

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 6851

DOCKETED 09/26/03

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

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

SERVED 09/26/03

In the Matter of

DUKE ENERGY CORPORATION

(McGuire Nuclear Station, Units 1 and 2,
Catawba Nuclear Station, Units 1 and 2)

Docket No's. 50-369-LR, 50-370-LR,
50-413-LR, and 50-414-LR

ASLBP No. 02-794-01-LR

September 26, 2003

MEMORANDUM to COMMISSION
(Regarding Ruling on Amended Contention 2)

In further response to the Commission's concern expressed in CLI-03-11 regarding the schedule for decisions on the remaining contentions in this proceeding, the Licensing Board considers it appropriate to provide the following update to the Commission: The Board at this point anticipates issuing an Order ruling on Amended Contention 2 on or before October 8, 2003. At that point, the Board will provide an additional update on its ruling on requested reinstatement of Contention 1 (relating to environmental impacts of using Mixed Oxide ("MOX") fuel in the McGuire and Catawba units), the ruling on which the Board plans to issue as soon as possible after issuance of its ruling on Amended Contention 2.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 26, 2003

¹Copies 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)
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DUKE ENERGY CORPORATION) Docket Nos. 50-369/370/413/414-LR
)
(McGuire Nuclear Station, Units 1 and 2;)
Catawba Nuclear Station, Units 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB MEMORANDUM TO COMMISSION (REGARDING RULING ON AMENDED CONTENTION 2) 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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Docket Nos. 50-369/370/413/414-LR
LB MEMORANDUM TO COMMISSION
(REGARDING RULING ON AMENDED CONTENTION 2)

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[Original signed by Emile L. Julian]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 26th day of September 2003