

## Hearing Docket

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**From:** bredl [bredl@skybest.com]  
**Sent:** Saturday, April 04, 2009 2:18 PM  
**To:** Hearing Docket; ASLBP\_HLW\_Adjudication Resource; Michael Spencer; swisely@morganlewis.com; Kathryn Winsberg; Andrew Welkie; maria.webb@pillsburylaw.com; kjones@ncuc.net; Nicholas Trikouros; ksutton@morganlewis.com; dsilverman@morganlewis.com; Paul Ryerson; Tom Ryan; jrunkle@pricecreek.com; jrund@morganlewis.com; Christine Pierpoint; OGCMailCenter Resource; OCAAMAIL Resource; Evangeline Ngbea; William Murphy; llong@morganlewis.com; Linda Lewis; Emily Krause; Emile Julian; Emile Julian; Roy Hawken; robert.haemer@pillsburylaw.com; Nancy Greathead; Joseph Gilman; Rebecca Giitter; mfreeze@morganlewis.com; Anthony Eitrem; deckert@morganlewis.com; teribart61@aol.com; lcarter@captionreporters.com; Sara Kirkwood; pbessette@morganlewis.com; fbelser@regstaff.sc.gov; kbnolan@duke-energy.com; Michael Spencer  
**Subject:** Re: EIE document available: NRC Staff Answer to BREDL Contention 11  
**Attachments:** 090404 Request for additional time to reply.pdf

To: The Office of the Secretary, ASLBP No. 08-865-03-COL-BD01 and Parties

From: Louis A. Zeller, Blue Ridge Environmental Defense League

DOCKETED  
USNRC

Docket: 52-018 and 52-019-COL

April 4, 2009 (2:18pm)

Re: Failure if EIE system and request for delay

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Date: April 4, 2009

Attached please find my "Request for Additional Time to File Replies to Answers to Contention 11"

On behalf of the requestor/petitioner Blue Ridge Environmental Defense League, I request a delay in filing our Reply to the Answers of both NRC Staff and Duke Energy Carolinas in the matter of NRC Hearing Docket W States Lee III 52-018 and 52-019-COL.

The expiration of requestor/petitioner's Digital ID on April 1, 2009 makes it impossible for us to gain access to the Answers to BREDL Contention 11 filed on April 3, 2009 by NRC Staff and Duke Energy Carolinas. The expiration of Blue Ridge Environmental Defense League's Digital ID occurred because of the failure of the NRC's electronic system to renew our certificate. For the last two weeks, beginning well in advance of the expiration date, we have tried to renew this certificate without success. Despite telephone discussions and kind assistance from the NRC's Digital ID Certificate Assistance office, we remain unable to renew our certificate.

Per 10 CFR 2.309(h)(2), requestor/petitioners have only seven days to file a Reply; hence, the basis for this Request. My specific request is that the 7-day clock begin only after our Digital ID Certificate has been successfully renewed and a corresponding notification of such has been sent to the Parties involved this case by the Office of the Secretary.

Today, Saturday April 4th, I made telephone calls to counsel representing NRC and Duke Energy Carolina's asking if they would support our Request.

Respectfully,

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Louis A. Zeller  
Blue Ridge Environmental Defense League  
PO Box 88  
Glendale Springs, NC 28629  
[BREDL@skybest.com](mailto:BREDL@skybest.com)  
(336) 982-2691 office  
(336) 982-2954 fax  
(336) 977-0852 cell

----- Original Message -----

From: <hearingdocket@nrc.gov>

To: <hearingdocket@nrc.gov>; <aslbp\_hlw\_adjudication@nrc.gov>; <mas8@nrc.gov>; <bredl@skybest.com>; <swisely@morganlewis.com>; <kathryn.winsberg@nrc.gov>; <axw5@nrc.gov>; <maria.webb@pillsburylaw.com>; <kjones@ncuc.net>; <ngt@nrc.gov>; <ksutton@morganlewis.com>; <mas8@nrc.gov>; <dsilverman@morganlewis.com>; <psr1@nrc.gov>; <Tom.Ryan@nrc.gov>; <jrunkle@pricecreek.com>; <jrund@morganlewis.com>; <cmp@nrc.gov>; <ogcmailcenter@nrc.gov>; <OCAAMAIL@nrc.gov>; <esn@nrc.gov>; <wmm1@nrc.gov>; <llong@morganlewis.com>; <linda.lewis@nrc.gov>; <eik1@nrc.gov>; <elj@nrc.gov>; <emile.julian@nrc.gov>; <hearingdocket@nrc.gov>; <erh@nrc.gov>; <robert.haemer@pillsburylaw.com>; <nancy.greathead@nrc.gov>; <jsg1@nrc.gov>; <rll@nrc.gov>; <mfreeze@morganlewis.com>; <Anthony.Eitreim@nrc.gov>; <deckert@morganlewis.com>; <teribart61@aol.com>; <lcarter@captionreporters.com>; <seb2@nrc.gov>; <pbessette@morganlewis.com>; <fbelser@regstaff.sc.gov>; <kbnolan@duke-energy.com>

Sent: Friday, April 03, 2009 6:10 PM

Subject: EIE document available: NRC Staff Answer to BREDL Contention 11

MESSAGE FROM THE OFFICE OF THE SECRETARY, NUCLEAR REGULATORY COMMISSION

Re: NRC Hearing Docket W States Lee III 52-018 and 52-019-COL

The Office of the Secretary has received a document entitled

'NRC Staff Answer to BREDL Contention 11'

that was submitted by Michael A Spencer who is affiliated with NRC Staff.

