

General Conditions and the Definitions that are described in Sections I, II and III; and (3) as of January 1, 2008 with respect to the new fee offset procedure.

The availability of this proposed exemption is subject to the express condition that the material facts and representations contained in the application for exemption are true and complete and accurately describe all material terms of the Covered Transactions. This exemption is available to each specific party to whom the exemption grants relief, provided such party satisfies the terms and conditions of the exemption.

For a more complete statement of the facts and representations supporting the Department's decision to grant PTE 92-77, PTE 94-50, PTE 99-15 and PTE 2000-45, refer to the proposed exemptions and the grant notices which are cited above.

Signed at Washington, DC, this 18th day of December, 2008.

**Ivan L. Strasfeld,**

*Director of Exemption Determinations,  
Employee Benefits Security Administration,  
U.S. Department of Labor.*

[FR Doc. E8-30511 Filed 12-22-08; 8:45 am]

**BILLING CODE 4510-29-P**

## NUCLEAR REGULATORY COMMISSION

### Draft Regulatory Guide: Issuance, Availability

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of issuance and availability of Draft Regulatory Guide DG-1190.

**FOR FURTHER INFORMATION CONTACT:** Khoi Nguyen, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 251-7453 or e-mail [Khoi.Nguyen@nrc.gov](mailto:Khoi.Nguyen@nrc.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) has issued for public comment a draft regulatory guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

The draft regulatory guide (DG), entitled, "Manual Initiation of

Protective Actions," is temporarily identified by its task number, DG-1190, which should be mentioned in all related correspondence. This guide describes a method that the staff of the NRC considers acceptable for use in complying with the NRC's regulations with respect to the means for manual initiation of protective actions provided by otherwise automatically initiated safety systems. To meet these objectives, the means for manual initiation of protective actions must serve a safety-related function to complete all required protective actions for the safety system.

The regulatory framework that the NRC has established for nuclear power plants consists of a number of regulations and supporting guidelines applicable to manual initiation of protective actions, including, but not limited to, General Design Criterion (GDC) 1, "Quality Standards and Records," GDC 13, "Instrumentation and Control," GDC 21, "Protection System Reliability and Testability," and GDC 22, "Protection System Independence," as set forth in Appendix A, "General Design Criteria for Nuclear Power Plants," to Title 10, Part 50, "Domestic Licensing of Production and Utilization Facilities," of the Code of Federal Regulations (10 CFR Part 50). GDC 13 requires that appropriate controls shall be provided to maintain variables and systems that can affect the fission process, the integrity of the reactor core, the reactor coolant pressure boundary, and the containment and its associated systems within prescribed operating ranges. GDC 21 requires that the protection system shall be designed for high functional reliability. GDC 22 requires that design techniques, such as functional diversity or diversity in component design and principles of operation, shall be used to the extent practical to prevent loss of the protection function.

#### II. Further Information

The NRC staff is soliciting comments on DG-1190. Comments may be accompanied by relevant information or supporting data, and should mention DG-1190 in the subject line. Comments submitted in writing or in electronic form will be made available to the public in their entirety through the NRC's Agencywide Documents Access and Management System (ADAMS).

Personal information will not be removed from your comments. You may submit comments by any of the following methods:

1. Mail comments to: Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory

Commission, Washington, DC 20555-0001.

2. E-mail comments to: [nrcprep.resource@nrc.gov](mailto:nrcprep.resource@nrc.gov).

3. Fax comments to: Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission at (301) 415-5144.

Requests for technical information about DG-1190 may be directed to Khoi Nguyen at (301) 251-7453 or e-mail to [Khoi.Nguyen@nrc.gov](mailto:Khoi.Nguyen@nrc.gov).

Comments would be most helpful if received by February 20, 2009. Comments received after that date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Electronic copies of DG-1190 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML080720443.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at (301) 415-4737 or (800) 397-4205, by fax at (301) 415-3548, and by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

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Dated at Rockville, Maryland, this 16 day of December, 2008.

For the Nuclear Regulatory Commission.

**Andrea D. Valentin,**

*Chief, Regulatory Guide Development Branch,  
Division of Engineering, Office of Nuclear  
Regulatory Research.*

[FR Doc. E8-30490 Filed 12-22-08; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Draft Regulatory Guides: Granting Extension of Comment Periods

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Granting of Request to Extend the Comment Period of Draft Regulatory Guides, DG-1186 and DG-4013.

**FOR FURTHER INFORMATION CONTACT:** Steve Garry, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 415-2766 or e-mail to [Steve.Garry@nrc.gov](mailto:Steve.Garry@nrc.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) issued for public comment DG-1186, "Measuring, Evaluating, and Reporting Radioactive Materials in Liquid and Gaseous Effluents and Solid Wastes," which was published in the **Federal Register**, 73 FR 65705, on November 4, 2008. DG-1186 is proposed Revision 2 of Regulatory Guide 1.21.

