

October 31, 2003

Mr. Michael S. Tuckman
Executive Vice President
Duke Energy Corporation
526 South Church St
Charlotte, NC 28201-1006

SUBJECT: WILLIAM B. MCGUIRE NUCLEAR STATION, UNITS 1 AND 2 AND CATAWBA
NUCLEAR STATION, UNITS 1 AND 2 RE: MIXED OXIDE LEAD FUEL
ASSEMBLIES (TAC NOS. MB7863, MB7864, MB7865, MB7866, MC0824 AND
MC0825)

Dear Mr. Tuckman:

By letter dated February 27, 2003, you submitted applications for amendment to the operating licenses for the McGuire Nuclear Station, Units 1 and 2 (McGuire) and the Catawba Nuclear Station, Units 1 and 2 (Catawba). The proposed amendments would revise the Technical Specifications to allow the use of four mixed oxide (MOX) fuel assemblies at either Catawba or McGuire. By letter dated September 23, 2003, you amended the February 27, 2003, application so that it now applies only to Catawba. Accordingly, we are treating this as a withdrawal by Duke Power of the application as it applies to McGuire. We will publish a Notice of Withdrawal in the *Federal Register* and will close the associated work tracking TAC numbers for the McGuire Nuclear Station.

By letter dated September 15, 2003, you submitted a proposed revision to the physical security plan and associated requests for exemptions from certain regulations for the Catawba and McGuire stations. The Nuclear Regulatory Commission (NRC) staff does not plan to review the physical security plan revisions for McGuire, since, as noted above, Duke has withdrawn McGuire from the MOX Lead Test Assembly program. The NRC staff review and findings regarding your physical security plan submittal dated September 15, 2003, will be applicable only to the Lead Test assembly program at Catawba. Any physical security plan revisions associated with the potential use of batch quantities of MOX fuel will be reviewed if and when the NRC staff receives such proposals.

Sincerely,

/RA/

Robert E. Martin, Senior Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-369, 50-370, 50-413, and 50-414

cc: See next page

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PDII-1 R/F ACRS JNakoski RMartin CStone S Uttal AFernandez

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* See previous concurrence

NRR-106

OFFICE	PDII-1/PM	NSIR*	OGC*	PDII-1/LA	PDII-1/SC
NAME	RMartin	JShea for GTracy	AFernandez	CHawes	JNakoski
DATE	10/ 30 /03	10/30 /03	10/24/03	10/ 30 /03	10/ 31 /03

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McGuire Nuclear Station
Catawba Nuclear Station

cc:

Ms. Lisa F. Vaughn
Duke Energy Corporation
Mail Code - PB05E
422 South Church Street
P.O. Box 1244
Charlotte, North Carolina 28201-1244

County Manager of Mecklenburg County
720 East Fourth Street
Charlotte, North Carolina 28202

Mr. C. Jeffrey Thomas
Regulatory Compliance Manager
Duke Energy Corporation
McGuire Nuclear Site
12700 Hagers Ferry Road
Huntersville, North Carolina 28078

Anne Cottingham, Esquire
Winston and Strawn
1400 L Street, NW.
Washington, DC 20005

Senior Resident Inspector
c/o U. S. Nuclear Regulatory
Commission
12700 Hagers Ferry Road
Huntersville, North Carolina 28078

Mr. Peter R. Harden, IV
VP-Customer Relations and Sales
Westinghouse Electric Company
6000 Fairview Road
12th Floor
Charlotte, North Carolina 28210

Dr. John M. Barry
Mecklenburg County
Department of Environmental
Protection
700 N. Tryon Street
Charlotte, North Carolina 28202

Mr. Richard M. Fry, Director
Division of Radiation Protection
North Carolina Department of
Environment, Health, and
Natural Resources
3825 Barrett Drive
Raleigh, North Carolina 27609-7721

Ms. Karen E. Long
Assistant Attorney General
North Carolina Department of
Justice
P. O. Box 629
Raleigh, North Carolina 27602

Mr. Michael T. Cash
Manager - Nuclear Regulatory
Licensing
Duke Energy Corporation
526 South Church Street
Charlotte, North Carolina 28201-1006

NCEM REP Program Manager
4713 Mail Service Center
Raleigh, NC 27699-4713

Mr. T. Richard Puryear
Owners Group (NCEMC)
Duke Energy Corporation
4800 Concord Road
York, South Carolina 29745

McGuire Nuclear Station
Catawba Nuclear Station

cc:

Mr. Larry Rudy, Acting
Regulatory Compliance Manager
Duke Energy Corporation
4800 Concord Road
York, South Carolina 29745

North Carolina Municipal Power
Agency Number 1
1427 Meadowwood Boulevard
P. O. Box 29513
Raleigh, North Carolina 27626-0513

County Manager of York County
York County Courthouse
York, South Carolina 29745

Piedmont Municipal Power Agency
121 Village Drive
Greer, South Carolina 29651

Saluda River Electric
P. O. Box 929
Laurens, South Carolina 29360

Henry Porter, Assistant Director
Division of Waste Management
Bureau of Solid and Hazardous Waste
Department of Health and Environmental
Control
2600 Bull Street
Columbia, South Carolina 29201-1708

North Carolina Electric Membership
Corporation
P. O. Box 27306
Raleigh, North Carolina 27611

Senior Resident Inspector
4830 Concord Road
York, South Carolina 29745

Mr. Dhiaa Jamil
Vice President
Catawba Nuclear Station
Duke Energy Corporation
4800 Concord Road
York, South Carolina 29745

Mr. G. R. Peterson
Vice President
McGuire Nuclear Station
Duke Energy Corporation
2700 Hagers Ferry Road
Huntersville, North Carolina 28078