveys, damage assessments, environmental samplings, and inspection reports. Paper copies of these records were previously approved for disposal. Proposed for permanent retention are records relating to

disasters designated as major disasters by the President.

18. Federal Communications Commission, Media Bureau (N1-173-08-9, 7 items, 7 temporary items). Master files of an electronic information system used for such purposes as submitting cable community registrations, making operator information changes, and filing annual signal leakage reports and aeronautical frequency notifications.

Dated: February 27, 2009.

**Michael J. Kurtz,**

*Assistant Archivist for Records Services—Washington, DC.*

[FR Doc. E9-4729 Filed 3-3-09; 8:45 am]

**BILLING CODE 7515-01-P**

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## NATIONAL INDIAN GAMING COMMISSION

### Fee Rate

**AGENCY:** National Indian Gaming Commission.

**ACTION:** Notice.

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**SUMMARY:** Notice is hereby given, pursuant to 25 CFR 514.1(a)(3), that the National Indian Gaming Commission has adopted preliminary annual fee rates of 0.00% for tier 1 and 0.058% (.00058) for tier 2 for calendar year 2009. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission. If a tribe has a certificate of self regulation under 25 CFR part 518, the preliminary fee rate on class II revenues for calendar year 2009 shall be one-half of the annual fee rate, which is 0.0290% (.000290).

**FOR FURTHER INFORMATION CONTACT:**

Kwame Mainoo, National Indian Gaming Commission, 1441 L Street, NW., Suite 9100, Washington, DC 20005; telephone (202) 632-7003; fax (202) 632-7066 (these are not toll-free numbers).

**SUPPLEMENTARY INFORMATION:** The Indian Gaming Regulatory Act (IGRA) established the National Indian Gaming Commission which is charged with, among other things, regulating gaming on Indian lands.

The regulations of the Commission (25 CFR part 514), as amended, provide for a system of fee assessment and payment that is self-administered by gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates; the gaming operations are required to apply those rates to their revenues, compute the fees to be paid,

report the revenues, and remit the fees to the Commission on a quarterly basis.

The regulations of the Commission and the preliminary rate being adopted today are effective for calendar year 2009. Therefore, all gaming operations within the jurisdiction of the Commission are required to self administer the provisions of these regulations, and report and pay any fees that are due to the Commission by March 31, 2009.

Dated: February 24, 2009.

**Philip N. Hogen,**

*Chairman, National Indian Gaming Commission.*

[FR Doc. E9-4410 Filed 3-3-09; 8:45 am]

BILLING CODE 7565-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. NRC-2009-0040]

### Agency Information Collection Activities: Proposed Collection; Comment Request; Correction

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Correction.

**SUMMARY:** This document corrects a notice appearing in the **Federal Register** on February 9, 2009 (74 FR 6421) that informs the public of a notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment on the collection "Billing Instructions for NRC Cost Type Contracts (3150-0109)."

**FOR FURTHER INFORMATION CONTACT:** Gregory Trussell, NRC Clearance Officer, Office of Information Services; telephone (301) 415-6445 or [infocollects.resource@nrc.gov](mailto:infocollects.resource@nrc.gov).

**SUPPLEMENTARY INFORMATION:** On page 6421, first column, the subject heading is corrected to read "Docket No. NRC-2009-0040" instead of "Docket No. NRC-2008-0040." The same change should be made in the second column, last paragraph, where the docket number appears twice.

Dated at Rockville, Maryland, this 19th day of February 2009.

For the Nuclear Regulatory Commission.

**Gregory Trussell,**

*NRC Clearance Officer.*

[FR Doc. E9-4566 Filed 3-3-09; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289; NRC-2009-0097]

### Exelon Generation Company, LLC Three Mile Island Nuclear Station, Unit 1 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of exemptions 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, formerly AmerGen Energy Company, LLC), for operation of Three Mile Island Nuclear Station, Unit 1 (TMI-1), located in Dauphin County, 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 exemptions to 10 CFR part 50, Appendix R, Section III.G.2 based on two 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 TMI-1 that determined that the manual actions are feasible and can be reliably performed.

The proposed action is in accordance with the licensee's application dated February 4, 2008, as supplemented on January 28, 2009, Agencywide Documents Access and Management System (ADAMS) accession numbers ML080350369 and ML090280577, respectively. In the January 28, 2009, supplement, the licensee withdrew one of the three originally proposed manual actions from the exemption request, since they have determined that action is no longer required.

##### *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 Paragraph 10 CFR part 50, Appendix R, 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 February 4, 2008 application, were previously included in correspondence with the NRC and found acceptable in a fire protection-related Safety Evaluation (SE) dated September 7, 1988, ADAMS accession number 8809150224. However, RIS 2006-10 identifies that an exemption under 10 CFR 50.12 is necessary for use of the manual actions in lieu of the requirements of 10 CFR part 50, Appendix R, III.G.2, even if the NRC previously issued an SE that 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, III.G.2.

##### *Environmental Impacts of the Proposed Action*

The NRC staff evaluated the manual operator actions presented in the proposed exemption in an NRC SE dated September 7, 1988, (ADAMS accession number 8809150224) and found that they maintained a safe shutdown capability that satisfies the requirements of 10 CFR 50, Appendix R, III.G. In addition, the licensee supplemented the February 4, 2008 request for exemption on January 28, 2009, with additional information to confirm that the operator manual actions addressed in the 1988 SE for which the exemptions are sought, 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 off site. There is no significant increase in the amount of any effluent released off site. 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-