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February 16, 2009

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U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Duke Energy Carolinas, LLC.
William States Lee III Nuclear Station - Docket Nos. 52-018 and 52-019
AP1000 Combined License Application for the
William States Lee III Nuclear Station Units 1 and 2
Response to Request for Additional Information
(RAI No. 1826)
Ltr# WLG2009.02-03

References: Letter from Brian Hughes (NRC) to Peter Hastings (Duke Energy),
*Request for Additional Information Letter No. 062 Related To SRP 13.03
Emergency Planning for the William States Lee III Units 1 And 2
Combined License Application*, dated January 12, 2009.

Letter from Alan P. Nelson (NEI) to Christopher G. Miller (NRC), U.S.
*Nuclear Regulatory Commission Review of Emergency Action Levels for
New Reactor Applications*, dated January 29, 2009.

This letter provides the Duke Energy response to the Nuclear Regulatory Commission's (NRC) request for additional information (RAI) included in the referenced letter.

Response to the NRC information request described in the referenced letter are addressed in a separate enclosure which also identifies associated changes, when appropriate, that will be made in a future revision of the applicable part of the combined license application.

If you have any questions or need any additional information, please contact Peter S. Hastings, Nuclear Plant Development Licensing Manager, at 980-373-7820.

Bryan J. Dolan
Vice President
Nuclear Plant Development

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NRO

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Enclosure:

- 1) Duke Energy Response to Request for Additional Information Letter 062,
RAI 13.03-75 (SITE-22).

AFFIDAVIT OF BRYAN J. DOLAN

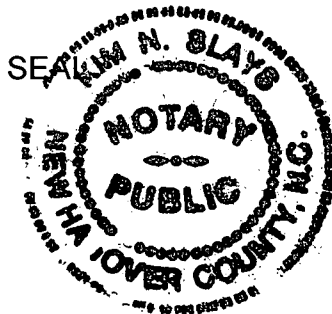
Bryan J. Dolan, being duly sworn, states that he is Vice President, Nuclear Plant Development, Duke Energy Carolinas, LLC, that he is authorized on the part of said Company to sign and file with the U. S. Nuclear Regulatory Commission this supplement to the combined license application for the William States Lee III Nuclear Station and that all the matter and facts set forth herein are true and correct to the best of his knowledge.


Bryan J. Dolan

Subscribed and sworn to me on February 16, 2009


Notary Public

My commission expires: April 19, 2010



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xc (w/o enclosure):

Loren Plisco, Deputy Regional Administrator, Region II
Stephanie Coffin, Branch Chief, DNRL

xc (w/ enclosure):

Brian Anderson, Project Manager, DNRL
Brian Hughes, Senior Project Manager, DNRL

Lee Nuclear Station Response to Request for Additional Information (RAI)

RAI Letter No. 062

NRC Technical Review Branch: AP1000 Projects Branch 1 (NWE1)

Reference NRC RAI Number(s): 13.03-075

NRC RAI:

SITE-22

[Basis: 10 CFR 52.79(a)(21), 10 CFR 50.47(b)(4), Section IV.B of Appendix E to 10 CFR Part 50]
EALs are discussed in Section D, "Emergency Classification System," of COL application Part 5, "Emergency Plan.

The initial EALs, which are required by 10 CFR 50.47(b)(4) and Section IV.B of Appendix E to 10 CFR Part 50, must be approved by the NRC. The W.S. Lee combined license (COL) application does not fully address certain aspects of the required EAL scheme. This is because various equipment set points and other information cannot be determined until the as-built information is available; e.g., head corrections, radiation shine, final technical specifications, and equipment calculations and tolerances. The NRC has been evaluating possible options to ensure applicants address the regulations and provides the following:

Option 1 – Submit an entire EAL scheme, which contains all site-specific information, including set points. Until this information is finalized, EALs would remain an open item.

Option 2 – Submit emergency plan Section D, "Emergency Classification System," which addresses the four critical elements of an EAL scheme (listed below). The NRC will determine the acceptability of the EAL scheme.

- Critical Element 1 – Applicant proposes an overview of its emergency action level scheme including defining the four emergency classification levels, (i.e., Notification of Unusual Event, Alert, Site Area Emergency, and General Emergency), as stated in NEI 99-01, Revision 5, with a general list of licensee actions at each emergency classification level.
- Critical Element 2 – Applicant proposes to develop the remainder of its EAL scheme by using a specified NRC endorsed guidance document. In the development of its EALs, the proposed EALs should be developed with few or no deviations or differences, other than those attributable to the specific reactor design. NEI 07-01, if endorsed, will be applicable to the AP1000 and ESBWR (passive) reactor designs, and NEI 99-01 is applicable to all (non-passive) reactor designs. If applicable, EALs related to digital instrumentation and control must be included. The NRC must find in the Safety Evaluation Report that this approach is acceptable for each site.
- Critical Element 3 – Applicant proposes a License Condition (LC) that the applicant will create a fully developed set of EALs in accordance with the specified guidance document. These fully developed EALs must be submitted to the NRC for confirmation at least 180 days prior to fuel load.

- Critical Element 4 – The EALs must be kept in a document controlled by 10 CFR 50.54(q), such as the emergency plan; or a lower tier document, such as the Emergency Plan Implementing Procedures.

Please review the two options provided above, identify which option will be chosen, and provide the detailed EAL information in support of the chosen option.

NOTE: This RAI will replace 13.03-57(A), (B), and (C) (Site-4)

Duke Energy Response:

RAI 13-03-075 identifies two options regarding the development and implementation of emergency action levels (EALs). Duke Energy has elected to implement Option 2. Option 2 requires an applicant to provide detailed EAL information that addresses the four critical elements of an EAL scheme.

As discussed in the referenced NEI letter to the NRC, NEI is developing a standard RAI response template that will address the four critical elements required for Option 2. Once the NRC indicates that the template satisfies their information needs, Duke Energy will supplement its response within 30 days and submit plans in accordance with the approved NEI template addressing the four EAL elements.

Associated Revision to the Lee Nuclear Station Final Safety Analysis or Emergency Plan:

None

Attachments:

None