

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

RAS 7264

DOCKETED 01/23/04

ATOMIC SAFETY AND LICENSING BOARD PANEL

SERVED 01/23/04

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 23, 2004

REQUEST to COMMISSION

(Seeking Designation of Representative To Advise and Assist Licensing Board  
With Respect to Classification of Information and Safeguards to Be Observed)

The Licensing Board in this proceeding<sup>1</sup> requests the Commission, pursuant to 10 C.F.R. Subpart I, § 2.904, to designate a representative to advise and assist the Board (as well as the participants, to a limited extent, insofar as the Board determines may be needed), with respect to security classification of information and the safeguards to be observed in the proceeding. The Board requests that this designation be made as soon as possible, preferably no later than February 9, 2004, in order that the representative may assist the Board in preparation for, and during, a closed *in camera* session to be held February 13, 2004, at which certain security-related issues involving Safeguards and Classified information will be considered; and subsequently, as needed, until the termination of this proceeding.

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<sup>1</sup>This 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).

Assuming this to be consistent with any separation-of-functions or other relevant considerations, the Board requests that the Commission designate Bernard Stapleton, who has already assisted the Board on an informal basis in this proceeding, to serve in the capacity stated above.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD<sup>2</sup>

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Ann Marshall Young, Chair  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
January 23, 2004

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<sup>2</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 )  
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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 REQUEST TO COMMISSION (SEEKING DESIGNATION OF REPRESENTATIVE TO ADVISE AND ASSIST LICENSING BOARD WITH RESPECT TO CLASSIFICATION OF INFORMATION AND SAFEGUARDS TO BE OBSERVED) 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 REQUEST TO COMMISSION (SEEKING  
DESIGNATION OF REPRESENTATIVE TO  
ADVISE AND ASSIST LICENSING BOARD  
WITH RESPECT TO CLASSIFICATION OF  
INFORMATION AND SAFEGUARDS TO  
BE OBSERVED)

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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 23<sup>rd</sup> day of January 2004