

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

Before Administrative Judges:

G. Paul Bollwerk, III, Chair  
Dr. Sue H. Abreu  
Dr. Arielle J. Miller

In the Matter of  
DUKE ENERGY CAROLINAS, LLC  
(Oconee Nuclear Station, Units 1, 2, and 3)

Docket Nos. 50–269-SLR-2, 50–270-SLR-2, and 50–287-SLR-2

ASLBP No. 24-985-03-SLR-BD01

June 28, 2024

MEMORANDUM AND ORDER  
(Regarding Status of Initial Prehearing Conference Transcript)

In this 10 C.F.R. Part 54 proceeding regarding the June 2021 subsequent license renewal application of Duke Energy Carolinas, LLC (Duke) for an additional twenty-year term for the 10 C.F.R. Part 50 operating licenses for Oconee Nuclear Station Units 1, 2, and 3, during the June 24, 2024 initial prehearing conference with the participants an issue was raised by the NRC Staff about the possibility that information being discussed might need to be treated as nonpublic. See Tr. at 86. The Board thus requested that the NRC Staff promptly review the transcript when it became available and let the Board and the other participants know of any concerns in that regard. See Tr. at 149.

In a July 27, 2024 e-mail to the Board’s litigation support assistant, which was copied to the participants in this proceeding and accompanies this issuance as Attachment 1, NRC Staff counsel indicated that after reviewing the transcript the Staff did indeed have such a concern and requested that the transcript remain nonpublic during the pendency of the NRC Staff’s review. See E-mail from Mary Frances Woods, NRC Staff Counsel, to Sara Culler, Atomic

Safety and Licensing Board Panel Litigation Support Assistant (June 27, 2024, 12:22 p.m. EST). Consequently, the Office of the Secretary has placed the transcript into the Electronic Hearing Docket's (EHD) nonpublic protective order file for this proceeding and the agency's court reporting service has been alerted not to make the transcript available to anyone requesting a copy from that service.

As the Board indicated during the prehearing conference, while not its preference, redacting the transcript is something it nonetheless is prepared to do if necessary. See Tr. at 73. Additionally, the uncertainty that has now attached to the public/nonpublic status of some of the information associated with this proceeding raises the possibility that the resolution of this issue will entail the entry of a protective order and the submission of affidavits of nondisclosure by applicant Duke and petitioners Beyond Nuclear, Inc., and the Sierra Club, Inc. (collectively Petitioners). See Tr. at 84. This, in turn, creates the possibility that the issuance of a Board decision regarding the grant or denial of the Petitioners' April 29, 2024 hearing request (as corrected on May 1, 2024) will be delayed commensurate with the resolution of this issue.

The first step in resolving this matter rests on a determination by the NRC Staff about whether the initial prehearing conference transcript contains any nonpublic information. Accordingly, on or before Wednesday, July 3, 2024, the NRC Staff should provide a submission outlining its best estimate of when it will complete its review of the transcript and can inform the Board and the other participants about whether the transcript will require redaction. With that information, the Board can then begin to sort out any associated procedural or substantive issues.

Finally, until a further directive from the Board, Duke and Petitioners should not disseminate the transcript or otherwise make the information it contains available to anyone who would not be the subject of an affidavit of non-disclosure if it ultimately is determined that the transcript contains nonpublic information such that a protective order needs to be implemented for this proceeding.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

*/RA/*

---

G. Paul Bollwerk, III, Chair  
ADMINISTRATIVE JUDGE

Rockville, Maryland

June 28, 2024

ATTACHMENT 1

**From:** [Mary Frances Woods](#)  
**To:** [Sara Culler](#)  
**Cc:** [Diane Curran](#); [ryan.lighty@morganlewis.com](mailto:ryan.lighty@morganlewis.com); [paul.bessette@morganlewis.com](mailto:paul.bessette@morganlewis.com); [scott.clausen@morganlewis.com](mailto:scott.clausen@morganlewis.com); [David Roth OGC](#); [Susan Vrahoretis](#); [Megan Wright](#); [Kevin Bernstein](#); [Caitlin Byrd](#); [Georgia Hampton](#)  
**Subject:** NRC Staff Notification Regarding the Oconee Station SLR-2 Transcript from the June 24, 2024 Initial Prehearing Conference  
**Date:** Thursday, June 27, 2024 12:22:34 PM

---

Dear Ms. Culler:

Per the Board's request during the initial prehearing conference on Monday, June 24, 2024, to provide a notice as promptly as possible to the Board and the parties after receiving the transcript regarding any questions or concerns about the transcript and non-public information – this email serves as such notice.

