

## NUCLEAR REGULATORY COMMISSION

### Draft Regulatory Guide: Issuance, Availability

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of Issuance and Availability of Draft Regulatory Guide, DG-5026.

#### FOR FURTHER INFORMATION CONTACT:

Valerie Barnes, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 415-5944 or e-mail to [Valerie.Barnes@nrc.gov](mailto:Valerie.Barnes@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) is issuing 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, "Fatigue Management for Nuclear Power Plant Personnel," is temporarily identified by its task number, DG-5026, which should be mentioned in all related correspondence. This regulatory guide provides 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, of the Code of Federal Regulations (10 CFR part 26), "Fitness for Duty Programs," 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 also on other causal factors, such as stressful working conditions, sleep disorders, accumulation of sleep debt and the disruptions of circadian rhythms associated with shift work.

These considerations are reflected in the requirements of the rule in order to ensure that licensees effectively manage worker fatigue and provide reasonable assurance that workers are able to safely and competently perform their duties.

A public meeting will be held on October 10, 2008 from 8:30 a.m. to 4:30 p.m. in room T10-A1 of the NRC headquarters building at Two White Flint North, 11545 Rockville Pike, Rockville, MD 20852 to discuss this draft regulatory guide. For those unable to attend in person, they may participate via teleconference. The call in number is 1-888-469-0975 followed by the pass code 37181 and the # key.

##### II. Further Information

The NRC staff is soliciting comments on DG-5026. Comments may be accompanied by relevant information or supporting data, and should mention DG-5026 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 the comments. Comments may be submitted by any of the following methods:

1. *Mail to:* Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.
2. *E-mail to:* [nrcprep.resource@nrc.gov](mailto:nrcprep.resource@nrc.gov).
3. *Hand-deliver to:* Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

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

Requests for technical information about DG-5026 may be directed to Valerie Barnes at (301) 415-5944 or e-mail to Valerie Barnes.

Comments would be most helpful if received by October 31, 2008. 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-5026 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. ML081960515.

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).

Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 22nd day of September, 2008.

For the Nuclear Regulatory Commission.

**Stephen C. O'Connor,**

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

[FR Doc. E8-22780 Filed 9-26-08; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Sunshine Federal Register Notice

**AGENCY HOLDING THE MEETINGS:** Nuclear Regulatory Commission.

**DATES:** Weeks of September 29, October 6, 13, 20, 27, November 3, 2008.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

#### Week of September 29, 2008

There are no meetings scheduled for the week of September 29, 2008.

#### Week of October 6, 2008—Tentative.

*Monday, October 6, 2008*

12:55 p.m. Affirmation Session (Public Meeting) (Tentative).

- a. *Oyster Creek, Indian Point, Pilgrim, and Vermont Yankee License Renewals, Docket Nos. 50-219-LR, 50-247-LR, 50-286-LR, 50-293-LR, 50-271-LR, Petition To Suspend Proceedings (Tentative).*
- b. *Pacific Gas and Electric Co. (Diablo Canyon ISFSI), Docket No. 72-26-ISFSI, Decision on the Merits of San Luis Obispo Mothers for Peace's Contention 2 (Tentative).*
- c. *EnergySolutions (Radioactive Waste Import/Export)—EnergySolutions'*

Applications for Low-Level Radioactive Waste Import and Export Licenses (Tentative).  
1 p.m. Discussion of Security Issues (Closed—Ex. 1 and 3).

**Week of October 13, 2008—Tentative**

There are no meetings scheduled for the week of October 13, 2008.

**Week of October 20, 2008—Tentative**

*Wednesday, October 22, 2008*

9:30 a.m. Briefing on New Reactor Issues—Construction Readiness, Part 1 (Public Meeting) (Contact: Roger Rihm, 301 415-7807).

1:30 p.m. Briefing on New Reactor Issues—Construction Readiness, Part 2 (Public Meeting) (Contact: Roger Rihm, 301 415-7807).

Both parts of this meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

**Week of October 27, 2008—Tentative**

There are no meetings scheduled for the week of October 27, 2008.