NRC also issued for public comment DG-4013, "Environmental Monitoring for Nuclear Power Plants," which was published in the **Federal Register**, 73 FR 66685, on November 10, 2008. DG-4013 is proposed Revision 2 of Regulatory Guide 4.1.

The DGs are in the agency's "Regulatory Guide" series. This series has been developed to describe and make available to the public such information as methods that are acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques that the staff uses in evaluating specific problems or postulated accidents, and data that the staff needs in its review of applications for permits and licenses.

**II. Further Information**

The NRC staff requested receipt of comments on DG-1186 by December 30, 2008, and the receipt of comments on DG-4013 by January 9, 2009. By this action, the NRC staff is extending the comment period until January 30, 2009, for DG-1186 and DG-4013. Comments received after January 30, 2009 for DG-1186 and DG-4013, would be considered if practical to do so, but the NRC is able to ensure consideration only for comments received on or before January 30, 2009. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

**III. Request To Extend the Comment Period**

*Basis for the Request*

The NRC received the following extension request:

In a letter, the Nuclear Energy Institute requested that the public review and comment period on DG-1186 and DG-4013 be extended to January 30, 2009. This will allow the public an opportunity to formulate comments because there is an NRC public meeting on the two draft guides scheduled for January 15, 2009.

*Response to Request*

The request for an extension to the comment period is approved until January 30, 2009.

Requests for technical information about DG-1186 and DG-4013 may be directed to the NRC contact, Steve Garry at (301) 415-2766 or e-mail to [Steve.Garry@nrc.gov](mailto:Steve.Garry@nrc.gov).

Electronic copies of DG-1186 are available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML080660617.

Electronic copies of DG-4013 are also available through the NRC's public Web site under Draft Regulatory Guides in the "Regulatory Guides" collection of the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections/>. Electronic copies are also available in ADAMS (<http://www.nrc.gov/reading-rm/adams.html>), under Accession No. ML080660608.

In addition, regulatory guides are available for inspection at the NRC's Public Document Room (PDR), which is located at 11555 Rockville Pike, Rockville, Maryland. The PDR's mailing address is USNRC PDR, Washington, DC 20555-0001. The PDR can also be reached by telephone at (301) 415-4737 or (800) 397-4205, by fax at (301) 415-3548, and by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

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Dated at Rockville, Maryland, this 17th day of December, 2008.

For the Nuclear Regulatory Commission.

**Andrea D. Valentin,**  
Chief, Regulatory Guide Development Branch,  
Division of Engineering, Office of Nuclear  
Regulatory Research.

[FR Doc. E8-30476 Filed 12-22-08; 8:45 am]

**BILLING CODE 7590-01-P**

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-400]

**Carolina Power & Light Company; Shearon Harris Nuclear Power Plant, Unit 1; Notice of Issuance of Renewed Facility Operating License No. NPF-63 for an Additional 20-Year Period; Record of Decision**

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission or NRC) has issued Renewed Facility Operating License No. NPF-63 to the Carolina Power & Light Company (the licensee), now doing business as Progress Energy Carolinas, Inc., the operator of the Shearon Harris Nuclear Power Plant (HNP), Unit 1. Renewed Facility Operating License No. NPF-63 authorizes operation of HNP by the licensee at reactor core power levels not in excess of 2900 megawatts thermal (900 megawatts electric), in accordance with the provisions of the HNP renewed license and its Technical Specifications.

This notice also serves as the record of decision for the renewal of Facility Operating License No. NPF-63 for HNP, consistent with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 51.103. As discussed in the Final Supplemental Environmental Impact Statement (FSEIS) for HNP, dated August 2008, the Commission considered a range of reasonable alternatives that included generation from coal, natural gas, oil, wind, solar, hydropower, geothermal, wood waste, municipal solid waste, other biomass-derived fuels, delayed retirement, utility-sponsored conservation, a combination of alternatives, and a no-action alternative. The factors considered in the record of decision can be found in the supplemental environmental impact statement for License Renewal, Supplement 33 regarding HNP, Unit 1.

HNP is a pressurized-water reactor designed by the Westinghouse Electric Corporation that is located in Wake County, North Carolina, approximately twenty miles southwest of Raleigh, North Carolina. The application for the renewed license complied with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. As required by the Act and the Commission's regulations in 10 CFR Chapter I, the Commission has made appropriate findings, which are set forth in the license.

Prior public notice of the action involving the proposed issuance of the renewed license and of an opportunity for a hearing regarding the proposed