The NRC Staff is reviewing the transcript and has identified concerns. During the pendency of the NRC Staff's review, the NRC staff requests that the transcript remain non-public. The NRC Staff will provide additional information as soon as possible.

Thank you, and if the Board has any questions, please do not hesitate to contact me.

Regards,

Mary Frances

Mary Frances Woods  
Attorney, Division of Reactor Programs  
Office of the General Counsel  
U.S. Nuclear Regulatory Commission

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER (Regarding Status of Initial Prehearing Conference Transcript)** 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.resource@nrc.gov](mailto:ocaamail.resource@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  
G. Paul Bollwerk, III, Chairman,  
Administrative Judge  
Dr. Sue H. Abreu, Administrative Judge  
Dr. Arielle J. Miller, Administrative Judge  
E-mail: [Paul.bollwerk@nrc.gov](mailto:Paul.bollwerk@nrc.gov)  
[Sue.abreu@nrc.gov](mailto:Sue.abreu@nrc.gov)  
[Arielle.miller@nrc.gov](mailto:Arielle.miller@nrc.gov)

U.S. Nuclear Regulatory Commission  
Office of the General Counsel  
Mail Stop - O-14A44  
Washington, DC 20555-0001  
David Roth  
Susan H. Vrahoretis  
Mary Frances Woods  
Megan Wright  
Kevin Bernstein  
Caitlin R. Byrd, Paralegal  
E-mail: [david.roth@nrc.gov](mailto:david.roth@nrc.gov)  
[susan.vrahoretis@nrc.gov](mailto:susan.vrahoretis@nrc.gov)  
[mary.woods@nrc.gov](mailto:mary.woods@nrc.gov)  
[megan.wright@nrc.gov](mailto:megan.wright@nrc.gov)  
[kevin.bernstein@nrc.gov](mailto:kevin.bernstein@nrc.gov)  
[caitlin.byrd@nrc.gov](mailto:caitlin.byrd@nrc.gov)

Counsel for Duke Energy Carolinas, LLC  
Morgan, Lewis & Bockius, LLC  
1111 Pennsylvania Ave NW  
Washington, DC 20004  
Paul Bessette  
Ryan K. Lighty  
Scott Clausen  
E-mail: [paul.bessette@morganlewis.com](mailto:paul.bessette@morganlewis.com)  
[ryan.lighty@morganlewis.com](mailto:ryan.lighty@morganlewis.com)  
[scott.clausen@morganlewis.com](mailto:scott.clausen@morganlewis.com)

**Duke Energy Carolinas, LLC (Oconee Nuclear Station Units 1, 2, and 3, Docket Nos. 50-269, 50-270, and 50-287 SLR-2)**  
**MEMORANDUM AND ORDER (Regarding Status of Initial Prehearing Conference Transcript)**

Duke Energy Corporation  
525 South Tryon Street  
Charlotte, North Carolina 28202  
Tracey M. Leroy  
E-mail: [tracey.leroy@duke-energy.com](mailto:tracey.leroy@duke-energy.com)

Beyond Nuclear Reactor Oversight Project  
7304 Carroll Avenue #182  
Takoma Park, MD 20912  
Paul Gunter  
E-mail: [paul@beyondnuclear.org](mailto:paul@beyondnuclear.org)

Counsel for Beyond Nuclear and  
Sierra Club  
Harmon, Curran, Spielberg, &  
Eisenberg, LLP  
1725 DeSales Street, N.W.  
Suite 500  
Washington, DC 20036  
Diane Curran  
E-mail: [dcurran@harmoncurran.com](mailto:dcurran@harmoncurran.com)

---

Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 28<sup>th</sup> day of June 2024.