

Dated at Region I, 475 Allendale Road, King of Prussia, PA, this 1st day of December 2008.

For The Nuclear Regulatory Commission.

James P. Dwyer,

Chief, Commercial and R&D Branch, Division of Nuclear Materials Safety, Region I.

[FR Doc. E8-28941 Filed 12-5-08; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

Draft Regulatory Guide: Issuance, Availability

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance, Availability of Draft Regulatory Guide (DG)-1178.

FOR FURTHER INFORMATION CONTACT:

Khoi H. Nguyen, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone: (301) 251-7453 or e-mail Khoi.Nguyen@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

The U.S. Nuclear Regulatory Commission (NRC) has issued for public comment a draft 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, entitled, "Instrument Sensing Lines," is temporarily identified by its task number, DG-1178, which should be mentioned in all related correspondence. This guide describes a method that the staff of the NRC considers acceptable for use in complying with the Commission's regulations with regard to the design and installation of safety-related instrument sensing lines in nuclear power plants. To meet these objectives, the sensing lines must serve a safety-related function to prevent release of reactor coolant as a part of the reactor coolant pressure boundary and provide adequate connection to the reactor coolant system for measuring process variables (e.g., pressure, level, and flow). The term "safety-related" refers to those structures, systems, and components necessary to ensure (1) The integrity of the reactor coolant pressure boundary, (2) the capability to shut

down the reactor and maintain it in a safe shutdown condition, or (3) the capability to prevent or mitigate the consequences of accidents that could result in potential offsite exposures comparable to the guideline exposures of Title 10, Part 100 of the Code of Federal Regulations, (10 CFR Part 100), "Reactor Site Criteria."

II. Further Information

The NRC staff is soliciting comments on DG-1178. Comments may be accompanied by relevant information or supporting data, and should mention DG-1178 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 your comments. You may submit comments by any of the following methods:

1. *Mail comments to:* Rulemaking, Directives, and Editing Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

2. *E-mail comments to:* nrcprep.resource@nrc.gov.

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

Requests for technical information about DG-1178 may be directed to the NRC Senior Program Manager, Khoi H. Nguyen at (301) 251-7453 or e-mail to Khoi.Nguyen@nrc.gov.

Comments would be most helpful if received by February 6, 2009. 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-1178 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. ML080510453.

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.

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Dated at Rockville, Maryland, this 1st 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. E8-28937 Filed 12-5-08; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 52-016-COL; ASLBP No. 09-874-02-COL-BD01]

Calvert Cliffs 3 Nuclear Project, LLC, and Unistar Nuclear Operating Services, LLC; 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:

Calvert Cliffs 3 Nuclear Project, LLC, and UniStar Nuclear Operating Services, LLC

(*Calvert Cliffs Nuclear Power Plant Unit 3*)

This proceeding concerns a Petition to Intervene from the Nuclear Information and Resource Service (NIRS), Beyond Nuclear, and the Public Citizen Energy Program and Maryland Public Interest Research Group, which was submitted in response to a September 26, 2008 Notice of Hearing and Opportunity to Petition for Leave to Intervene on a Combined License for the Calvert Cliffs Nuclear Power Plant Unit 3 (73 FR 55,876). The Petition to Intervene challenges the application filed by Calvert Cliffs 3 Nuclear Project, LLC and UniStar Nuclear Operating Services,

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