

September 7, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

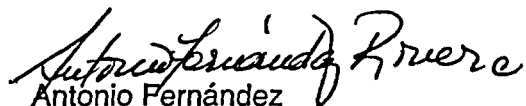
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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

NRC STAFF RESPONSE TO INTERVENOR'S  
MOTION REQUESTING ACCESS TO CERTAIN CLASSIFIED DOCUMENTS

The NRC Staff hereby files its response to the Blue Ridge Environmental Defense League's (BREDL) motion filed pursuant to 10 C.F.R. § 2.905(b)(1) and (f). In its motion, BREDL requests that the Board grant it access to two documents that contain classified National Security Information. The Staff has already transmitted the documents in question to the Board for its review and ruling on BREDL's request. See Letter from Antonio Fernández, Counsel for NRC Staff, to Administrative Judges (Aug. 30, 2004). In light of the Board's recent order issued on August 13, 2004, the Staff does not object to BREDL's request for access to the two classified documents addressed in their motion. See 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)(holding that the general discovery standard should apply concerning the discovery of protected information). However, given the type of information contained in the documents, the Staff joins the licensee in its motion for certification of this matter to the Commission.

Respectfully submitted,

  
Antonio Fernández  
Counsel for NRC staff

Dated in Rockville, Maryland  
This 7th day of September 2004.

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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF RESPONSE TO INTERVENOR'S MOTION REQUESTING ACCESS TO CERTAIN CLASSIFIED DOCUMENTS" in the above-captioned proceeding have been served on the following by deposit in the United States mail, first class; or as indicated by an asterisk (\*), by deposit in the Nuclear Regulatory Commission's internal mail system; and by e-mail as indicated by a double asterisk (\*\*), this 20th day of August, 2004.

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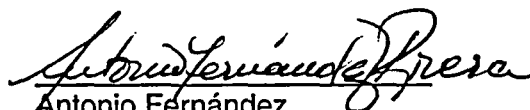
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