It is intended for inclusion in the referenced docket. It was submitted through the NRC's Electronic Information Exchange (EIE) system and arrived on 04/03/2009 17:10:58.

The file(s) associated with this submission comprise 162 KB

As a hearing participant you are entitled to view and/or retrieve this document by visiting the following web link:

<https://eie.nrc.gov/cgi-bin/eieone.exe?f=retrieve&docid=3230>

The document will remain available through this link for 14 days after which it will be removed from the EIE system. Not later than 3 days from the date of this message the document will also be available through NRC's Electronic Hearing Docket (EHD) web sites, under the above referenced Hearing Docket.

The web links for these site are:

For non-protective order file (POF) documents related to the High Level Waste Hearing:

[http://hlwehd.nrc.gov/public\\_hlw-ehd](http://hlwehd.nrc.gov/public_hlw-ehd)

For non-POF documents related to Reactors, Materials and other hearings:

[http://ehd.nrc.gov/ehd\\_proceeding](http://ehd.nrc.gov/ehd_proceeding)

For POF documents associated with any hearing, please utilize the web address provided by the Office of the Secretary to those authorized to access POF materials in that proceeding.

Receipt of this message constitutes completion of service of this filing.

Received: from mail2.nrc.gov (148.184.176.43) by TWMS01.nrc.gov  
(148.184.200.145) with Microsoft SMTP Server id 8.1.291.1; Sat, 4 Apr 2009  
14:18:54 -0400

X-Ironport-ID: mail2

X-SBRS: 5.2

X-MID: 1197255

X-IronPort-Anti-Spam-Filtered: true

X-IronPort-Anti-Spam-Result:

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X-IronPort-AV: E=Sophos;i="4.39,324,1235970000";

d="pdf?scan'208";a="1197255"

Received: from smtp0.av-mx.com ([137.118.16.56]) by mail2.nrc.gov with ESMTP;  
04 Apr 2009 14:18:53 -0400

Received: from your4dacd0ea75 (204-116-207-162.dynamic.skybest.com  
[204.116.207.162]) (Authenticated sender: bredl@skybest.com) by  
smtp0.av-mx.com (Postfix) with ESMTP id E2C3C1BF951; Sat, 4 Apr 2009  
14:18:32 -0400 (EDT)

Message-ID: <669F4C7A621C47F18E4C697C5CE041D0@your4dacd0ea75>

From: bredl <bredl@skybest.com>

To: <hearingdocket@nrc.gov>, <aslbp\_hlw\_adjudication@nrc.gov>, <mas8@nrc.gov>,  
<swisely@morganlewis.com>, <kathryn.winsberg@nrc.gov>, <axw5@nrc.gov>,  
<maria.webb@pillsburylaw.com>, <kjones@ncuc.net>, <ngt@nrc.gov>,  
<ksutton@morganlewis.com>, <dsilverman@morganlewis.com>, <psr1@nrc.gov>,  
<Tom.Ryan@nrc.gov>, <jrunkle@pricecreek.com>, <jrund@morganlewis.com>,  
<cmp@nrc.gov>, <ogcmailcenter@nrc.gov>, <OCAAMAIL@nrc.gov>, <esn@nrc.gov>,  
<wmm1@nrc.gov>, <llong@morganlewis.com>, <linda.lewis@nrc.gov>,  
<eik1@nrc.gov>, <elj@nrc.gov>, <emile.julian@nrc.gov>, <erh@nrc.gov>,  
<robert.haemer@pillsburylaw.com>, <nancy.greathead@nrc.gov>, <jsg1@nrc.gov>,  
<rll@nrc.gov>, <mfreeze@morganlewis.com>, <Anthony.Eitreim@nrc.gov>,  
<deckert@morganlewis.com>, <teribart61@aol.com>,  
<lcarter@captionreporters.com>, <seb2@nrc.gov>, <pbessette@morganlewis.com>,  
<fbelser@regstaff.sc.gov>, <kbnolan@duke-energy.com>,  
<Michael.Spencer@nrc.gov>

References: <7le1vk\$utdn@mail1-private.nrc.gov>

Subject: Re: EIE document available: NRC Staff Answer to BREDL Contention 11

Date: Sat, 4 Apr 2009 14:18:28 -0400

MIME-Version: 1.0

Content-Type: multipart/mixed;

boundary="-----\_NextPart\_000\_00D6\_01C9B530.39C02080"