**Week of November 3, 2008—Tentative**

*Thursday, November 6, 2008*

1:30 p.m. Briefing on NRC International Activities (Public Meeting) (Contact: Karen Henderson, 301 415-0202).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

*Friday, November 7, 2008*

2 p.m. Meeting with Advisory Committee on Reactor Safeguards (Public Meeting) (Contact: Tanny Santos, 301 415-7270).

This meeting will be Webcast live at the Web address—<http://www.nrc.gov>.

\* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—(301) 415-1292. Contact person for more information: Michelle Schroll, (301) 415-1662.

The NRC Commission Meeting Schedule can be found on the Internet at: <http://www.nrc.gov/about-nrc/policy-making/schedule.html>.

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g., braille, large print), please notify the NRC's Disability Program Coordinator, Rohn Brown, at 301-492-2279, TDD: 301-415-2100, or by e-mail at [rohn.brown@nrc.gov](mailto:rohn.brown@nrc.gov). Determinations on

requests for reasonable accommodation will be made on a case-by-case basis.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301-415-1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to [darlene.wright@nrc.gov](mailto:darlene.wright@nrc.gov).

Dated: September 24, 2008.

**R. Michelle Schroll,**

*Office of the Secretary.*

[FR Doc. E8-22906 Filed 9-25-08; 11:15 am]

**BILLING CODE 7590-01-P**

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**SECURITIES AND EXCHANGE COMMISSION**

**[Investment Company Act Release No. 28388; 812-13529]**

**Morgan Stanley Series Funds, et al.; Notice of Application**

September 23, 2008.

**AGENCY:** Securities and Exchange Commission (“Commission”).

**ACTION:** Notice of an application under section 6(c) of the Investment Company Act of 1940 (“Act”) for an exemption from rule 12d1-2(a) under the Act.

**SUMMARY OF APPLICATION:** Applicants request an order to permit funds of funds relying on rule 12d1-2 under the Act to invest in certain financial instruments.

**APPLICANTS:** Morgan Stanley Series Fund (the “Trust”), Morgan Stanley Investment Advisors, Inc. (the “Adviser”), Morgan Stanley Investment Management Ltd. (the “Sub-Adviser”) and Morgan Stanley Distributors Inc. (the “Distributor”).

**FILING DATE:** The application was filed on May 18, 2008 and amended on September 19, 2008.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission’s Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 20, 2008 and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state

the nature of the writer’s interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission’s Secretary.

**ADDRESSES:** Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090; Applicants, 522 Fifth Avenue, New York, NY 10036.

**FOR FURTHER INFORMATION CONTACT:** Lewis Reich, Senior Counsel, at (202) 551-6919, or Janet M. Grossnickle, Assistant Director, at (202) 551-6821 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee at the Commission’s Public Reference Room, 100 F Street, NE., Washington, DC 20549-1520 (telephone (202) 551-5850).

**Applicants’ Representations**

1. The Trust is organized as a Massachusetts business trust and is registered as an open-end management investment company under the Act. Applicants request the exemption to the extent necessary to permit any existing or future registered open-end management investment companies and their series advised by the Adviser or any entity controlling, controlled by, or under common control with, the Adviser that operate as “funds of funds” (the “Applicant Funds”) and invest in other registered investment companies in reliance on section 12(d)(1)(G) of the Act and which is also eligible to invest in securities (as defined in section 2(a)(36) of the Act) in reliance on rule 12d1-2 under the Act (together with the Trust and its series, the “Applicant Funds”), to also invest, to the extent consistent with its investment objective, policies, strategies and limitations, in financial instruments that may not be securities within the meaning of section 2(a)(36) of the Act (“Other Investments”).<sup>1</sup>

2. The Adviser and Sub-Adviser are both wholly-owned subsidiaries of Morgan Stanley registered as investment advisers under the Investment Advisers Act of 1940 (the “Advisers Act”). The Adviser is the investment adviser for each series of the Trust. The Sub-Adviser serves as investment sub-

<sup>1</sup> Every existing entity that currently intends to rely on the requested order is named as an applicant. Any existing or future entity that relies on the order in the future will do so only in accordance with the terms and conditions in the application.