

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.*

[FR Doc. E8-29450 Filed 12-15-08; 8:45 am]

**BILLING CODE 7590-01-P**

**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).

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

Dated at Rockville, Maryland, this 3rd 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. E8-29724 Filed 12-15-08; 8:45 am]

BILLING CODE 7590-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-28530; File No. 812-13563]

### TIAA-CREF Life Funds, et al.

December 10, 2008.

**AGENCY:** Securities and Exchange Commission (the "Commission").

**ACTION:** Notice of application ("Application") for exemption pursuant to Section 6(c) of the Investment Company Act of 1940, as amended (the "1940 Act"), from the provisions of Sections 9(a), 13(a), 15(a) and 15(b) of the Act and Rules 6e-2(b)(15) and 6e-3(T)(b)(15) thereunder.

**APPLICANTS:** TIAA-CREF Life Funds (the "Trust"), the TIAA-CREF Life Insurance Company ("TIAA-CREF Life"), and Teachers Advisors, Inc. ("Advisors") (collectively, "Applicants").

**SUMMARY OF APPLICATION:** Applicants seek an order to permit shares of the Trust and shares of any other future investment company ("Other Investment Companies") that is designed to fund insurance products and for which TIAA-CREF Life, or any of its affiliates, may serve as administrator, investment manager, principal underwriter or sponsor (the Trust and Other Investment Companies being hereinafter referred to, collectively, as "Insurance Investment Companies"), or permit shares of any current or future series of any Insurance Investment Company ("Insurance Fund"), to be sold to and held by: (1) Separate accounts funding variable annuity and variable life insurance contracts issued by both affiliated and unaffiliated life insurance companies of TIAA-CREF Life; (2) trustees on behalf of tax-qualified and certain other retirement and employee benefit plans outside of the separate account context ("Qualified Plans" or "Plans"); (3) Advisors and any affiliate of Advisors that serves as an investment adviser, manager, principal underwriter, sponsor, or administrator for the purpose of providing seed capital to an

Insurance Fund (collectively, the "Manager"); and (4) any insurance company general account that is permitted to hold shares of an Insurance Fund consistent with the requirements of Treasury Regulation 1.817-5 ("General Account") under the circumstances described in the Application.

**FILING DATE:** The Application was filed on August 13, 2008, and amended and restated on December 10, 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 Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on January 5, 2009, 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 requester'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 Secretary of the Commission.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549-1090. Applicants, c/o Stewart P. Greene, Esq., TIAA-CREF Life Funds, 730 Third Avenue, New York, New York 10017-3206.

**FOR FURTHER INFORMATION CONTACT:** Michael Kosoff, Staff Attorney, at (202) 551-6754 or Harry Eisenstein, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 551-6795.

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained for a fee from the Public Reference Branch of the Commission, 100 F Street, NE., Washington, DC 20549 (202-551-8090).

#### *Applicant's Representations:*

1. Each Insurance Investment Company is, or will be, registered as an open-end management investment company under the 1940 Act. The Trust (File Nos. 333-61759/811-08961) currently consists of, and offers shares of beneficial interest in, ten (10) investment portfolios that are sold only to separate accounts of TIAA-CREF Life which fund variable life and variable annuity contracts. The Trust may offer one or more additional series or classes of shares in the future. The Trust sells its shares directly or indirectly to TIAA-

CREF Life, which holds the shares in its separate accounts to support variable annuity and variable life insurance contracts.

2. TIAA-CREF Life is a New York stock insurance company. TIAA-CREF Life is licensed to do business in all fifty (50) United States and the District of Columbia. TIAA-CREF Life is a wholly owned subsidiary of TIAA-CREF Enterprises, Inc., which is a wholly owned subsidiary of Teachers Insurance and Annuity Association of America ("TIAA"), a stock life insurance company organized under the laws of the State of New York.

3. Advisors is the investment adviser to the Trust and also is responsible for providing or obtaining at its own expense most of the services necessary to operate the Trust on a day-to-day basis, including custodial, administrative, portfolio accounting, dividend disbursing, auditing, and ordinary legal services. Advisors, a Delaware corporation, is registered as an investment adviser under the Investment Advisers Act of 1940, as amended, and is a wholly-owned indirect subsidiary of TIAA.

4. The Trust currently offers shares of the Insurance Funds only to the separate accounts of TIAA-CREF Life, an affiliated insurance company, in order to fund benefits under variable annuity and other variable insurance contracts. In the future, the Insurance Investment Companies intend to offer shares of the Insurance Funds to (a) both registered and unregistered separate accounts of affiliated and unaffiliated insurance companies in order to fund variable annuity and variable life insurance contracts (collectively, "Separate Accounts"); (b) Qualified Plans; (c) any Manager; and (d) any General Accounts.

5. Affiliated or unaffiliated insurance companies whose Separate Account(s) may now or in the future own shares of the Insurance Funds are referred to herein as "Participating Insurance Companies." The Participating Insurance Companies have established or will establish their own Separate Accounts and design their own variable contracts. Each Participating Insurance Company has or will have the legal obligation to satisfy all applicable requirements under both state and federal law. Participating Insurance Companies may rely on Rules 6e-2 and 6e-3(T) under the 1940 Act in connection with the establishment and maintenance of variable life insurance Separate Accounts, although some Participating Insurance Companies, in connection with variable life insurance contracts, may rely on individual exemptive orders as well. Each