

requirements of 10 CFR 50.46(a)(1)(i) is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants the licensee an exemption from the requirement of 10 CFR 46(a)(1)(i) related to fuel cladding material to allow one LTA containing AXIOM™ clad fuel rods to be irradiated in Byron 2 during Cycle 16 up to a lead rod average burnup of up to 75,000 MWD/MTU. The remaining requirements of 10 CFR 50.46 remain in effect for the Byron 2 Cycle 16 reactor core.

Furthermore, for the reasons stated in the previous section, the Commission has determined that an exemption from the requirements of 10 CFR Part 50, Appendix K, is not required. Therefore, the Commission is not issuing an exemption from 10 CFR Part 50, Appendix K for the Byron 2 Cycle 16 reactor core.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of the exemption from 10 CFR 46(a)(1)(i) will not have a significant effect on the quality of the human environment (74 FR 20000; April 30, 2009).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 30th day of April 2009.

For the Nuclear Regulatory Commission.

Joseph Giitter,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

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NUCLEAR REGULATORY COMMISSION

Request To Amend a License for the Export of Radioactive Waste

Pursuant to 10 CFR 110.70(b) "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission (NRC) has received the following request to amend an export license. Copies of the request are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link <http://www.nrc.gov/reading-rm.html> at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within thirty days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory

Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

A request for a hearing or petition for leave to intervene may be filed with the NRC electronically in accordance with NRC's E-Filing rule promulgated in August 2007, 72 FR 49139 (Aug. 28, 2007). Information about filing electronically is available on the NRC's public Web site at <http://www.nrc.gov/site-help/e-submittals.html>. To ensure timely electronic filing, at least 5 (five) days prior to the filing deadline, the petitioner/requestor should contact the Office of the Secretary by e-mail at HEARINGDOCKET@NRC.GOV, or by calling (301) 415-1677, to request a digital ID certificate and allow for the creation of an electronic docket.

In addition to a request for hearing or petition for leave to intervene, written comments, in accordance with 10 CFR 110.81, should be submitted within thirty (30) days after publication of this notice in the **Federal Register** to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, *Attention: Rulemaking and Adjudications*.

The information concerning the application follows.

NRC APPLICATION TO AMEND LICENSE FOR THE EXPORT OF RADIOACTIVE WASTE

Name of Applicant, date of Application, date received, application No., docket No.	Description of material		End use	Recipient country
	Material type	Total quantity		
Diversified Scientific Services, Inc. (DSSI), February 26, 2009, February 27, 2009, XW008/03, 11005323.	Class A radioactive mixed waste.	License to be amended to: (1) Extend the expiration date from 03/31/09 to 12/31/13; and (2) add authorization to export any waste generated as a result of processing materials imported from Atomic Energy of Canada, Limited (AECL) under IW012, as amended.	Return of non-conforming waste and/or waste resulting from processing materials imported to AECL for appropriate disposition.	Canada.

For the Nuclear Regulatory Commission.

Dated this 30th day of April 2009 at Rockville, Maryland.

Scott W. Moore,

Deputy Director, Office of International Programs.

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OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS392/1]

WTO Dispute Settlement Proceeding Regarding United States—Certain Measures Affecting Imports of Poultry From China

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative ("USTR") is providing notice that on April 17, 2009, the People's Republic of China ("China") requested consultations with the United States under the *Marrakesh Agreement Establishing the World Trade Organization* ("WTO Agreement") with respect to certain measures affecting the import of poultry products from China into the United States. That request may be found at www.wto.org contained in a document designated as WT/DS392/1.

USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before June 5 to be assured of timely consideration by USTR.

ADDRESSES: Public comments should be submitted electronically to <http://www.regulations.gov>, docket number USTR-2009-0014. If you are unable to provide submissions by <http://www.regulations.gov>, please contact Sandy McKinzy at (202) 395-9483 to arrange for an alternative method of transmission. If (as explained below) the comment contains confidential information, then the comment should be submitted by fax only to Sandy McKinzy at (202) 395-3640.

FOR FURTHER INFORMATION CONTACT: David Yocis, Associate General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508, (202) 395-9663.

SUPPLEMENTARY INFORMATION: USTR is providing notice that consultations have been requested pursuant to the WTO *Understanding on Rules and Procedures Governing the Settlement of Disputes* ("DSU"). If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within nine months after it is established.

Major Issues Raised by China

On April 17, 2009, China requested consultations regarding section 727 of the Omnibus Appropriations Act, 2009 (Pub. L. 111-8), which prohibits the use of funds appropriated under that Act from being used to establish or implement a rule allowing poultry products to be imported into the United States from China. According to China, section 727 effectively prohibits the U.S. Department of Agriculture from establishing or implementing measures allowing for the importation from China of poultry products or taking actions to expand the class of poultry products from China eligible for import into the United States. China alleges that, by precluding the use of funds to enable imports from China of poultry products, the United States maintains a quantitative restriction in breach of Article XI:1 of the *General Agreement on Tariffs and Trade 1994* ("GATT 1994") and Article 4.2 of the *Agreement on Agriculture*. In addition, China

alleges that by imposing this restriction with respect to imports from China, but not those of other WTO Members, the United States acts inconsistently with Article I:1 of the GATT 1994.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in this dispute. Persons may submit public comments electronically to <http://www.regulations.gov> docket number USTR-2009-0014. If you are unable to provide submissions by <http://www.regulations.gov>, please contact Sandy McKinzy at (202) 395-9483 to arrange for an alternative method of transmission.

To submit comments via <http://www.regulations.gov>, enter docket number USTR-2009-0014 on the home page and click "go". The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting "Notice" under "Document Type" on the left side of the search-results page, and click on the link entitled "Send a Comment or Submission." (For further information on using the <http://www.regulations.gov> Web site, please consult the resources provided on the Web site by clicking on "How to Use This Site" on the left side of the home page.)

The <http://www.regulations.gov> site provides the option of providing comments by filling in a "General Comments" field, or by attaching a document. It is expected that most comments will be provided in an attached document. If a document is attached, it is sufficient to type "See attached" in the "General Comments" field.

A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the submitter. Confidential business information must be clearly designated as such and the submission must be marked "BUSINESS CONFIDENTIAL" at the top and bottom of the cover page and each succeeding page. Any comment containing business confidential information must be submitted by fax to Sandy McKinzy at (202) 395-3640. A non-confidential summary of the confidential information must be submitted to <http://www.regulations.gov>. The non-confidential summary will be placed in

the docket and open to public inspection.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must clearly so designate the information or advice;

(2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" at the top and bottom of the cover page and each succeeding page; and

(3) Must provide a non-confidential summary of the information or advice.

Any comment containing confidential information must be submitted by fax. A non-confidential summary of the confidential information must be submitted to <http://www.regulations.gov>. The non-confidential summary will be placed in the docket and open to public inspection.

USTR will maintain a docket on this dispute settlement proceeding, accessible to the public. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened or in the event of an appeal from such a panel, the U.S. submissions, any non-confidential submissions, or non-confidential summaries of submissions, received from other participants in the dispute; the report of the panel; and, if applicable, the report of the Appellate Body.

Comments will be placed in the docket and open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15 or information determined by USTR to be confidential in accordance with 19 U.S.C. 2155(g)(2). Comments open to public inspection may be viewed on the <http://www.regulations.gov> Web site.

Daniel Brinza,

Assistant United States Trade Representative for Monitoring and Enforcement.

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