

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before the Licensing Board:

G. Paul Bollwerk, III, Chairman  
Nicholas G. Trikouros  
Dr. Gary S. Arnold

In the Matter of

DUKE ENERGY CAROLINAS, LLC

(Oconee Nuclear Station, Units 1, 2, and 3)

Docket Nos. 50–269-SLR, 50–270-SLR,  
and 50–287-SLR

ASLBP No. 22-973-01-SLR-BD01

November 16, 2021

ORDER

(Establishing Briefing Schedule Associated with Applicant  
Duke Energy Carolinas, LLC's Motion to Strike)

Upon consideration of the November 15, 2021 motion of applicant Duke Energy Carolinas, LLC, (Duke) to strike portions of the November 5, 2021 reply pleading filed by petitioners Beyond Nuclear, Inc., and the Sierra Club, Inc. (collectively Petitioners),<sup>1</sup> it is ORDERED, that

1. As is the case with the subjects of Petitioners' standing, the admissibility of their first contention, and Duke's November 8, 2021 information notification,<sup>2</sup> this is not a matter the Licensing Board plans to hear argument on or otherwise explore at the scheduled November 16, 2021 oral argument;

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<sup>1</sup> See [Duke's] Motion to Strike Portions of the Reply Filed by [Petitioners] (Nov. 15, 2021) [hereinafter Duke Motion to Strike].

<sup>2</sup> See Licensing Board Memorandum and Order (Schedule for Responses to Applicant [Duke's] Information Notification (Nov. 10, 2021) at 2 (unpublished).

2. Within two business days of the E-Filing notice indicating the transcript of the November 16, 2021 oral argument has been submitted to the agency's Electronic Hearing Docket (EHD),<sup>3</sup> applicant Duke may submit a pleading of no more than five pages in length supplementing its motion to strike relative to any discussion at the oral argument that might be encompassed by its claims regarding section II.B.4 of Petitioners' reply pleading;<sup>4</sup>

3. Within five business days of the E-Filing notice indicating the transcript of the November 16, 2021 oral argument has been submitted to the agency's EHD, the NRC Staff may file a response to Duke's motion and any supplement thereto; and

4. Within seven business days of the E-Filing notice indicating the transcript of the November 16, 2021 oral argument has been submitted to the agency's EHD, Petitioners may

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<sup>3</sup> For the purpose of this order, a "business day" is considered to be any day that is not a Saturday, Sunday, federal legal holiday, or other day in which Nuclear Regulatory Commission (NRC) Headquarters does not open for business. See 10 C.F.R. § 2.306(a).

<sup>4</sup> See Duke Motion to Strike at 4–7. On the other hand, if at or prior to the time specified above for the filing of a motion supplement Duke submits a pleading indicating it does not plan to submit a supplement, then the NRC Staff's response to Duke's motion to strike shall be due on or before Monday, November 29, 2021, and Petitioners' response to Duke's motion to strike and any NRC Staff response shall be due on or before Wednesday, December 1, 2021.

file a response to (a) Duke's motion and any supplement thereto, and (b) any NRC Staff response to Duke's motion and any supplement thereto.<sup>5</sup>

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

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G. Paul Bollwerk, III, Chairman  
ADMINISTRATIVE JUDGE

Rockville, Maryland

November 16, 2021

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<sup>5</sup> Absent some other Board issuance, for the purpose of calculating the 45-day period for issuance of the Board's decision on Petitioners' intervention request and the admissibility of their contentions, that period will commence with the filing of Petitioners' response both to Duke's motion to strike/motion supplement and any NRC Staff response to Duke's motion/motion supplement. See 10 C.F.R. § 2.309(j).

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of )  
)  
DUKE ENERGY CAROLINAS, LLC, ) Docket Nos. 50-269, 50-270 & 50-287-SLR  
DUKE ENERGY )  
)  
(Oconee Nuclear Station )  
Units 1, 2 and 3) )

CERTIFICATE OF SERVICE

I hereby certify that copies of the **ORDER (Establishing Briefing Schedule Associated with Applicant Duke Energy Carolinas, LLC's Motion to Strike)** have been served upon the following persons by Electronic Information Exchange.

