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

In the Matter of	)	
	)	Docket Nos. 52-018 and 52-019
DUKE ENERGY CAROLINAS, LLC	)	
	)	August 1, 2008
(William States Lee III Nuclear Station, Units 1 and 2)	)	

DUKE ENERGY CAROLINAS, LLC'S ANSWER TO THE NORTH CAROLINA UTILITIES COMMISSION'S REQUEST TO PARTICIPATE AS AN INTERESTED STATE AND TO BE ADDED TO THE OFFICIAL SERVICE LIST

I. INTRODUCTION

In accordance with 10 C.F.R. § 2.309(h), Duke Energy Carolinas, LLC ("Duke"), applicant in the captioned matter, hereby responds to the "Request of the North Carolina Utilities Commission for an Opportunity to Participate in Any Hearing and to be Added to the Official Service List," served July 28, 2008 ("Request"). The North Carolina Utilities Commission ("NCUC") requests an opportunity to participate as an interested State, pursuant to 10 C.F.R. § 2.315(c), in any hearing on Duke's combined license application ("COL Application") for proposed William States Lee III Nuclear Station ("WLS") Units 1 and 2, to be located in Cherokee County, South Carolina. As set forth below, Duke does not oppose NCUC's request to participate as an interested State or its request to be added to the official service list.

II. BACKGROUND

On December 12, 2007, as supplemented by letters dated January 28, 2008, February 6, 2008, and February 8, 2008, Duke submitted an application to the NRC seeking approval of a COL

for proposed WLS Units 1 and 2.[1] The NRC accepted the COL Application for docketing on February 25, 2008,[2] and published a Hearing Notice on April 28, 2008.[3] The Hearing Notice stated that any person whose interest may be affected by this proceeding and who wishes to participate as a party must file a petition for leave to intervene within 60 days of the Notice (*i.e.*, June 27, 2008) in accordance with 10 C.F.R. § 2.309.[4] NCUC seeks permission to participate in any hearing on Duke's COL Application as an interested State under 10 C.F.R. § 2.315(c). Thus, NCUC does not seek admission as a party pursuant to 10 C.F.R. § 2.309.

III. DISCUSSION

Duke does not oppose the request of NCUC for an opportunity to participate as an interested State in any hearing on the COL Application to the extent that (i) the NRC's hearing rules permit such participation, and (ii) NCUC complies with the procedures set forth in 10 C.F.R. § 2.315 and any applicable Commission or Atomic Safety and Licensing Board Order. In particular, 10 C.F.R. § 2.315(c) requires each interested State to designate "a single representative for the hearing," and further requires that representative to "identify those contentions on which it will participate in advance of any hearing held."[5] As such, 10 C.F.R. § 2.315(c), which authorizes participation by

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1 *See* Notice of Receipt and Availability of Application for a Combined License, 73 Fed. Reg. 6218 (Feb. 1, 2008).

2 *See* Acceptance for Docketing of an Application for Combined License for William States Lee III Units 1 and 2, 73 Fed. Reg. 11,156 (Feb. 29, 2008).

3 *See* Duke Energy; Notice of Hearing and Opportunity To Petition for Leave To Intervene and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation on a Combined License for the William States Lee III Units 1 and 2, 73 Fed. Reg. 22,978 (April 28, 2008) ("Hearing Notice"). The Hearing Notice referenced the name of the Applicant as "Duke Energy"; however, NRC published a correction to the Notice in the *Federal Register* on June 17, 2008 referring to the Applicant as "Duke Energy Carolinas, LLC." *See* Correction to Notice of Hearing and Opportunity To Petition for Leave To Intervene and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information for Contention Preparation on a Combined License for the William States Lee III Units 1 and 2, 73 Fed. Reg. 34,348 (June 17, 2008).

4 Hearing Notice, 73 Fed. Reg. at 22,979.

5 10 C.F.R. § 2.315(c).

interested States relative to "admitted contentions," by its terms presupposes that another party has demonstrated standing and has proffered at least one admissible contention.[6]

Duke has no objection to NCUC's request that it be added to the official service list for the WLS COL proceeding.

IV. CONCLUSION

In view of the representations made by NCUC in its July 28 Request, and subject to the understandings set forth above, Duke does not oppose NCUC's requests for an opportunity to participate as an interested State in any contested hearing on the COL Application and to be added to the official service list for this proceeding.

Respectfully submitted,

Signed (electronically) by Paul M. Bessette
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COUNSEL FOR DUKE ENERGY CAROLINAS, LLC

Dated in Washington, D.C.
this 1st day of August 2008

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[6] *Cf. Niagara Mohawk Power Corp.* (Nine Mile Point Nuclear Station, Unit 2), LBP-83-45, 18 NRC 213, 216 (1983) (holding in a reactor operating license proceeding that the filing of a petition under 10 C.F.R. § 2.715(c) [now § 2.315(c)] does not *ipso facto* trigger the holding of a hearing) (citing *N. States Power Co.* (Tyrone Energy Park, Unit 1), CLI-80-36, 12 NRC 523, 527 (1980)); *see also Duquesne Light Co.* (Beaver Valley Power Station, Unit 2), LBP-84-6, 19 NRC 393, 426 (1984) (same).

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CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2008 a copy of "Duke Energy Carolinas, LLC's Answer to the North Carolina Utilities Commission's Request to Participate as an Interested State and to Be Added to the Official Service List" was filed electronically with the Electronic Information Exchange on the following recipients:

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