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USNRC

January 14, 2004 (8:34AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Docket Nos. 50-413/414-OLA

RAS 7235

From: Ann Young
To: Anthony Baratta; Antonio Fernandez; Cottingham, Anne; Diane Curran; Helen Byrd; Janet and Lou Zeller; Kathleen Kannler; Lisa F. Vaughn; Mary Olson; Office of HearingDocket; Repka, David; Susan Uttal; Thomas S. Elleman
Date: Tue, Jan 13, 2004 6:50 PM
Subject: RE: Filing in Catawba-LTA Case

Judge Baratta and I have discussed this, but were unable to get Judge Elleman on the line this afternoon/evening. At this time our thoughts are as follows:

On Thursday we can discuss scheduling and logistics of considering the matters of concern in Ms. Curran's and Mr. Repka's emails, but we cannot, of course, discuss Safeguards material either there in Charlotte or on the phone, as we do not have time to take necessary measures such as arranging for a cleared court reporter and addressing any physical security issues. Judge Baratta and I are leaving tomorrow morning so that we can have some time with Judge Elleman tomorrow, and we are returning late on Friday, so that we can talk as a board that day as well. We hope to be able that day to get together at the Raleigh FBI office, which has agreed to allow us to use its safe and secure phone for addressing security-sensitive matters in this proceeding. We will not, however, be able to discuss the security-related matters over the phone with the participants in this proceeding unless all who are connected are on secure lines - and I doubt everyone has access to those.

Judge Elleman will not be available from January 20 through February 8, and federal offices are closed Monday, January 19, but the Board will endeavor on Friday to discuss the matters of concern so that Judge Baratta and I can address the issues in a closed conference with cleared participants in our hearing room next week. Please consider that we have taken the motion under advisement at this time, and are unable at this time either to grant or deny it, since we have not seen it, and will not likely see it until Friday.

I suggest we aim for January 21 at 1:00 p.m. for our closed session, and that in any event everyone have their calendars with them at this Thursday's session, in case January 21 is completely impossible for anyone, which we hope will not be the case. If having your calendar involves copying your electronic calendar into paper form so that we can discuss necessary scheduling issues (recall that participants will not be permitted to bring any electronic items into the courthouse), then please do that. The Staff may also wish, if you have not already decided to do this, to bring with you a security expert to assist us in addressing any logistical/equipment matters associated with these issues. I am also copying Cynthia Harbaugh on this, as she is the physical security person who has consulted with me on this and other cases.

We look forward to seeing everyone on Thursday.

Administrative Judge Ann Marshall Young

>>> "Repka, David" <DRepka@winston.com> 01/13/04 05:30PM >>>

Judge Young-

As I have indicated earlier to Ms. Curran, Duke Energy objects to the request for an extension of time. In addition, Duke Energy does not believe that there is a need for additional security information in order to draft security contentions in this proceeding, and in that respect concurs with the NRC Staff.

Duke Energy is very interested in resolving this motion promptly. Ms. Cottingham and I will be traveling to Charlotte on Wednesday morning and expect to see a copy of the motion when it is delivered by FedEx to Ms. Vaughn. We would be available to discuss this matter by telephone on Wednesday afternoon, but suspect others may be traveling at that time. If that is the case, we believe this matter should be addressed as a first agenda item at the prehearing conference on Thursday morning.

David A. Repka
Winston & Strawn LLP
202-371-5726

Counsel for Duke Energy Company

-----Original Message-----

From: Diane Curran [<mailto:dcurran@harmoncurran.com>]

Sent: Tuesday, January 13, 2004 5:17 PM

To: Office of Secretary; Susan L. Uttal; Repka, David; Mary Olson; Janet and Lou Zeller; Ann Marshall Young; Lisa F. Vaughn; Antonio Fernandez; NRC Office of Appellate Adjudication; Anthony J. Baratta; Thomas S. Elleman; Cottingham, Anne; Kathleen A. Kannler

Subject: Filing in Catawba-LTA Case

Dear Judge Young,

Attached for filing is a cover letter and certificate of service for a pleading that is being filed pursuant to the Board's Protective Order of December 15, 2004. The pleading is Blue Ridge Environmental Defense League's Request for Need to Know Determination and Motion for Extension of Deadline for Filing Security Contentions. Copies of the pleading, which may contain safeguards information, have been served by Federal Express on the Licensing Board, Emile Julian, and lead counsel for the parties.

Sincerely,
Diane Curran

The contents of this message may be privileged and confidential. Therefore, if this message has been received in error, please delete it without reading it. Your receipt of this message is not intended to waive any applicable privilege. Please do not disseminate this message without the permission of the author.

CC: Cynthia Harbaugh; Steve Nesbit (E-mail)

Mail Envelope Properties

(4004844C.898 : 6 : 37434)

Subject: RE: Filing in Catawba-LTA Case
Creation Date: Tue, Jan 13, 2004 6:50 PM
From: Ann Young
Created By: AMY@nrc.gov

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