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August 6, 2004

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DOCKETED
USNRC

August 12, 2004 (3:47PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFFSUBJECT: *August 3, 2004 Need-to-Know Determination*

Dear Antonio,

Thank you for your letter of August 3, 2004, which makes a need-to-know determination with respect to various safeguards documents requested by my client, the Blue Ridge Environmental Defense League ("BREDL"), in discovery regarding BREDL Contention 5. I am writing with respect to one of the documents on which you made a need-to-know determination: Duke Energy Corporation's ("Duke's") Security Plan. Your letter states that the Staff will give BREDL access to "selected portions" of the Security Plan in a "redacted version" of the plan.

As we discussed on the telephone the other day, Dr. Lyman and I are concerned that we may not agree with the Staff regarding which portions of the Security Plan should be disclosed to us in order to provide us with an adequate understanding of the manner in which Duke depends on the Security Plan to complement the security measures described in Duke's Security Plan Submittal. However, we believe it is reasonable to expect that Security Plan's table of contents would provide us with enough information about the redacted portions of the Security Plan to allow an evaluation of their relevance.

This is to confirm that you have agreed to provide us with a copy of the table of contents of the Security Plan and the redacted version of the Security Plan during our meeting with the Atomic Safety and Licensing Board next week. At our earliest opportunity, we will compare the table of contents with the Security Plan Submittal and the redacted portions of the Security Plan and evaluate the adequacy of disclosures in the redacted Security Plan. If we believe that the disclosures are insufficient, we will attempt to resolve our concerns informally before filing a need-to-know appeal.

Sincerely,


Diane Curran

cc: Service list