

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

In the Matter of)
Duke Energy Carolinas, LLC) Docket Nos. 50-269/270/287 SLR-2
Oconee Nuclear Station,) August 22, 2024
Units 1, 2 & 3)

**NOTICE BY BEYOND NUCLEAR AND THE SIERRA CLUB
REGARDING NONDISCLOSURE DECLARATIONS**

In response to the Atomic Safety and Licensing Board’s (“ASLB’s”) Memorandum and Order (Granting Motion to Enter Protective Order (Aug. 19, 2024) (“Memorandum and Order”), Petitioners Beyond Nuclear, Inc. and the Sierra Club, Inc. hereby notify the ASLB that at this time, they decline to submit executed nondisclosure agreements in this proceeding.¹ After carefully considering the terms of the Memorandum and Order and the two Protective Orders, Petitioners have determined that their interest and the general public’s interest in maximizing the openness and transparency of the issues raised by Petitioners in this proceeding would be best served if they do not enter nondisclosure agreements. In reaching this conclusion, Petitioners are mindful of the unusual circumstances of this case – in which much of the information that would be subject to the Board’s nondisclosure requirements is already in the public record through lawful means and thus not subject to the Protective Orders by their own terms. *See* Protective Order Governing Specific Sensitive Unclassified Non-Safeguards Information, ¶ 19; Protective Order Regarding Ex Parte/Separation of Functions Communications, ¶ 16. Petitioners wish to

¹ *See* Memorandum and Order at 13 (requiring submittal of executed nondisclosure declarations within three days of the issuance of Memorandum and Order (Protective Order Regarding Ex Parte/Separation of Functions Communications) (Aug. 19, 2024) and Memorandum and Order (Protective Order Governing Specific Sensitive Unclassified Non-Safeguards Information) (Aug. 19, 2024). Petitioners anticipate that if warranted by future changes in the circumstances of this proceeding, they may seek an opportunity to access nonpublic information by signing nondisclosure declarations.

avoid taking actions that could invite confusion and/or disputes over how and when they received access to relevant information and related challenges to their right to discuss the information publicly.

Petitioners also note that they are still reviewing all four of the orders issued by the ASLB on August 19; and that they may seek clarification and/or reconsideration of one or more of those orders within the ten-day period provided by 10 C.F.R. § 2.323(a) with respect to Petitioners' obligations as "participants," *i.e.*, non-signers of the nondisclosure declarations.

Respectfully submitted,

 /signed electronically by/

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CERTIFICATE OF SERVICE

I certify that on August 22, 2024, I posted on the NRC's Electronic Information Exchange NOTICE BY BEYOND NUCLEAR AND THE SIERRA CLUB REGARDING NONDISCLOSURE DECLARATIONS.

 /signed electronically by/
Paul Gunter