

that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can 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 help line number is (800) 397-4209 or locally, (301) 415-4737.

Participants who believe that they have a 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, Maryland 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.

Non-timely requests and/or petitions and contentions will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request should be granted and/or the contentions should be admitted, based on a balancing of the factors specified in 10 CFR 2.309(c)(1)(i)-(viii). To be timely, filings must be submitted no later than 11:59 p.m. Eastern Time on the due date.

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 submission.

**Tennessee Valley Authority, Docket No. 50-390, Watts Bar Nuclear Plant, Unit No. 1, Rhea County, Tennessee**

*Date of amendment request:*  
November 12, 2008.

*Description of amendment request:*  
The amendment revises Technical Specification (TS) 3.4.15, "RCS [Reactor Coolant System] Leakage Detection Instrumentation."

*Date of issuance:* November 25, 2008.

*Effective date:* As of the date of issuance, to be implemented within 5 days.

*Amendment No.:* 71.

*Facility Operating License No. NPF-90:* The amendment revises the TSs and the license.

*Public comments requested as to proposed no significant hazards consideration (NSHC):* Yes. Public notice of the proposed amendments was published in the *The Herald-News* newspaper, located in Dayton, Tennessee on November 19, 2008. The notice provided an opportunity to submit comments on the Commission's proposed NSHC determination. No comments have been received.

The Commission's related evaluation of the amendment, finding of exigent circumstances, state consultation, and final NSHC determination are contained in a safety evaluation dated November 25, 2008.

*Attorney for licensee:* General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET 11A, Knoxville, Tennessee 37902.

*NRC Branch Chief:* L. Raghavan.

Dated at Rockville, Maryland, this 5th day of December 2008.

For the Nuclear Regulatory Commission.

**Joseph G Giitter,**

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

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## NUCLEAR REGULATORY COMMISSION

### Withdrawal of Regulatory Guide

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Withdrawal of Regulatory Guide 3.38.

#### FOR FURTHER INFORMATION CONTACT:

Robert G. Carpenter, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: 301-415-6177 or e-mail to [Robert.Carpenter@nrc.gov](mailto:Robert.Carpenter@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is withdrawing Regulatory Guide 3.38, "General Fire Protection Guide for Fuel Reprocessing Plants." This guide was released for comment in June 1976 and provided guidance on acceptable criteria for fire protection programs in the design and construction of fuel reprocessing facilities. The NRC is withdrawing this regulatory guide because it is outdated.

There are currently no licensees that operate fuel reprocessing plants. Additionally, the staff is considering amending the regulatory framework for licensing advanced fuel cycle facilities, such as a reprocessing facility, and Regulatory Guide 3.38 is currently not sufficient guidance for future fuel reprocessing facilities. The staff will consider issuing additional guidance in conjunction with a revised regulatory framework for licensing a reprocessing facility.

##### II. Further Information

The withdrawal of Regulatory Guide 3.38 does not alter any prior or existing licensing commitments based on its use. Regulatory guides may be withdrawn when their guidance is superseded by congressional action or no longer provides useful information.

Regulatory guides are available for inspection or downloading through the NRC's public Web site under "Regulatory Guides" in the NRC's Electronic Reading Room at <http://www.nrc.gov/reading-rm/doc-collections>. Regulatory guides are also available for inspection at the NRC's Public Document Room (PDR), Room O-1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738. The PDR's mailing address is US NRC PDR, Washington, DC 20555-0001. You can reach the PDR staff by telephone at 301-415-4737 or 1 800-397-4209, by fax at 301-415-3548, and by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).