

January 28, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

BEFORE THE COMMISSION

In the Matter of)
DUKE ENERGY CORPORATION) Docket Nos. 50-413-OLA, 50-414-OLA
(Catawba Nuclear Station, Units 1 and 2))

NRC STAFF RESPONSE TO ATOMIC SAFETY AND LICENSING BOARD
REQUEST TO THE COMMISSION PURSUANT TO 10 C.F.R. § 2.904

INTRODUCTION

On January 23, 2004, the presiding Atomic Safety and Licensing Board (Board) in this proceeding requested that the Commission "designate a representative to advise and assist the Board with respect to security classification of information and the safeguards to be observed" in this proceeding, pursuant to 10 C.F.R. § 2.904.¹ The Board requested that, if consistent with any separation of functions or other considerations, Mr. Bernard Stapleton be designated.

DISCUSSION

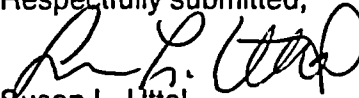
The staff of the Nuclear Regulatory Commission (Staff), has no objection to the Board's request, but believes that the designation of Mr. Stapleton is not appropriate. Mr. Stapleton has been involved in the Staff's consideration of Duke Energy Corporations's Security Plan submittal. Thus, there is a potential separation of functions issue relating to him advising the Board in this proceeding.

As an alternative, the Staff offers Mr. Robert B. (Barry) Manili of the Materials, Transportation and Waste Security Division, Division of Nuclear Security, Office of Nuclear Security and Incident Response (NSIR), as an appropriate and knowledgeable staff member

¹ Request to Commission (Seeking Designation of Representative to Advise and Assist Licensing Board with Respect to Classification of Information and Safeguards to be Observed), January 23, 2004.

who will be able to assist the Board with respect to security classification of information and the safeguards to be observed, in accordance with 10 C.F.R. § 2.904.

Respectfully submitted,



Susan L. Uttal
Counsel for NRC staff

Dated at Rockville, Maryland
this 28th day of January, 2004

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO ATOMIC SAFETY AND LICENSING BOARD REQUEST TO THE COMMISSION PURSUANT TO 10 C.F.R. § 2.904" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class; or as indicated by an asterisk (*), by deposit in the Nuclear Regulatory Commission's internal mail system; and by e-mail as indicated by a double asterisk (**), this 28th day of January, 2004.

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