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UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

2002 FEB 12 PM 3: 36

ATOMIC SAFETY AND LICENSING BOARD PANEL

OFFICE OF THE SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Before Administrative Judges:

Ann Marshall Young, Chair  
Dr. Charles N. Kelber  
Lester S. Rubenstein

In the Matter of:	)	Docket Nos. 50-369
	)	50-370
Duke Energy Corporation	)	50-413
	)	50-414
(McGuire Units 1 and 2, and	)	
Catawba Units 1 and 2)	)	November 09, 2001

**NIRS REPLY TO LICENSING BOARD MEMORANDUM AND ORDER OF  
NOVEMBER 09, 2001**

Petitioner Nuclear Information and Resource Service (NIRS) files the following reply to the Licensing Board's Memorandum and Order Denying Request for Additional Extension of Time dated November 09, 2001 and NRC Staff Response To Atomic Safety and Licensing Board's Order Regarding Production of Documents dated November 08, 2001 in the Matter of the Duke Energy Corporation application for license extension of the McGuire and Catawba Units in order to make a significant clarification.

First, the Petitioner wishes to express our appreciation of the Licensing Board and Staff agreement in partially providing the Daily Event Report (DER) for Catawba and McGuire units as recognition that this document category is both significant and relevant to the Petitioner's efforts to prepare contentions in this matter. The Petitioner further recognizes that by partially providing the Petitioner the DER specific to Catawba and McGuire that the Licensing Board and the Staff acknowledge that these documents rightfully belong in the public domain as a matter of a licensing proceeding impacting public health and safety.

However, the Petitioner wishes to point out that in its original request for release of entire document categories now being withheld from public access and motions for extensions to the prepare contentions under these extraordinary we asked for the document category of Daily Event Reports (DER) to be restored. Our original request for release of documents currently being withheld as a result of the reduction of NRC web site is an effort to research non-safeguarded documents (as agreed upon the DER) generated by operating information from pressurized water reactors of similar categories including design, model and vintage. It has always been our understanding that information as provided by the DER at pressurized water reactors can provide insights into conditions that relate directly to the Duke Energy license extension application.

The Licensing Board Memorandum and Order and Staff Response to provide only the limited DERs for the four reactors units at McGuire and Catawba in fact continues to deny the Petitioner access to public documents contained in the DER category that are germane to the Catawba-McGuire proceeding.

The Petitioner therefore requests the Licensing Board consider this response as a clarification in request of DER generated by all operating pressurized water reactors including those of the same design, model and vintage as the Catawba and McGuire units. Therefore, the Petitioner replies in request that the Licensing Board instruct Staff to provide the Petitioner with all germane DER as stated above in this matter.

The Petitioner further requests that should the Staff deny the requested documents the Licensing Board as per its Order of November 07, 2001 instruct the Staff to explain its legal justification for withholding the document category of non-safeguard related DER generated by pressurized water reactors including those of similar design and vintage as the Catawba and McGuire units.



signed by Paul Gunter

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of "NIRS REPLY TO LICENSING BOARD MEMORANDUM AND ORDER OF NOVEMBER 09, 2001" in the captioned proceeding have been served on the following by Email and deposit in the United States mail, first class, this Ninth day of November 2001.

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Signed by Paul Gunter

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Nuclear Information and Resource Service  
Dated at Washington, District of Columbia  
this 09th day of November 2001