

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

RAS 6900

ATOMIC SAFETY AND LICENSING BOARD PANEL

DOCKETED 10/10/03

SERVED 10/10/03

Before Administrative Judges:

Ann Marshall Young, Chair  
Anthony J. Baratta  
Thomas S. Elleman

In the Matter of

DUKE ENERGY CORPORATION

(Catawba Nuclear Station, Units 1 and 2)

Docket No's. 50-413-OLA, 50-414-OLA

ASLBP No. 03-815-03-OLA

October 10, 2003

ORDER

(Confirming Matters Addressed at October 10, 2003, Telephone Conference)

A telephone conference was held this date to address certain security issues in this proceeding, which involves a February 2003 application of Duke Energy Corporation (Duke) to amend the operating license for its Catawba Nuclear Station units to allow the use of four mixed oxide (MOX) lead assemblies at the station, and August 2003 petitions to intervene and requests for hearing filed by Petitioners Nuclear Information and Resource Service (NIRS) and Blue Ridge Environmental Defense League (BREDL) in response to a July 2003 Federal Register notice concerning the application. See 68 Fed. Reg. 44,107 (July 25, 2003). The following matters were addressed at this conference:

1. The schedule for filings and oral argument on all non-security-related issues will remain the same.
2. Staff counsel will, no later than October 15, 2003, notify the Board and all participants of when it expects to make a determination on the classification level of certain material.
3. If the determination in question will be made prior to October 23, 2003, another telephone conference will be held October 23, 2003, at 10:00 a.m. If the determination is not

expected to occur until October 23 or later, the next telephone conference will be held October 30, 2003, at 10:00 a.m. At the next conference, the issue of the degree and management of delay in the proceedings that will be occasioned by the Staff's determination will be addressed, as well as considerations relating to, among other things, the filing of pleadings relating to security issues, and the holding of oral argument on such issues. After a determination is made on which date to hold the telephone conference, additional information about connecting in to such conference will be provided.

4. Bernard Stapleton and/or other NRC Security personnel will, as soon as possible, provide, through counsel, a written statement of guidelines for handling protected materials, including issues relating to required safes, word processing, printing, and other equipment, as well as mailing and transmission issues, and any others, including any related to screening procedures, that would be helpful to the participants in this proceeding.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>1</sup>

*/RA/*

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Ann Marshall Young, Chair  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
October 10, 2003

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<sup>1</sup>Copies of this Order were sent this date by Internet e-mail or facsimile transmission, if available, to all participants or counsel for participants.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

In the Matter of	)	
	)	
DUKE ENERGY CORPORATION	)	Docket Nos. 50-413-OLA
	)	50-414-OLA
Catawba Nuclear Station, Units 1 and 2)	)	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (CONFIRMING MATTERS ADDRESSED AT OCTOBER 10, 2003, TELEPHONE CONFERENCE) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Washington, DC 20555-0001

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Docket Nos. 50-413-OLA and 50-414-OLA  
LB ORDER (CONFIRMING MATTERS  
ADDRESSED AT OCTOBER 10, 2003,  
TELEPHONE CONFERENCE)

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[Original signed by Adria T. Byrdsong]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 10<sup>th</sup> day of October 2003