

August 22, 2011

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

Before the Atomic Safety and Licensing Board

In the Matter of)	
)	
Progress Energy Florida, Inc.)	Docket Nos. 52-029-COL
)	52-030-COL
(Levy County Nuclear Plant, Units 1 and 2))	
)	ASLBP No. 09-879-04-COL
(Combined License Application))	

**PROGRESS ENERGY FLORIDA, INC.’S OBJECTION TO JOINT INTERVENORS’
SUBMISSION OF RULEMAKING PETITION AND REQUEST FOR SUSPENSION OF
LICENSING PROCEEDING TO ATOMIC SAFETY AND LICENSING BOARD**

On August 11, 2011, Joint Intervenor The Ecology Party of Florida, Nuclear Information and Resource Service and the Green Party of Florida (collectively the “Joint Intervenor”) filed with Atomic Safety and Licensing Board (“Board”) in the above-captioned proceeding a “Rulemaking Petition to Rescind Prohibition Against Consideration of Environmental Impacts of Severe Reactor and Spent Fuel Pool Accidents and Request to Suspend Licensing Decision” (“Petition”). The Petition asks for the rescission of “regulations in 10 C.F.R. Part 51 that make generic conclusions about the environmental impacts of severe reactor and spent fuel pool accidents and that preclude consideration of those issues in individual licensing proceedings.” Petition at 1. The Petition also asks the NRC to suspend the Levy COL proceeding while it considers the Petition and the environmental issues raised in a proposed new contention alleging that the implications of the Fukushima Task Force Report must be addressed in the COL proceeding. *Id.*

To the extent that the Joint Intervenor seek action by the Board on the Petition or the request for suspension, Applicant Progress Energy Florida, Inc. (“Progress”) hereby objects to placing the Petition and the suspension request before the Board, because the Board has no authority to grant either. 10

C.F.R. § 2.802(a) provides that a petitioner may request the *Commission* (not the presiding officer) to institute a rulemaking proceeding, and 10 C.F.R. § 2.802(d) provides that a petitioner may ask the *Commission* to suspend a proceeding to which the petitioner is a party pending disposition of the rulemaking petition. Consequently, the Joint Intervenor's Petition and the request for suspension are not properly before the Board. Progress will address its opposition to the suspension request to the Commission.

Respectfully Submitted,

/Signed electronically by Michael G. Lepre/
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Dated: August 22, 2011

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Progress Energy Florida, Inc.'s Objection to Joint Intervenors' Submission of Rulemaking Petition And Request for Suspension of Licensing Proceeding to Atomic Safety And Licensing Board, dated August 22, 2011, was provided to the Electronic Information Exchange for service upon the following individuals:

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