

January 21, 2005

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'S MOTION TO AMEND DECEMBER 15, 2003  
PROTECTIVE ORDER

On December 15, 2003, the Atomic Safety and Licensing Board (Licensing Board) issued a "Memorandum and Order (Protective Order Governing Duke Energy Corporation's September 15, 2003 Security Plan Submittal)" (Protective Order). Pursuant to the Licensing Board's request, the NRC Staff herein requests that the Board issue an Addendum to the Protective Order adding an additional category of documents to the second paragraph of the Order<sup>1</sup> in order to extend the Protective Order to cover the Official Use Only documents introduced into evidence during the hearing on January 11-14, 2005.

Accordingly, The NRC Staff requests that the Licensing Board issue an Addendum modifying the second paragraph of the Protective Order, as follows:

As used in this Protective Order and in the Nondisclosure Affidavit included as the Appendix to this order, "Protected Information" includes: (1 ) the September 15, 2003 Security Plan Submittal or any supplements or amendments thereto, including Requests for Additional Information ("RAIs")

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<sup>1</sup> Paragraph 2 of the Protective Order was previously amended by Order dated June 28, 2004. See Addendum Number 3 to the Protective Order Governing Duke Energy Corporation's September 15, 2003 Security Plan Submittal (December 15, 2003) (June 28, 2004). The Protective Order was last amended by Order dated August 13, 2004; Addendum Number 4 to the Protective Order Governing Duke Energy Corporation's September 15, 2003 Security Plan Submittal (December 15, 2003) (August 13, 2004); Addendum Number 5 to the Protective Order Governing Duke Energy Corporation's September 15, 2003 Security Plan Submittal (December 15, 2003) (September 27, 2004) .

responses to RA's ruling that submittal (2) any information obtained, developed, or created by virtue of these proceedings, in any form, that is not otherwise a matter of public record and that deals with or describes details of the Security Plan Submittal; (3) any document or information that relates to security planning and implementation at the Catawba Nuclear Station obtained, developed or created as part of discovery or litigation associated with any admitted security contention that is not otherwise a matter of public record; (4) the NRC documents requested by BREDL in its letter of August 13, 2004 to NRC Staff counsel, and contained on the list appended hereto and made a part hereof; and (5) any and all documents designated "Official Use Only" that were admitted into evidence or made a part of the record during the evidentiary hearing on this matter from January 11 to January 14, 2005.

Attached is a copy of Proposed Addendum 6 to the Protective Order. Counsel for BREDL and Duke have indicated that they have no objection to the amendment.

Respectfully submitted

**/RA/**

Susan L. Uttal  
Counsel for NRC Staff

Dated in Rockville, Maryland  
This 21st day of January 2005.

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

Before Administrative Judges:

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

In the Matter of	)	
	)	
DUKE ENERGY CORPORATION	)	Docket Nos. 50-413-OLA
	)	50-414-OLA
	)	
(Catawba Nuclear Station	)	ASLBP No.
Units 1 and 2)	)	
	)	January , 2005

ADDENDUM NUMBER 6  
TO THE DECEMBER 15, 2003 PROTECTIVE ORDER GOVERNING  
DUKE ENERGY CORPORATION'S SEPTEMBER 15, 2003 SECURITY PLAN SUBMITTAL

By agreement of the parties, the second paragraph of the December 15, 2003 "Memorandum and Order (Protective Order Governing Duke Energy Corporation's September 15, 2003 Security Plan Submittal)" is amended to state as follows:

As used in this Protective Order and in the Nondisclosure Affidavit included as the Appendix to this order, "Protected Information" includes: (1 ) the September 15, 2003 Security Plan Submittal or any supplements or amendments thereto, including Requests for Additional Information ("RAIs") responses, RAIs, and (2) any information obtained, developed, created by virtue of these proceedings, in any form, that is not otherwise a matter of public record and that deals with or describes details of the Security Plan Submittal; (3) any document or information that relates to security planning and implementation at the Catawba Nuclear Station obtained, developed or created as part of discovery or litigation associated with any admitted security contention that is not otherwise a matter of public

record; (4) the NRC documents requested by BREDL in its letter of August 13, 2004 to NRC Staff counsel, and contained on the list appended hereto and made a part hereof; and (5) any and all documents designated "Official Use Only" that were admitted into evidence or made a part of the record during the evidentiary hearing on this matter from January 11 to January 14, 2005.

It is so ORDERED.

FOR THE ATOMIC SAFETY  
AND LICENSING BOARD

*/RA/*

Ann Marshall Young  
Administrative Judge

Rockville, Maryland  
January , 2005.

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of	)	
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DUKE ENERGY CORPORATION	)	Docket Nos. 50-413-OLA
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CERTIFICATE OF SERVICE

I hereby certify that copies of "NRC STAFF'S MOTION TO AMEND DECEMBER 15, 2003 PROTECTIVE ORDER" 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     day of January 2005.

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**/RA/**

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