

RAS 8021

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED
USNRC

ATOMIC SAFETY AND LICENSING BOARD PANEL

June 28, 2004 (2:08PM)

Before Administrative Judges:

Ann Marshall Young, Chair
Anthony J. Baratta
Thomas S. Elleman

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

SERVED June 28, 2004

In the Matter of

DUKE ENERGY CORPORATION

(Catawba Nuclear Station, Units 1 and 2)

Docket No's. 50-413-OLA, 50-414-OLA

ASLBP No. 03-815-03-OLA

June 28, 2004

REQUEST to COMMISSION

(Seeking Designation of New Representative To Advise and Assist Licensing Board
With Respect to Classification of Information and Safeguards to Be Observed)

Due to circumstances relating to the availability of the current representative who has been assisting the Licensing Board in this proceeding¹ with respect to security classification of information and the safeguards to be observed in the proceeding, the Board at this time requests the Commission, pursuant to 10 C.F.R. Subpart I, § 2.904, to designate a new representative to provide such assistance. The Board requests that this designation be made as soon as possible so as to avoid any further delay in the proceeding.

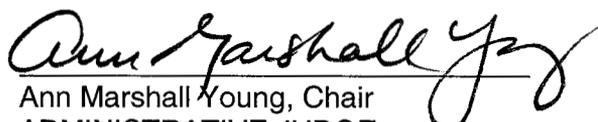
Mr. Barry Manili, who has been assisting the Board, has, because of travel and other issues, become unavailable to continue assisting the Board at the present time and will not be available for the closed hearing on security issues currently set for September 8-9, 2004.

Because the Board currently needs the assistance of a security expert and will continue to need

¹This proceeding involves Duke Energy Corporation's (Duke's) February 2003 application to amend the operating license for its Catawba Nuclear Station to allow the use of four mixed oxide (MOX) lead test assemblies at the station. On September 17, 2003, this Licensing Board was established to preside over this proceeding. 68 Fed. Reg. 55,414 (Sept. 25, 2003). By Memoranda and Orders dated March 5 and April 12, 2004 (the latter sealed as Safeguards Information; redacted version issued May 28, 2004), the Licensing Board granted BREDL's request for hearing and admitted various non-security-related and security-related contentions. LBP-04-04, 59 NRC __ (2004); LBP-04-10, 59 NRC __ (2004).

such assistance continuing through and after the September hearing, the appointment of a new representative is requested as soon as possible.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD²


Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
June 28, 2004

²Copies of this document were sent this date by Internet e-mail to all participants or counsel for participants.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB REQUEST TO COMMISSION (SEEKING DESIGNATION OF NEW REPRESENTATIVE TO ADVISE AND ASSIST LICENSING BOARD WITH RESPECT TO CLASSIFICATION OF INFORMATION AND SAFEGUARDS TO BE OBSERVED) have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

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Docket Nos. 50-413-OLA and 50-414-OLA
LB REQUEST TO COMMISSION (SEEKING DESIGNATION
OF NEW REPRESENTATIVE TO ADVISE AND ASSIST
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Dated at Rockville, Maryland,
this 28th day of June 2004