

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**RAS 6914**

ATOMIC SAFETY AND LICENSING BOARD PANEL

**DOCKETED 10/16/03**

**SERVED 10/16/03**

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 16, 2003

ORDER

(Scheduling October 23, 2003, Telephone Conference)

A telephone conference shall be held Thursday, October 23, 2003, at 10:00 a.m. in this proceeding, which involves Duke Energy Corporation's (Duke's) February 2003 application to amend the operating license for its Catawba Nuclear Station to allow the use of four mixed oxide (MOX) lead assemblies at the station; Petitioners Nuclear Information and Resource Service (NIRS) and Blue Ridge Environmental Defense League (BREDL) in August 2003 filed petitions to intervene and requests for hearing in response to a July 2003 Federal Register notice concerning this application. See 68 Fed. Reg. 44,107 (July 25, 2003).

The following matters will be addressed at the October 23 conference:

1. The schedule for the Staff's determination on the classification level of certain material involved in this proceeding, and its impact on the conduct of this proceeding. In this regard, the Staff shall assure that appropriate security personnel are present for the conference. The Board further notes, on this subject, the Staff's October 15, 2003, letter stating that the Staff expects to make the determination in question "on or about December 5, 2003." Prior to receipt of this letter, options of October 23 and 30 were provided for this conference, see Order (Confirming Matters Addressed at October 10, 2003, Telephone

Conference) (Oct. 10, 2003), depending upon the expected date of the Staff's determination. The Board expected, however, that the determination would be made during the month of October, and based on the Staff's letter now providing a December date, sees no reason to delay the telephone conference to October 30, and thereby add to the delay already occasioned in this proceeding by (a) Duke and the Staff's filing of their October 8 Motion for Protective Order without assuring that all matters addressed therein had been adequately addressed by appropriate security personnel, and (b) the Staff's letter providing the December date.

2. Any other appropriate matters for consideration relating to this proceeding.

**Participants should call 301/231-5539 or 1-800/638-8081 a few minutes before 10:00 a.m. Thursday, October 23, and give passcode 7463# to be connected in to the conference.**

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 16, 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
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (SCHEDULING OCTOBER 23, 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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Docket Nos. 50-413-OLA and 50-414-OLA  
LB ORDER (SCHEDULING OCTOBER 23, 2003,  
TELEPHONE CONFERENCE)

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[Original signed by Evangeline S. Ngbea]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 16<sup>th</sup> day of October 2003