

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 7248

DOCKETED 01/20/04

ATOMIC SAFETY AND LICENSING BOARD PANEL

SERVED 01/20/04

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

January 20, 2004

ORDER

(Scheduling *In Camera* Oral Argument on
Blue Ridge Environmental Defense League's Request for Need to Know Determination
and Motion for Extension of Deadline for Filing Security Contentions)

The Licensing Board in this proceeding¹ will hear oral argument on January 21, 2004, on Blue Ridge Environmental Defense League's [BREDL's] Request for Need to Know Determination and Motion for Extension of Deadline for Filing Security Contentions, which was filed January 13, 2004, and discussed in part during oral argument held January 15, 2004, on late-filed non-security-related contentions. The January 21 session will be an *in camera* session that will commence at 2:00 p.m. in the Atomic Safety and Licensing Board Panel hearing room in Rockville, Maryland. This session will be closed to the public and to any persons who have not received clearance to have access to Safeguards Information under 10 C.F.R. § 73.21(c).

¹This proceeding 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 test 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).

In order to facilitate the orderly handling of NRC security procedures for the session, non-NRC participants should send the Board chair a list of all persons who will be attending the oral argument, providing names, whether each person is a U.S. citizen, and pursuant to what authorization each person has clearance to attend the closed session. This information shall be provided no later than the close of business today, January 20, 2004, with a copy to Mack Cutchin (also with the ASLBP, email address: JMC3@nrc.gov). In addition, all non-NRC persons must bring some form of government-issued identification (e.g., driver's license) and should arrive early so that screening procedures will not delay the beginning of the proceeding.

Each participant shall be allowed 30 minutes for their argument, with an additional 15 minutes rebuttal time for BREDL.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 20, 2004

²Copies of this Order were sent this date by Internet e-mail or facsimile transmission, if available, to all participants or counsel for participants.

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NUCLEAR REGULATORY COMMISSION

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DUKE ENERGY CORPORATION) Docket Nos. 50-413-OLA
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Catawba Nuclear Station, Units 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (SCHEDULING *IN CAMERA* ORAL ARGUMENT ON BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE'S REQUEST FOR NEED TO KNOW DETERMINATION AND MOTION FOR EXTENSION OF DEADLINE FOR FILING SECURITY CONTENTIONS) 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
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ARGUMENT ON BLUE RIDGE ENVIRONMENTAL
DEFENSE LEAGUE'S REQUEST FOR NEED TO
KNOW DETERMINATION AND MOTION FOR
EXTENSION OF DEADLINE FOR FILING
SECURITY CONTENTIONS)

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[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 20th day of January 2004