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GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
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OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Mark J. Wetterhahn, Esq.
Winston & Strawn LLP
1400 L Street, NW
Washington, DC 20005

Dear Mr. Wetterhahn:

I am responding to your request for a need to know determination regarding Duke Energy Corporation's (Duke) Revised Attachment 1 to Duke's September 15, 2003 Security Submittal, submitted on March 9, 2004. Your request was pursuant to your representation of Duke in a proceeding before the Atomic Safety and Licensing Board. The proceeding concerns Duke's request to amend the operating license for the Catawba nuclear power plant to authorize irradiation of mixed oxide fuel lead test assemblies.

The Staff has reviewed your request and has determined that, subject to the Board's Protective Order, the Blue Ridge Environmental Defense League's (BREDL) approved representatives possess the requisite need to know for the aforementioned document. Therefore, the Staff has determined that BREDL is authorized to have access to the requested document.

Sincerely,


Antonio Fernández
Counsel for NRC staff

cc: Service list