

Dated at Rockville, Maryland, this 13th day of March, 2009.

For the Nuclear Regulatory Commission.

**David L. Pelton,**

*Chief, Projects Branch 1, Division of License Renewal, Office of Nuclear Reactor Regulation.*

[FR Doc. E9-6110 Filed 3-19-09; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

[NRC-2008-0539]

### **Final Regulatory Guide: Issuance, Availability**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Issuance and Availability of Regulatory Guide, RG 5.73.

**FOR FURTHER INFORMATION CONTACT:** Michael Boggi, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 415-5309 or e-mail to [Michael.Boggi@nrc.gov](mailto:Michael.Boggi@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC or Commission) is issuing a new guide in the agency's "Regulatory Guide" series. This series was developed to describe and make available to the public information such as methods that are acceptable to the NRC staff for implementing specific parts of the agency'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.

RG 5.73, "Fatigue Management for Nuclear Power Plant Personnel," was issued with a temporary identification as Draft Regulatory Guide, DG-5026. This guide describes a method that the staff of the NRC considers acceptable for complying with the Commission's regulations for managing personnel fatigue at nuclear power plants. The regulations established by the NRC in Title 10, part 26, "Fitness for Duty Programs," of the Code of Federal Regulations (10 CFR part 26) establish requirements for ensuring that personnel are fit to safely and competently perform their duties. Subpart I, "Managing Fatigue," of 10 CFR part 26 establishes requirements for managing personnel fatigue at nuclear power plants. The regulations in subpart I provide a comprehensive and integrated approach to fatigue management, taking into account the

multiple causes and effects of worker fatigue. The Commission recognizes that the potential for excessive fatigue is not solely based on extensive work hours but can result from other factors, such as stressful working conditions, sleep disorders, accumulation of sleep debt, and the disruptions of circadian rhythms associated with shift work. The requirements of the rule reflect these considerations to ensure that licensees effectively manage worker fatigue and provide reasonable assurance that workers are able to safely and competently perform their duties.

##### **II. Further Information**

In September 2008, DG-5026 was published with a public comment period of 45 days from the issuance of the guide. The public comment period closed on October 31, 2008. The staff's responses to the public comments received are included with the guide as Appendix B, "Response to Public Comments." They are also located in the NRC's Agencywide Documents Access and Management System under Accession Number ML083540269. Electronic copies of RG 5.73 are available through the NRC's public Web site under "Regulatory Guides" at <http://www.nrc.gov/reading-rm/doc-collections/>.

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 10th day of March, 2009.

For the Nuclear Regulatory Commission.

**Andrea D. Valentin,**

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

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## **NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-305; NRC-2009-0125]

### **Dominion Energy Kewaunee, Inc.; Notice of Withdrawal of Application for Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has granted the request of Dominion Energy Kewaunee (the licensee) to withdraw its September 14, 2007 application for proposed amendment to Facility Operating License No. DPR-43 for Kewaunee Power Station located in Kewaunee County, Wisconsin.

The proposed amendment would have revised the Technical Specification (TS) requirements related to control room envelope habitability. The proposed changes include revisions to the control room post-accident recirculation system, the instrument operating conditions for isolation functions, and a control room envelope habitability program. The changes are consistent with TS Task Force (TSTF) Change Traveler, TSTF-448-A, Revision 3, "Control Room Habitability."

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on November 20, 2007 (72 FR 65363). However, by letter dated December 17, 2008, the licensee withdrew the application for the proposed amendment.

For further details with respect to this action, see the application for amendment dated September 14, 2007, and the licensee's letter dated December 17, 2008, which withdrew the application for license amendment. 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 Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm.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 by e-mail to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov).

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