

RAS 9568

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 03/18/05
SERVED 03/18/05

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

March 18, 2005

ORDER

**(Regarding Redacted Version of Final Partial Initial Decision,
Transcript Corrections)**

The parties in this proceeding — involving Duke Energy Corporation's application to amend the operating license for its Catawba Nuclear Station to allow the use of four mixed oxide (MOX) fuel lead test assemblies at the station, and related request for exemption from certain NRC security regulations, and Petitioner Blue Ridge Environmental Defense League's challenge to the application and exemptions in a contention earlier admitted for litigation in this proceeding — are hereby notified that the Licensing Board today filed a proposed redacted copy of the March 10, 2005, Final Partial Initial Decision in the proceeding, copies of which will be provided to the parties by the Office of the Secretary. Because the proposed redactions are not final and do not completely remove Safeguards language in the document, the document being filed is Safeguards Information, shall be treated as such, and will not be released publicly.

The parties shall respond to the proposed redactions, indicating agreement or disagreement, and providing reasons and supporting authority for any disagreements, no later than Monday, March 28, 2005. By the same date, all parties shall respond to Duke's proposed

corrections to the transcript of the January 11-14, 2005, hearing, along with any other proposed corrections.

After receipt of the parties' responses to the proposed redactions, the Board will, with the assistance of its security expert, Mr. Francis Young, produce a final redacted copy of the March 10 decision, possibly including bracketed language providing short, non-Safeguards summaries of the information redacted. If the parties have any suggestions for such summary language, they may propose this with their responses to the redactions, and may wish to propose such language by agreement of all parties, if possible.

It is so ORDERED.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
March 18, 2005¹

¹Copies of this document were sent this date by internet e-mail to counsel for all parties.

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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 REDACTED VERSION OF FINAL PARTIAL INITIAL DECISION, TRANSCRIPT CORRECTIONS) 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 REDACTED
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[Original signed by Adria T. Byrdsong]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 18th day of March 2005