

RAS 7722

April 30, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

DOCKETED
USNRC

May 5, 2004 (1:03PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of:)
DUKE ENERGY CORPORATION)
(Catawba Nuclear Station,)
Units 1 and 2))

Docket Nos. 50-413-OLA
50-414-OLA

**BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE'S
RESPONSE TO ASLB ORDER OF APRIL 23, 2004,
AND REQUEST FOR OPPORTUNITY TO RESPOND TO
NRC STAFF/DUKE PROPOSED ADDITIONAL REDACTIONS**

In accordance with the Atomic Safety and Licensing Board's ("ASLB's") Order (Regarding proposed Redaction of Portions of Memorandum and Order (Ruling on Security-Related Contentions)) (April 23, 2004), Blue Ridge Environmental Defense League ("BREDL") hereby provides the ASLB with notice that it disputes only one of the Board's proposed redactions to its April 12, 2004, Memorandum and Order (Ruling on Security-Related Contentions).

BREDL believes that the ASLB should not redact the portion of the decision on the bottom of page 59, which describes the content of the regulatory requirements from which Duke seeks an exemption. As a matter of public policy, the NRC should not be permitted to hide from the public the identity of the regulations from which its licensees seek exemptions. Moreover, as NRC Staff has stated during this proceeding, the information ultimately will be released to the public if and when an exemption is granted.

Template = SECY-049

SECY-02

Yesterday, BREDL conveyed its comment to counsel for the NRC Staff and Duke by e-mail. Today, NRC Staff counsel informed BREDL's counsel that the Staff agrees with the ASLB's proposal to redact the information, without providing any substantive reason for its position. Duke's counsel has not responded to BREDL's e-mail.

At approximately 1:30 p.m. today, counsel for BREDL received, by messenger, a copy of the ASLB's April 12 Order with about 13 pages of proposed additional redactions by the NRC Staff and Duke. Because of other pressing obligations, BREDL's counsel will not have an opportunity to respond to these proposed redactions today. BREDL's counsel also has major deadlines in three other cases on Monday, May 3. In addition, the ASLB has scheduled a conference call for the morning of Tuesday, May 4. Therefore, BREDL requests that the ASLB allow it until Wednesday, May 5, to respond to the Staff's and Duke's proposed additional redactions. This will allow BREDL sufficient time to prepare its comments on Tuesday and send them to the ASLB and parties by Federal Express. If BREDL has no disagreement with the NRC Staff's/Duke's proposed redactions, or can make its comments without discussing safeguards information, it will provide its comments electronically, by close of business on Tuesday.

Respectfully submitted,



Diane Curran
Harmon, Curran, Spielberg, & Eisenberg, L.L.P.
1726 M Street N.W., Suite 600
Washington, D.C. 20036
202/328-3500
e-mail: dcurran@harmoncurran.com

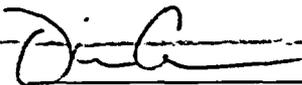
April 30, 2004

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2004, copies of Blue Ridge Environmental Defense League's Response to ASLB Order of April 23, 2004, and Request for Opportunity to Respond to NRC Staff/Duke Proposed Additional Redactions 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: AMY@nrc.gov</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: AJB5@nrc.gov</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: elleman@eos.ncsu.edu</p> <p>David A. Repka, Esq. Anne W. Cottingham, Esq. Winston & Strawn, LLP 1400 L Street, N.W. Washington, D.C. 20005-3502 E-mail: drepka@winston.com acotting@winston.com</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: slu@nrc.gov axf2@nrc.gov, KAK1@nrc.gov</p> <p>Mary Olson Southeast Office, Nuclear Information and Resource Service P.O Box 7586 Asheville, NC 28802 E-mail: nirs.se@mindspring.com</p> <p>Lisa F. Vaughn, Esq. Legal Dept. (PBO5E) Duke Energy Corporation 526 South Church Street (EC11X) Charlotte, NC 28201-1006 E-mail: lfVaughn@duke-energy.com</p> <p>Janet Marsh Zeller, Executive Director Blue Ridge Environmental Defense League P.O. Box 88 Glendale Springs, NC 28629 E-mail: BREDL@skybest.com</p>
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<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: HEARINGDOCKET@nrc.gov</p>	
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Diane Curran