



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

February 2, 2004

OFFICE OF THE  
GENERAL COUNSEL

Annette L. Vietti-Cook  
Secretary  
U.S. Nuclear Regulatory Commission  
Mail Stop: O-16C1  
Washington, D.C. 20555

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

Dear Secretary:

On January 30, 2004, the NRC staff (Staff) filed a request for interlocutory review of the presiding Atomic Safety and Licensing Board's (Board) order issued on January 29, 2004. In the Staff's previously filed request there are references to portions of Duke Energy Corporation's (Duke) security plan submittal.

Pursuant to a Board order issued on December 15, 2003, certain "Protected Information" is required to be withheld from public disclosure. Although the Staff's previously filed request does not contain safeguards or proprietary information, a strict reading of the Board's December 15, 2003 Order would require that information in the Staff's request be protected. Therefore, enclosed hereto the Staff submits a new pleading that supercedes the previous pleading and does not contain references to information protected by the Board's December 15, 2003 Order. In addition, we have informed Mr. Paul Gunter and Ms. Mary Olson, petitioners in the proceeding below who are not covered by the December 15, 2003 Order, of the foregoing and have asked them to return the filing to this office unread. We have also taken steps to ensure that the previously filed document is not placed in ADAMS or otherwise disseminated to persons not covered by the December 15, 2003 Order.

Sincerely,

  
Antonio Fernández  
Counsel for NRC Staff

Enclosures: As stated

cc w/ encls: Service list

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) )

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NRC STAFF'S MOTION FOR INTERLOCUTORY REVIEW OF  
THE LICENSING BOARD'S JANUARY 29, 2004 ORDER FINDING A NEED-TO-KNOW  
AND ORDERING NRC STAFF TO PROVIDE PETITIONER WITH ACCESS TO  
NRC DOCUMENTS CONTAINING SAFEGUARDS INFORMATION

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Antonio Fernández  
Counsel for NRC staff

January 30, 2004  
February 2, 2004 (superceded)