UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
Duke Energy Carolinas	)	Dockets No. 52-018, 52-019
Combined License Application	)	
For William States Lee III Units 1 and 2	)	July 25, 2008

MOTION TO REQUEST ADDITIONAL TIME TO REPLY

Petitioner Blue Ridge Environmental Defense League ("BREDL") hereby submits its request to the Atomic Safety and Licensing Board to have an additional ten days to reply to the Answers of NRC Staff and Duke Energy Carolinas in the matter captioned above.

Background

On June 27, 2008 BREDL filed a petition to intervene and request for hearing ("Petition"). On July 22, 2008 Duke Energy Carolina's ("Duke") submitted its answer to Petition. On July 22, 2008 the staff of the Nuclear Regulatory Commission ("NRC Staff") submitted its answer to Petition. (Hereinafter "Answers") Rules of procedure allow a petitioner seven days to reply to applicants' and NRC's answers. 10 C.F.R. § 2.309(h)(2). Motions are to be filed within ten days of the circumstance from which the motion arises stating with particularity the relief sought and that the movant has made a sincere effort to contact other parties to the proceeding to resolve the issues. 10 C.F.R. § 2.323.

Discussion

The reason for BREDL's request is to allow our *pro se* representative in this matter adequate time to reply to the Answers filed on July 22nd by Duke and the NRC Staff. BREDL's representative, Louis A. Zeller, is the sole person responsible for the petitioner's reply to both NRC Staff and Duke. In order to respond properly to the concerns raised by the parties, a reply is not only allowed, it is expected.

Contemporaneous proceedings initiated by the Commission are creating scheduling conflicts. These conflicts arise from license applications for licenses in Alabama, Virginia, North Carolina, Georgia as well as South Carolina. While this development may not be the ASLB's doing, neither is it the responsibility of the Blue Ridge Environmental Defense League which merely seeks to represent its members in South Carolina and elsewhere. These conflicts are detailed below.

The respective Answers of NRC Staff and Duke were 69 and 97 pages in length. In the present matter, a total of seven attorneys for NRC Staff and Duke have submitted notices of appearance and presumably have assisted with the development and writing of 166 pages of arguments opposing BREDL's petition. The deadline for a reply to the Answers falls on the day before ASLB's initial prehearing conference regarding BREDL's petition for intervention in the Tennessee Valley Authority Bellefonte license proceeding. BREDL's representative in the Bellefonte case is Louis A. Zeller. The amount of time necessary for review and preparation of oral arguments for the upcoming Bellefonte case, travel to Scottsboro, Alabama, a day for argument and the return trip leaves no time for a reply by the deadline in the Duke matter.

Our request is reasonable. During the month of July, BREDL has 1) participated in oral arguments regarding the Dominion-Virginia Power North Anna COL (July 2nd), 2) replied to the Tennessee Valley Authority's and the NRC Staff's answers regarding the Bellefonte COL (July 8th), and 3) responded to the NRC Staff's briefing regarding Bellefonte (July 18th). Duke and NRC Staff filed Answers to BREDL's Petition on July 22nd. The ASLB ordered the initial prehearing conference on the Bellefonte case to be held on July 30th, a date which we were compelled to accept because, according to the judges' order,* alternative dates could have caused the hearing to be removed from the vicinity of the Bellefonte site. Because our members strongly desire to attend the prehearing conference, we had no real choice.

Finally, during the weekend of August 2 and 3, 2008, the youngest daughter of BREDL's representative will be returning home to Glendale Springs with her fiancé before their imminent move to Florida. This event was scheduled months ago and many family members will be attending.

In accordance with 10 C.F.R. § 2.323, BREDL's representative did contact counsel for Duke and NRC Staff. On July 24th a representative for Duke said they would oppose our request for ten days but would support a six-day extension. Today NRC Staff said they would oppose our request for ten days but would support a six-day extension. A six-day extension is not responsive to our request.

* Regarding the designation of the Bellefonte prehearing conference date, the Chief Judge stated, "Counsel should be aware that, although the Board strongly prefers to conduct this argument in the vicinity of the proposed Bellefonte facility, because of conflicts associated with Board member schedules and the availability of a suitable Bellefonte-vicinity facility, moving the argument to another date may result in the conference being conducted in the Licensing Board Panel's Rockville, Maryland hearing room." Atomic Safety and Licensing Board Panel No. 08-864-02-COL-BD01, Docket Nos. 52-014-COL and 52-015-COL, Memorandum and Order of July 9, 2008, footnote 1

Conclusion

The Duke and NRC Staff Answers warrant the full measure of seven days for the petitioner to reply. At present, Blue Ridge Environmental Defense League's representative is preparing for oral argument on Bellefonte. Seven days after the BREDL representative's return from the Scottsboro ASLB hearing would be August 8th. For the reasons detailed above, BREDL hereby requests that the ASLB grant this motion for ten days additional time to reply and that the deadline for the reply be August 8, 2008. Further, we request expedited consideration of this motion.

Respectfully,

_____ July 25, 2008

Louis A. Zeller Date

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CERTIFICATE OF SERVICE

I hereby certify that copies of the July 25, 2008
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was served on the following persons via Electronic Information Exchange this 25th day of July, 2008.

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Signed in Glendale Springs, July 25, 2008

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