

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

DOCKETED 08/01/08

SERVED 08/01/08

Before Administrative Judges:

Paul S. Ryerson, Chairman
Nicholas G. Trikouros
Dr. William M. Murphy

In the Matter of

DUKE ENERGY CAROLINAS, LLC

(Combined License Application
for William States Lee III Nuclear Station,
Units 1 and 2)

Docket Nos. 52-018-COL
and 52-019-COL

ASLBP No. 08-865-03-COL-BD01

August 1, 2008

MEMORANDUM AND ORDER
(Scheduling Initial Prehearing Conference)

On June 27, 2008, Petitioner Blue Ridge Environmental Defense League (BREDL) submitted a petition to intervene and request for hearing in response to a Notice of Hearing and Opportunity to Petition for Leave to Intervene published in the Federal Register on April 28, 2008 concerning the combined operating license application submitted by Duke Energy Carolinas, LLC to construct two AP1000 pressurized water reactors at the William States Lee III Nuclear Station site in Cherokee County, South Carolina.¹ The NRC Staff and the Applicant submitted answers to the petition on July 22, 2008.² The Board expects that BREDL will submit

¹ Petition for Intervention and Request for Hearing by the Blue Ridge Environmental Defense League (June 27, 2008).

² NRC Staff Answer to "Petition for Intervention and Request for Hearing by the Blue Ridge Environmental Defense League (July 22, 2008); Duke Energy Carolinas, LLC's Answer Opposing Petition for Intervention and Request for Hearing by the Blue Ridge Environmental Defense League (July 22, 2008).

its reply to these answers on or before August 8, 2008.³ Based on the filings it has received to date, the Board finds that convening an initial prehearing conference to hear oral argument on some of the issues raised would aid the Board in making its determination on the issues of standing and admissibility of contentions.

A. Initial Prehearing Conference Schedule

The participants are advised of the following information regarding the schedule for the initial prehearing conference in this proceeding:

Starting Date: Wednesday, August 20, 2008

Starting Time: 9:00 a.m. Eastern Time (ET)

Location: U.S. Nuclear Regulatory Commission
Rockville Hearing Room, Two White Flint North, Third Floor
11545 Rockville Pike
Rockville, Maryland 20852

Currently, the Board anticipates that this conference should last no more than one day. The Board will issue a separate order in the near future establishing time allocations for oral argument regarding the issues it wishes the participants to address during the conference.⁴ The Board will not hear oral argument at this time regarding the requests of the South Carolina Office of Regulatory Staff and the North Carolina Utilities Commission for an opportunity to participate in any hearing pursuant to 10 C.F.R. § 2.315.⁵

³ See Licensing Board Order (Granting Blue Ridge Environmental Defense League's Motion to Request Additional Time to Reply) (July 25, 2008) (unpublished) (granting BREDL an extension of time to file a reply by August 8, 2008).

⁴ If the counsel/representative for any of the participants who will be making a presentation is unavailable to take part on this date, that counsel/representative promptly should (1) contact the other participants to this proceeding to identify at least three alternative dates when all participants will be available; and (2) when alternative dates have been identified, contact Licensing Board Panel law clerk Emily Krause (301-415-7466 or emily.krause@nrc.gov) and apprise her of those dates. If rescheduling is necessary, the Board favors the earliest possible alternative dates after August 20. The Board is currently available on August 21, 25, 26, and 27, and on September 3.

⁵ See Request of the South Carolina Office of Regulatory Staff for an Opportunity to Participate in Any Hearing and to be Added to the Official Service List (June 27, 2008); Request

B. Security, Early Arrival Encouraged

Upon arrival at the main entrance to the NRC Headquarters' Two White Flint North building, all members of the public will be required to present state or federal government-issued photo identification and undergo security screening. All attendees should allow adequate time for the required security procedures, and plan to arrive well in advance of 9:00 a.m. ET on August 20, 2008. Individuals seeking to expedite their entry to the NRC headquarters complex should send an e-mail (with the subject line stating "Registration"), containing the names of the persons planning to attend the initial prehearing conference to Patricia Harich (patricia.harich@nrc.gov) on or before Monday, August 11, 2008.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁶

/RA/

Paul S. Ryerson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
August 1, 2008

of the North Carolina Utilities Commission for an Opportunity to Participate in Any Hearing and to be Added to the Official Service List (July 28, 2008).

⁶ Copies of this order were sent this date by the agency's E-filing system to counsel for (1) Applicant Duke Energy Carolinas, LLC; (2) BREDL; (3) the NRC Staff; (4) the South Carolina Office of Regulatory Staff; and (5) the North Carolina Utilities Commission.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
DUKE ENERGY CAROLINAS, LLC) Docket Nos. 52-018-COL
) 52-019-COL
(William States Lee III Nuclear Station)
Units 1 and 2))
(Combined Operating License))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM AND ORDER (SCHEDULING INITIAL PREHEARING CONFERENCE) have been served upon the following persons by Electronic Information Exchange.

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Docket Nos. 52-018/ 019-COL
LB MEMORANDUM AND ORDER (SCHEDULING INITIAL
PREHEARING CONFERENCE)

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[Original signed by Nancy Greathead]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 1ST day of August 2008