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DOCKETED  
USNRC

February 10, 2004 (2:18PM)

February 2, 2004

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Antonio Fernandez, Esq.  
Susan L. Uttal, Esq.  
Office of General Counsel  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555

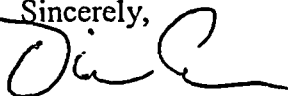
SUBJECT: *NRC Staff Meeting on February 6, 2004, regarding Security Issues*

Dear Mr. Fernandez and Ms. Uttal,

I recently learned that the NRC Staff has scheduled a meeting for February 6, 2004, regarding security issues relating to Duke Energy Corporation's license amendment application to test plutonium fuel at the Catawba nuclear power plant. Pursuant to the Protective Order of December 15, 2003, the contents of the meeting constitute "Protected Information" to which the Protective Order provides access by me and Dr. Edwin Lyman, Blue Ridge Environmental Defense League's expert on security issues. See Memorandum and Order (Protective Order Governing Duke Energy Corporation's September 15, 2003 Security Plan Submittal) at 2, which defines "Protected Information" as, *inter alia*, "any information obtained, developed, or created by virtue of these proceedings, in any form, that is not otherwise a matter of public record and that deals with or describes details of the Security Plan Submittal."

Please provide written confirmation, by noon tomorrow, that Dr. Lyman and I will be allowed to attend the February 6 meeting.

Sincerely,



Diane Curran

cc: Service list

Template = SECY-043

SECY-02

## CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2004, copies of the foregoing letter from Diane Curran to Antonio Fernandez and Susan L. Uttal were served on the following by e-mail and/or first-class mail, as indicated below:

<p>Ann Marshall Young, Chair Administrative Judge Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Mail Stop: T-3F23 Washington, D.C. 20555 E-mail: <a href="mailto:AMY@nrc.gov">AMY@nrc.gov</a></p> <p>Anthony J. Baratta Administrative Judge Atomic Safety and Licensing Board U.S. Nuclear Regulatory Commission Mail Stop: T-3F23 Washington, D.C. 20555 E-mail: <a href="mailto:AJB5@nrc.gov">AJB5@nrc.gov</a></p> <p>Office of Commission Appellate Adjudication U.S. Nuclear Regulatory Commission Mail Stop: O-16C1 Washington, D.C. 20555</p> <p>Thomas S. Elleman Administrative Judge Atomic Safety and Licensing Board 4760 East Country Villa Drive Tucson, AZ 85718 E-mail: <a href="mailto:elleman@eos.ncsu.edu">elleman@eos.ncsu.edu</a></p> <p>Office of the Secretary (original and two copies) ATTN: Docketing and Service U.S. Nuclear Regulatory Commission Mail Stop: O-16C1 Washington, D.C. 20555 E-mail: <a href="mailto:HEARINGDOCKET@nrc.gov">HEARINGDOCKET@nrc.gov</a></p>	<p>Susan L. Uttal, Esq. Antonio Fernandez, Esq. Kathleen A. Kannler, Esq. Office of the General Counsel Mail Stop - O-15 D21 U.S. Nuclear Regulatory Commission Washington, D.C. 20555-0001 E-mail: <a href="mailto:slu@nrc.gov">slu@nrc.gov</a> <a href="mailto:axf2@nrc.gov">axf2@nrc.gov</a>, <a href="mailto:KAK1@nrc.gov">KAK1@nrc.gov</a></p> <p>Mary Olson Southeast Office, Nuclear Information and Resource Service P.O Box 7586 Asheville, NC 28802 E-mail: <a href="mailto:nirs.se@mindspring.com">nirs.se@mindspring.com</a></p> <p>Lisa F. Vaughn, Esq. Legal Dept. (PBO5E) Duke Energy Corporation 526 South Church Street (EC11X) Charlotte, NC 28201-1006 E-mail: <a href="mailto:lfVaughn@duke-energy.com">lfVaughn@duke-energy.com</a></p> <p>Janet Marsh Zeller, Executive Director Blue Ridge Environmental Defense League P.O. Box 88 Glendale Springs, NC 28629 E-mail: <a href="mailto:BREDL@skybest.com">BREDL@skybest.com</a></p>
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