X-Priority: 3

X-MSMail-Priority: Normal

X-Mailer: Microsoft Outlook Express 6.00.2900.5512

X-MimeOLE: Produced By Microsoft MimeOLE V6.00.2900.5579

Return-Path: bredl@skybest.com

# Blue Ridge Environmental Defense League

www.BREDL.org PO Box 88 Glendale Springs, North Carolina 28629 BREDL@skybest.com (336) 982-2691

To: The Office of the Secretary, ASLBP No. 08-865-03-COL-BD01 and Parties

From: Louis A. Zeller, Blue Ridge Environmental Defense League

Docket: 52-018 and 52-019-COL

Re: Failure of the EIE system and request for delay

Date: April 4, 2009

## **Request for Additional Time to File Replies to Answers to Contention 11**

On behalf of the requestor/petitioner Blue Ridge Environmental Defense League, I request a delay in filing our Reply to the Answers of both NRC Staff and Duke Energy Carolinas in the matter of NRC Hearing Docket W States Lee III 52-018 and 52-019-COL.

The expiration of requestor/petitioner's Digital ID on April 1, 2009 makes it impossible for us to gain access to the Answers to BREDL Contention 11 filed on April 3, 2009 by NRC Staff and Duke Energy Carolinas. The expiration of Blue Ridge Environmental Defense League's Digital ID occurred because of the failure of the NRC's electronic system to renew our certificate. For the last two weeks, beginning well in advance of the expiration date, we have tried to renew this certificate without success. Despite telephone discussions and kind assistance from the NRC's Digital ID Certificate Assistance office, we remain unable to renew our certificate.

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*Esse quam videre*

notification of such has been sent to the Parties involved this case by the Office of the Secretary.

Today, Saturday April 4<sup>th</sup>, I made telephone calls to counsel representing NRC and Duke Energy Carolina's asking if they would support our Request.

Respectfully,

A handwritten signature in black ink, appearing to read "Louis A. Zeller", followed by a horizontal line.

Louis A. Zeller  
Blue Ridge Environmental Defense League  
PO Box 88  
Glendale Springs, NC 28629  
BREDL@skybest.com  
(336) 982-2691 office  
(336) 982-2954 fax  
(336) 977-0852 cell

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of  
Duke Energy Carolinas  
Combined License Application  
For William States Lee III Units 1 and 2

Dockets No. 52-018, 52-019

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

April 4, 2009

**CERTIFICATE OF SERVICE**

I hereby Certify that the **Request for Additional Time to File Replies to Answers to Contention 11** was sent to the following parties via Electronic Mail in reply to the MESSAGE FROM THE OFFICE OF THE SECRETARY, NRC, Re: NRC Hearing Docket W States Lee III 52-018 and 52-019-COL dated April 3, 2009

hearingdocket@nrc.gov  
aslbp\_hlw\_adjudication@nrc.gov  
mas8@nrc.gov  
swisely@morganlewis.com  
kathryn.winsberg@nrc.gov  
axw5@nrc.gov  
maria.webb@pillsburylaw.com  
kjones@ncuc.net  
ngt@nrc.gov  
ksutton@morganlewis.com  
mas8@nrc.gov  
dsilverman@morganlewis.com  
psrl@nrc.gov  
Tom.Ryan@nrc.gov  
jrunkle@pricecreek.com  
jrund@morganlewis.com  
cmp@nrc.gov  
ogcmailcenter@nrc.gov  
OCAAMAIL@nrc.gov  
esn@nrc.gov  
wmml@nrc.gov

llong@morganlewis.com  
linda.lewis@nrc.gov  
eik1@nrc.gov  
elj@nrc.gov  
emile.julian@nrc.gov  
hearingdocket@nrc.gov  
erh@nrc.gov  
robert.haemer@pillsburylaw.com  
nancy.greathead@nrc.gov  
jsg1@nrc.gov  
rll@nrc.gov  
mfreeze@morganlewis.com  
Anthony.Eitreim@nrc.gov  
deckert@morganlewis.com  
teribart61@aol.com  
lcarter@captionreporters.com  
seb2@nrc.gov  
pbessette@morganlewis.com  
fbelser@regstaff.sc.gov  
kbnolan@duke-energy.com  
Michael.Spencer@nrc.gov

*Esse quam videre*

Signed today April 4, 2009  
in Glendale Springs, NC

A handwritten signature in black ink, appearing to read "Louis A. Zeller", followed by a horizontal line.

Louis A. Zeller  
Blue Ridge Environmental Defense League  
PO Box 88  
Glendale Springs, NC 28629  
[BRDL@skybest.com](mailto:BRDL@skybest.com)  
(336) 982-2691 office  
(336) 982-2954 fax  
(336) 977-0852 cell