

an electronic docket for the proceeding [even in instances when the requestor (or its counsel or representative) already holds an NRC-issued digital ID certificate]. Each requestor will need to download the Workplace Forms Viewer™ to access the Electronic Information Exchange (EIE), a component of the E-Filing system. The Workplace Forms Viewer™ is free and is available at <http://www.nrc.gov/site-help/e-submittals/install-viewer.html>. Information about applying for a digital ID certificate also is available on NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals/apply-certificates.html>.

Once a requestor has obtained a digital ID certificate, had a docket created, and downloaded the EIE viewer, it can then submit a request for a hearing through EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. A filing is considered complete at the time the filer submits its document through EIE. To be timely, electronic filings must be submitted to the EIE system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an e-mail notice confirming receipt of the document. The EIE system also distributes an e-mail notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request is filed so that they may obtain access to the document via the E-Filing system.

A person filing electronically may seek assistance through the "Contact Us" link located on the NRC Web site at <http://www.nrc.gov/site-help/e-submittals.html> or by calling the NRC technical help line, which is available between 8:30 a.m. and 4:15 p.m., Eastern Time, Monday through Friday. The electronic filing Help Desk can be contacted by telephone at 1-866-672-7640 or by e-mail at [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov).

Participants who believe that they have good cause for not submitting documents electronically must file a motion, in accordance with 10 CFR 2.302(g), with their initial paper filing

requesting authorization to continue to submit documents in paper format. Such filings must be submitted by (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket which is available to the public at [http://ehd.nrc.gov/EHD\\_Proceeding/home.asp](http://ehd.nrc.gov/EHD_Proceeding/home.asp), unless excluded pursuant to an order of the Commission, an Atomic Safety and Licensing Board, or a Presiding Officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their works.

If a person other than (the Licensee) requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If the hearing is requested by a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received. A

*request for hearing shall not stay the immediate effectiveness of this order.*

For The Nuclear Regulatory Commission.

Dated this the 10th day of March 2009.

**Marc L. Dapas,**

*Deputy Regional Administrator.*

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-271; NRC-2009-0121]

### Entergy Nuclear Operations, Inc., Vermont Yankee Nuclear Power Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of a revision of an existing exemption from Title 10 of the Code of Federal Regulations (10 CFR) part 50, Appendix R, "Fire Protection Program of Nuclear Power Facilities Operating Prior to January 1, 1979," for Automatic Fire Suppression, Separation, and Repairs, issued to Entergy Nuclear Operations, Inc. (the licensee), for operation of Vermont Yankee Nuclear Power Station (VY), located in Windham County, Vermont. 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 revise the exemption from the provisions of 10 CFR part 50, Appendix R, Section III.G.2 (III.G.2), dated December 1, 1986, which in part permitted a reduction in minimum separation distance between cable trays in the northwest corner of Fire Zone RB-3 of the reactor building to 18 feet. VY has requested a revision of the existing exemption to permit the actual minimum separation distance of 17 feet-7.5 inches.

The proposed action is in accordance with the licensee's application dated July 11, 2008, as supplemented by letter dated November 20, 2008.

##### The Need for the Proposed Action

The proposed revision of an existing exemption from 10 CFR part 50, Appendix R, is needed to permit a reduction in minimum separation distance between cable trays from 18 feet to 17 feet-7.5 inches. VY has performed a Fire Protection evaluation, using NRC Generic Letter 86-10, "Implementation of Fire Protection Requirements," and concluded that

there is no impact on VY's safe shutdown capability by this reduction in separation.

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

The NRC has completed its safety evaluation (SE) of the proposed action and concludes that the further reduction in minimum separation distance is sufficient to maintain an adequate level of safety to meet the requirements of 10 CFR 50.12(a)(2)(ii) in that the application of the regulation is not necessary to achieve the underlying purpose of the rule. The details of the staff's SE will be provided in the exemption that will be issued as part of the letter to the licensee approving the exemption.

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.

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 VY.

#### *Agencies and Persons Consulted*

In accordance with its stated policy, on January 15, 2009, the NRC staff consulted with the Vermont State official of the Vermont Department of

Public Service 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 July 11, 2008, Agencywide Documents Access and Management System (ADAMS) accession number ML081000176, as supplemented by letter dated November 20, 2008, ADAMS accession number ML083370180. 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](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 11th day of March 2009.

For the Nuclear Regulatory Commission.

**James Kim,**

*Project Manager, Plant Licensing Branch I-1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

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

[Docket No. USTR-2008-0036]

### **Delay in Modification of Action Taken in Connection With WTO Dispute Settlement Proceedings on the European Communities' Ban on Imports of U.S. Beef and Beef Products**

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

**ACTION:** Notice and modification of action.

**SUMMARY:** On January 15, 2009, the United States Trade Representative

(“Trade Representative”) announced modifications (“January 15 modifications”) to the action taken in July 1999 in connection with the World Trade Organization (“WTO”) authorization to the United States in the *EC-Beef Hormones* dispute to suspend concessions and related obligations with respect to the European Communities (“EC”). See 74 FR 4265 (Jan. 23, 2009). The January 15 modifications had an effective date of March 23, 2009. In order to allow additional time to reach agreement with the EC on an interim solution that would provide benefits to the U.S. beef industry, the Trade Representative has decided to delay for one month (until April 23, 2009) the effective date of the additional duties imposed under the January 15 modifications. The effective date of the removal of duties under the January 15 modifications will remain March 23, 2009.

*Effective Date:* As set out in Annex I to this notice, the removal of duties on items deleted from the product list under the January 15 modifications shall be effective with respect to products that are entered, or withdrawn from warehouse, for consumption on or after March 23, 2009. As set out in Annex II to this notice, the additional duties under the January 15 modifications shall be effective with respect to products that are entered, or withdrawn from warehouse, for consumption on or after April 23, 2009.

**FOR FURTHER INFORMATION CONTACT:** Roger Wentzel, Director, Agricultural Affairs, (202) 395-6127 or David Weiner, Director for the European Union, (202) 395-4620 for questions concerning the *EC-Beef Hormones* dispute; or William Busis, Associate General Counsel and Chair of the Section 301 Committee, (202) 395-3150, for questions concerning procedures under Section 301.

**SUPPLEMENTARY INFORMATION:** For background concerning the *EC-Beef Hormones* WTO dispute and the January 15 modifications, see 74 FR 4265 (Jan. 23, 2009).

In the January 15 modifications, the Trade Representative decided: (1) To remove some products from the list of products currently subject to 100 percent *ad valorem* duties; (2) to impose 100 percent *ad valorem* duties on some new products from certain EC member States; (3) to modify the coverage with respect to particular EC member States; and (4) to raise the level of duties on one of the products that is being maintained on the product list.

Pursuant to Section 305 of the Trade Act of 1974, the Trade Representative