

RAS 9266

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

**DOCKETED 02/04/05**  
**SERVED 02/04/05**

ATOMIC SAFETY AND LICENSING BOARD PANEL

Before Administrative Judges:

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

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

February 4, 2005

ORDER

(Regarding Duke Motion to Amend Protective Order)

Upon the motion of counsel for Duke Energy Corporation, with the agreement of counsel for the NRC Staff,<sup>1</sup> and no objection being posed by counsel for BREDL, the December 15, 2003, Memorandum and Order (Protective Order Governing Duke Energy Corporation's September 15, 2003 Security Plan Submittal) previously issued in this proceeding is hereby amended to add Ms. Kelley M. John, a legal secretary with Duke counsel's law firm,

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<sup>1</sup>We note that Appendix A to the Protective Order, a Nondisclosure Affidavit to be signed by all persons covered by the Order (a copy of which Ms. John has signed), itself provides that persons covered by the order, including Duke counsel, agree that any secretarial or administrative work will be performed only by personnel authorized pursuant to paragraph B of the Protective Order, which provides that any such person will have completed a "trustworthiness review[ ] satisfactory to the NRC Staff." We accept from NRC Staff counsel's agreement to this amendment that the Staff has determined that Duke's "procedures to receive access to Safeguards Information," put forth by Duke counsel as the procedures under which Ms. John's trustworthiness has been determined, are equivalent to those of the Staff, as required in the Protective Order. Should this not be the case, we expect that the Staff will see that any necessary additional measures to assure such trustworthiness are taken.

Winston and Strawn, to the list of individuals authorized to receive access to Protected Information.

It is so ORDERED.

THE ATOMIC SAFETY  
AND LICENSING BOARD

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Ann Marshall Young, Chair  
ADMINISTRATIVE JUDGE

*/RA/*

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Anthony J. Baratta  
ADMINISTRATIVE JUDGE

*/RA/*

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Thomas S. Elleman  
ADMINISTRATIVE JUDGE

Rockville, Maryland  
February 4, 2005<sup>2</sup>

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<sup>2</sup>Copies of this document were sent this date by internet e-mail to counsel for all parties.

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 ORDER (REGARDING DUKE MOTION TO AMEND PROTECTIVE ORDER) 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 ORDER (REGARDING DUKE MOTION  
TO AMEND PROTECTIVE ORDER)

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[Original signed by Adria T. Byrdsong]

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Office of the Secretary of the Commission

Dated at Rockville, Maryland,  
this 4<sup>th</sup> day of February 2005