

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

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

April 8, 2009

MEMORANDUM AND ORDER
(Granting Extension of Time)

On April 4, 2009, the Blue Ridge Environmental Defense League (BREDL) filed a request with the Office of the Secretary of the Commission for additional time to reply to the answers filed by Duke Energy Carolinas, LLC and the NRC Staff to BREDL's proposed new Contention Eleven.¹ In support of its request, BREDL explains that it has experienced difficulty with renewing its e-filing certificate, and that it consequently was unable to review the answers when they were filed via the NRC's e-filing system on April 3, 2009.² BREDL therefore requests an extension of time of seven days from the date after which the Secretary of the Commission notifies the parties that BREDL's certificate successfully has been renewed.³

¹ Request for Additional Time to File Replies to Answers to Contention 11 (Apr. 4, 2009) [hereinafter BREDL Request].

² Id. at 1. Counsel for Duke Energy Carolinas, LLC promptly e-mailed courtesy copies of its and the NRC Staff's answers upon learning of BREDL's difficulty. E-mail from Jonathan Rund to BREDL (Apr. 4, 2009, 4:25 PM EDT).

³ BREDL Request at 1-2.

BREDL's request is not properly addressed as a motion before this Board, nor does it strictly comply with the requirement for certification that BREDL made a "sincere effort" to resolve this issue by contacting the other parties as required under 10 C.F.R. § 2.323(b).⁴

On its own initiative, however, the Board finds there is good cause for granting BREDL an extension of time. Because the Board has a strong preference for BREDL to file and serve its reply via the e-filing system if it is practicable to do so, the Board grants BREDL an extension of time until Friday, April 17, 2009.⁵ If BREDL is still experiencing difficulties with its e-filing certificate as of that date, it may file and serve its reply by e-mail.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD⁶

/RA/

Paul S. Ryerson, Chairman
ADMINISTRATIVE JUDGE

Rockville, Maryland
April 8, 2009

⁴ See id. at 2 (stating, without further explanation, that "Today, Saturday April 4th, I made telephone calls to counsel representing NRC and Duke Energy Carolina's asking if they would support our Request").

⁵ On April 6, 2009, Duke Energy Carolinas, LLC filed a response to BREDL's request for an extension of time outlining its attempts to negotiate a compromise between itself, BREDL, and the NRC Staff, and proposing an extension of time until April 13, 2009. Duke Energy Carolinas, LLC's Answer to [BREDL's] Request for Additional Time to File Replies to New Contention 11 (Apr. 6, 2009) at 2-3. In the interest of allowing BREDL sufficient time to resolve its e-filing certificate problems, the Board grants an extension until April 17, 2009.

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. Because of BREDL's present difficulty with accessing the e-filing system, a courtesy copy of this Memorandum and Order was e-mailed to BREDL by the Board's law clerk.

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 (GRANTING EXTENSION OF TIME) have been served upon the following persons by Electronic Information Exchange.

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Docket Nos. 52-018/019-COL
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[Original signed by Nancy Greathead]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 8th day of April 2009