

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of:)	
)	Docket Nos. 50-269-SLR
DUKE ENERGY CAROLINAS, LLC)	50-270-SLR and
)	50-287-SLR
(Oconee Nuclear Station, Units 1, 2 and 3))	November 23, 2021
)	

**DUKE ENERGY CAROLINAS, LLC’S RESPONSE TO THE ATOMIC SAFETY AND
LICENSING BOARD’S NOVEMBER 16, 2021 ORDER**

I. INTRODUCTION

On November 15, 2021, applicant Duke Energy Carolinas, LLC, (“Duke”) filed a motion to strike (“Motion”)¹ portions of the November 5, 2021 reply pleading (“Reply”)² filed by petitioners Beyond Nuclear, Inc., and the Sierra Club, Inc. (collectively “Petitioners”). On November 16, 2021, the Atomic Safety and Licensing Board (“Board”) issued an order establishing a briefing schedule associated with the Motion (“Order”).³ Among other things, the Order stated that:

“[w]ithin 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), applicant Duke may submit a pleading of no more than five pages in length supplementing its motion to strike relative to any

¹ [Duke’s] Motion to Strike Portions of the Reply Filed by [Petitioners] (Nov. 15, 2021)

² Petitioners’ Reply to Oppositions by Duke Energy Corp. and NRC Staff to Petitioners’ Hearing Request and Petition to Intervene and Waiver Petition (Nov. 5, 2021) (ML21309A774)

³ Licensing Board Order (Establishing Briefing Schedule Associated with Applicant Duke Energy Carolinas, LLC’s Motion to Strike) (Nov. 16, 2021).

discussion at the oral argument that might be encompassed by its claims regarding section II.B.4 of Petitioners' reply pleading."⁴

The E-Filing notice for the oral argument transcript was served on November 19, 2021.⁵

After reviewing the transcript, Duke believes that no new arguments related to the Motion and section II.B.4 of the Reply were raised at oral argument, and that the Motion sufficiently describes the reasons the core arguments raised in section II.B.4 of the Reply should be stricken. Accordingly, Duke does not plan to submit a supplement to the Motion.

Respectfully submitted,

Executed in Accord with 10 C.F.R. § 2.304(d)

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Executed in Accord with 10 C.F.R. § 2.304(d)

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Counsel for Duke Energy Carolinas, LLC

Dated in Washington, D.C.
this 23rd day of November 2021

⁴ *Id.* at 2.

⁵ E-mail from hearingdocket@nrc.gov to participants of the above-captioned proceeding, noting "It was submitted through the NRC Electronic Information Exchange (EIE) system and arrived on 11/19/2021 at 03.24 PM."

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CERTIFICATE OF SERVICE

I hereby certify that, on this date, a copy of “Duke Energy Carolinas, LLC’s Response to the Atomic Safety and Licensing Board’s November 16, 2021 Order” was served upon the Electronic Information Exchange (the NRC’s E-Filing System), in the above-captioned docket.

Signed (electronically) by Ryan K. Lighty
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