

LLC pursuant to Subpart C of 10 CFR part 52 for a combined license for Calvert Cliffs Nuclear Power Plant Unit 3, which would be located in Calvert County, Maryland. The State of Maryland also submitted a request to participate in the proceeding as an interested State.

The Board is comprised of the following administrative judges:

Ronald M. Spritzer, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;

Gary S. Arnold, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;

William W. Sager, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007 (72 FR 49,139).

Issued at Rockville, Maryland, this 2nd day of December 2008.

**E. Roy Hawkens,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. E8-28950 Filed 12-5-08; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 52-025-COL and 52-026-COL; ASLBP No.09-873-01-COL-BD01]

**Southern Nuclear Operating Company; Establishment of Atomic Safety and Licensing Board**

Pursuant to delegation by the Commission dated December 29, 1972, published in the *Federal Register*, 37 FR 28,710 (1972), and the Commission's regulations, see 10 CFR 2.104, 2.300, 2.303, 2.309, 2.311, 2.318, and 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

**Southern Nuclear Operating Company**

*(Vogtle Electric Generating Plant, Units 3 and 4)*

This proceeding concerns a Petition to Intervene from the Atlanta Women's Action for New Directions (Atlanta, WAND), Blue Ridge Environmental Defense League (BREDL), Center for a Sustainable Coast (CSC), Savannah Riverkeeper, and Southern Alliance for Clean Energy (SACE), which was submitted in response to a September

16, 2008, Notice of Hearing and Opportunity to Petition for Leave to Intervene on a Combined License for the Vogtle Electric Generating Plant Units 3 and 4 (73 FR 53,446). The Petition to Intervene challenges the application filed by Southern Nuclear Operating Company pursuant to Subpart C of 10 CFR Part 52 for a combined license for Vogtle Electric Generating Plant, Units 3 and 4, which would be located in Burke County, Georgia.

The Board is comprised of the following administrative judges:

G. Paul Bollwerk, III, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;

Nicholas G. Trikouros, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001;

James F. Jackson, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule, which the NRC promulgated in August 2007 (72 FR 49,139).

Issued at Rockville, Maryland, this 2nd day of December 2008.

**E. Roy Hawkens,**

*Chief Administrative Judge, Atomic Safety and Licensing Board Panel.*

[FR Doc. E8-28951 Filed 12-5-08; 8:45 am]

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**NUCLEAR REGULATORY COMMISSION**

[Docket Nos. 52-029 and 52-030]

**Progress Energy Florida, Inc.; Application for the Levy County Nuclear Power Plant Units 1 and 2; Notice of Order, Hearing, and Opportunity To Petition for Leave To Intervene**

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders," 10 CFR part 50, "Domestic Licensing of Production and Utilization Facilities," and 10 CFR part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," notice is hereby given that a hearing will be held, at a time and place to be set in the future by the U.S. Nuclear Regulatory Commission (NRC, the Commission) or designated by the Atomic Safety and Licensing Board (Board). The hearing

will consider the application dated July 28, 2008, and supplemental information dated September 12, 2008, filed by Progress Energy Florida, Inc. (PEF), pursuant to Subpart C of 10 CFR Part 52, for a combined license (COL). The application requests approval of a COL for Levy Nuclear Power Plant Units 1 and 2, to be located in Levy County, Florida. The application also requests a limited work authorization pursuant to 10 CFR 50.10. The application was accepted for docketing on October 6, 2008 (October 14, 2008; 73 FR 60726). The docket numbers established for this COL application are 52-029 and 52-030. The Levy County COL application incorporates by reference Appendix D to 10 CFR 52 (which includes the AP1000 design through Revision 15), as amended by the AP1000 Design Control Document (DCD) submitted by Westinghouse as Revision 16 and Westinghouse Technical Report APP-GW-GLR-134, Revision 5. By letter to Westinghouse dated January 18, 2008, the staff accepted DCD Revision 16 for docketing. Proposed amendments to the AP1000 certified design are the subject of an ongoing rulemaking under docket number 52-006.

The hearing will be conducted by a Board that will be designated by the Chairman of the Atomic Safety and Licensing Board Panel or will be conducted by the Commission. Notice as to the membership of the Board will be published in the *Federal Register* at a later date. The NRC staff will complete a detailed technical review of the application and will document its findings in a safety evaluation report. The Commission will refer a copy of the application to the Advisory Committee on Reactor Safeguards (ACRS) in accordance with 10 CFR 52.87, "Referral to the ACRS," and the ACRS will report on those portions of the application that concern safety.

The NRC staff will also prepare an Environmental Impact Statement, as required by 10 CFR 51.20(b)(2).

Any person whose interest may be affected by this proceeding and desire to participate as a party to this proceeding must file a written petition for leave to intervene in accordance with 10 CFR 2.309. Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

A petition for a leave to intervene must be filed no later than 60 days from the date of publication of this notice in the *Federal Register*. Non-timely filings will not be entertained absent a determination by the Commission or