

RAS 7369

RELATED CORRESPONDENCE

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DOCKETED  
USNRC

February 9, 2004

February 18, 2004 (10:49AM)

Anne W. Cottingham, Esq.  
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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

SUBJECT: *Error in Confidential Filing in Catawba LTA Proceeding,*  
*Nos. 50-413, 50-414*

Dear Anne,

Thank you for your phone call today, alerting me to the fact that in filing Blue Ridge Defense League's opposition to the NRC Staff's motions for a stay and interlocutory review of the Atomic Safety and Licensing Board's Memorandum and Order (Ruling on BREDL Motion for Need to Know Determination and Extension of Deadline for Filing Security-Related Contentions) (January 29, 2004), I made an error that resulted in a violation of the Board's Protective Order of December 15, 2003.

On Friday, I served on you, by courier, three documents: Blue Ridge Defense League's Confidential Opposition to NRC Staff Motion for Interlocutory Review and Motion for Stay (February 6, 2004) ("Confidential Opposition"); and Blue Ridge Defense League's Public Opposition to NRC Staff Motion for Interlocutory Review and Motion for Stay (February 6, 2004) ("Public Opposition"). While the Confidential Opposition contained Protected Information, all Protected Information was redacted from the Public Opposition. I also filed a single set of exhibits consisting of publicly available NRC documents.

In our conversation, you informed me that the package you received consisted of two envelopes. The inner envelope, marked "Private -- To Be Opened by Addressee Only," contained the Confidential Opposition, the Public Opposition, and the Exhibits. You also stated that the outer envelope contained a fourth document, a pleading called Blue Ridge Defense League's Opposition to NRC Staff Motion for Interlocutory Review and Motion for Stay (February 6, 2004), which was marked as containing safeguards information.

The inclusion of the fourth document in the package was a mistake. The fourth document was a final draft of the Confidential Opposition, which I had meant to destroy.

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Although the placement of the fourth document in the outer envelope violated the requirement of the Protective Order to place confidential documents in an inner envelope, I do not believe it caused any harm in this case. I believe that yours was the only package with respect to which I made the error. Moreover, I had e-mailed you and the other parties on Friday to tell you that the confidential package was coming by hand-delivery, and you also called me Friday afternoon to confirm that I had sent a messenger with the package. Thus, you were aware that only you, Dave Repka, or Mark Wetterhahn should open the package.

I do apologize for the mistake, however, and the confusion that it caused. We will make every effort to ensure that this does not happen again.

Sincerely,



Diane Curran

cc: Service List  
Annette Vietti-Cook, NRC Secretary