U.S. Nuclear Regulatory Commission  
Office of Commission Appellate Adjudication  
Mail Stop: O-16B33  
Washington, DC 20555-0001  
E-mail: [ocaamail@nrc.gov](mailto:ocaamail@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the Secretary of the Commission  
Mail Stop: O-16B33  
Washington, DC 20555-0001  
E-mail: [hearingdocket@nrc.gov](mailto:hearingdocket@nrc.gov)

U.S. Nuclear Regulatory Commission  
Atomic Safety and Licensing Board Panel  
Mail Stop: T-3F23  
Washington, DC 20555-0001

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop - O-14A44  
Washington, DC 20555-0001  
Susan Vrahoretis, Esq.

G. Paul Bollwerk, III, Chairman  
Administrative Judge

David E. Roth, Esq.  
Megan A. Wright, Esq.  
Mary F. Woods, Esq.

Nicholas G. Trikouros  
Administrative Judge

Joseph M. Azeizat, Esq.  
Brian Newell, Senior Paralegal  
Georgiann E. Hampton, Paralegal  
Amanda Black, Paralegal

Dr. Gary S. Arnold  
Administrative Judge

E-mail: [susan.vrahoretis@nrc.gov](mailto:susan.vrahoretis@nrc.gov)  
[david.roth@nrc.gov](mailto:david.roth@nrc.gov)

Ian Curry, Law Clerk

[megan.wright@nrc.gov](mailto:megan.wright@nrc.gov)  
[mary.woods@nrc.gov](mailto:mary.woods@nrc.gov)

Brooke Taylor, Law Clerk

[joseph.azeizat@nrc.gov](mailto:joseph.azeizat@nrc.gov)  
[brian.newell@nrc.gov](mailto:brian.newell@nrc.gov)

Allison Wood, Law Clerk

[georgiann.hampton@nrc.gov](mailto:georgiann.hampton@nrc.gov)  
[amanda.black@nrc.gov](mailto:amanda.black@nrc.gov)

E-mail: [paul.bollwerk@nrc.gov](mailto:paul.bollwerk@nrc.gov)  
[nicholas.trikouros@nrc.gov](mailto:nicholas.trikouros@nrc.gov)  
[gary.arnold@nrc.gov](mailto:gary.arnold@nrc.gov)  
[ian.curry@nrc.gov](mailto:ian.curry@nrc.gov)  
[brooke.taylor@nrc.gov](mailto:brooke.taylor@nrc.gov)  
[allison.wood@nrc.gov](mailto:allison.wood@nrc.gov)

Oconee Power Station (Units 1, 2 and 3)  
Docket Nos. 50-269, 50-270 and 50-287-SLR  
**ORDER (Establishing Briefing Schedule Associated with Applicant Duke Energy Carolinas, LLC's Motion to Strike)**

Duke Energy

Tracey LeRoy, Esq.  
550 South Tryon Street, 45A  
Charlotte, NC 28202  
[tracey.leroy@duke-energy.com](mailto:tracey.leroy@duke-energy.com)

Counsel for Duke Energy

Morgan, Lewis & Bockius LLP  
Paul Bessette, Esq.  
Ryan Lighty, Esq.  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004  
E-mail: [paul.bessette@morganlewis.com](mailto:paul.bessette@morganlewis.com)  
[ryan.lighty@morganlewis.com](mailto:ryan.lighty@morganlewis.com)

Beyond Nuclear

Paul Vernon Gunter, Esq.  
7304 Carroll Avenue #182  
Takoma Park, MD 20912  
[paul@beyondnuclear.org](mailto:paul@beyondnuclear.org)

Counsel for Beyond Nuclear

Diane Curran, Esq.  
Harmon, Curran, Spielberg and Eisenberg  
1725 DeSales Street NW, Suite 500  
Washington, DC 20036  
[dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 16<sup>th</sup> day of November 2021.