



OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

September 3, 2004

Ann Marshall Young, Chair
Administrative Judge
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Washington, D.C. 20555

Thomas S. Elleman
Administrative Judge
Atomic Safety and Licensing Board
5207 Creedmoor Rd. #101
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Anthony J. Baratta
Administrative Judge
Atomic Safety and Licensing Board
U. S. Nuclear Regulatory Commission
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In the Matter of
DUKE ENERGY CORPORATION
(Catawba Nuclear Station, Units 1 and 2)
Docket Nos. 50-413-OLA and 414-OLA

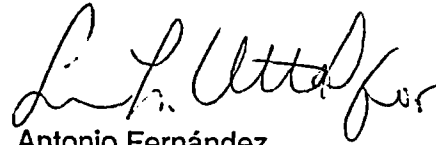
Dear Administrative Judges:

This is to inform you that the NRC Staff has determined that it will not make any changes to the redactions made to Catawba Nuclear Station's Physical Security Plan (PSP). The Staff has assured itself that it took into account the possibility of a scenario involving diversion when it redacted portions of the PSP. Since protection of areas other than the spent fuel pool is outside the scope of the current proceeding, the Staff believes that the Blue Ridge Environmental Defense League (BREDL) has no need-to-know regarding the information that has been redacted. Moreover, based on the premise articulated above, the Staff has reviewed Revision 15 to the PSP and has made redactions to it. In addition, the Staff, upon further review of the unredacted version of Duke's procedures, pursuant to the Board's Memorandum and Order of August 13, 2004¹, the Staff has determined that Duke's decision to provide BREDL with an unredacted version of its procedures, in the interest of expediency, does not appear to

¹ Memorandum and Order (Confirming August 10, 2004, Bench Ruling Finding Need to Know and Ordering Provision of Documents Sought by Intervenor in Discovery) (Aug. 13, 2004) at 8.

be consistent with the need-to-know provision of 10 C.F.R. §73.21 in the context of the issue in this proceeding. Therefore, the Staff has informed Duke of its determination and asked Duke to withhold the previously redacted portions of the procedures from BREDL.

Sincerely,

A handwritten signature in black ink, appearing to read "Antonio Fernández". The signature is fluid and cursive, with the first name "Antonio" and last name "Fernández" clearly distinguishable.

Antonio Fernández
Counsel for NRC staff

cc: Service list