

RAS 7091

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**VIA FEDERAL EXPRESS**

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November 26, 2003 (1:00PM)

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

November 21, 2003

Ann Marshall Young, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Anthony J. Baratta  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Thomas S. Elleman  
Administrative Judge  
5207 Creedmoor Road # 101  
Raleigh, N.C. 27612

**Re: In the Matter of Duke Energy Corporation  
Catawba Nuclear Station, Units 1 and 2  
Docket Nos. 50-413-OLA, 50-414-OLA**

Dear Administrative Judges:

In response to the request of the NRC Atomic Safety and Licensing Board as set forth in its November 20, 2003 "Order (Regarding Provision of LAR and Other Documents, and Conduct of Oral Argument)," Duke Energy Corporation herewith provides copies of the documents listed in the Enclosure to this letter. To effect receipt of these documents by all members of the Licensing Board by Monday, November 24, 2003, as requested, we are transmitting the documents today via Federal Express overnight carrier, for delivery on Monday November 24.

Because of the bulk of the documents, and because all have been publicly available, copies are not being sent to the service list. However, if the petitioners or NRC Staff need specific documents listed in the Enclosure, they can be provided upon request.

Template = SECY-049

SECY-02

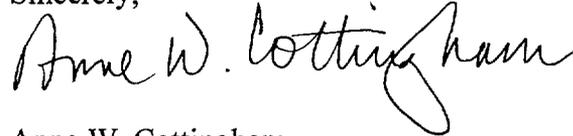
**WINSTON & STRAWN LLP**

November 21, 2003

Page 2

One item (number 11 on the enclosed list) is not yet available and will be provided to the Licensing Board under separate cover within the next several days.

Sincerely,

A handwritten signature in black ink that reads "Anne W. Cottingham". The signature is written in a cursive style with a large, looping "A" and "C".

Anne W. Cottingham  
Counsel for Duke Energy Corporation

Enclosures

cc: Service List (w/Enclosure, but not documents, via U.S. mail and e-mail where available)

SERVICE LIST

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U.S. Nuclear Regulatory Commission  
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Mary Olson  
Director, Southeast Office  
Nuclear Information and Resource Service  
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Asheville, NC 28802  
(e-mail: nirs.se@mindspring.com)

**Documents Supplied By Duke Energy Corporation in Response to  
Atomic Safety and Licensing Board Order of November 20, 2003  
(Docket Nos. 50-369-OLA, 50-370-OLA, 50-413-OLA, 50-414-OLA)**

1. February 27, 2003 Letter from M. Tuckman (Duke) to NRC, transmitting "Proposed Amendments to the Facility Operating License and Technical Specifications to Allow Insertion of Mixed Oxide (MOX) Fuel Lead Assemblies and Request for Exemption from Certain Regulations in 10 C.F.R. Part 50," Docket Nos. 50-369, 50-370, 50-413, 50-414 ("MOX Fuel LAR") (transmittal letter plus 6 attachments).
2. September 24, 2003 Letter from A. Cottingham (Winston & Strawn) to NRC Administrative Judges Ann Young, Anthony Baratta, and Thomas Elleman, transmitting September 23, 2003 letter from M. Tuckman (Duke) to NRC re Docket Nos. 50-369, 50-370, 50-413, 50-414 (limiting MOX Fuel LAR to Catawba Nuclear Station only).
3. Duke Energy Corporation responses to NRC Requests for Additional Information (RAIs) submitted in this proceeding to date, including:
  - (a) October 1, 2003 Duke RAI Response (Boraflex neutron absorbers) (ADAMS ML032880370);
  - (b) October 1, 2003 Duke RAI Response (includes 4-page Attachment 1, responding to 8/13/03 RAIs, and Attachment 2, providing Framatome ANP *Fuel Sector Quality Management Manual*) (ADAMS ML032890405);<sup>1</sup>
  - (c) October 3, 2003 Duke RAI Response (partial response to 7/25/03 RAIs re reactor system questions) (ADAMS ML032890044);
  - (d) November 4, 2003 Duke RAI responses (partial response to 7/25/03 RAIs) (non-proprietary version) (not yet in ADAMS).
4. Framatome ANP BAW-10238, *MOX Fuel Design Report*, Rev. 1 (May 2003) (non-proprietary version) (ADAMS ML031550349).
5. August 7, 2003 Letter from W. R. McCollum Jr. (Duke) to NRC, transmitting Duke's response to NRC Bulletin 2003-01 (Potential Impact of Debris Blockage on Emergency

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<sup>1</sup> The November 11, 2003 "Answer of Duke Energy Corporation to the 'Blue Ridge Environmental Defense League's Supplemental Petition to Intervene' and the 'Contentions of Nuclear Information and Resource Service'" cited only this Duke RAI Response. For the convenience of the Licensing Board, Duke also provides herein the other RAI responses that it has filed to date in this proceeding. Duke has previously provided all of these responses in electronic form to the representatives of NIRS and BREDL.

Sump Recirculation at Pressurized Water Reactors) for the McGuire, Catawba and Oconee Nuclear Stations (transmittal letter and four enclosures) (ADAMS ML032260651).

6. April 15, 1980 NRC Letter to L. White, Jr. (Rochester Gas and Electric Corp.) transmitting Amendment No. 32 to the Provisional Operating License No. DPR-18 for the R.E. Ginna Nuclear Power Station, and related *Federal Register* notice ("Rochester Gas and Electric Corp.; Issuance of Amendment to Provisional Operating License") (45 Fed. Reg. 29450) (May 2, 1980).
7. October 1, 2003 Letter from E. Siskin (U.S. DOE) to Office of International Programs, U.S. NRC, transmitting Export License Application seeking authorization to export up to 140kg of weapon-grade plutonium oxide to France for use in fabricating four MOX fuel lead assemblies, in the form of NRC Form 7 and a two-page attachment to NRC Form 7. (Duke is aware of no additional material included as part of this application.) Also included is the NRC acknowledgement of receipt of the export application, at 68 Fed. Reg. 61238 (Oct. 27, 2003).
8. A CD prepared by DOE of the *DOE Storage and Disposition of Weapons-Usable Fissile Materials Final Programmatic Environmental Impact Statement*, DOE/EIS-0229 (Dec. 1996) ("PEIS") (<http://tis.eh.doe.gov/nepa/eis/EIS0229/eis0229index.html>). (The PEIS runs several thousand pages. For the convenience of the Board, we have also provided paper copies of the PEIS Table of Contents, the Summary, Sections 2.4 and 2.5, and Appendix G of the PEIS.)
9. A CD prepared by DOE of the *DOE Surplus Plutonium Disposition Final Environmental Impact Statement*, DOE/EIS-0283 (Nov. 1999) ("SPDEIS"). (The SPDEIS runs well over 1000 pages. For the convenience of the Board, we have also provided paper copies of the SPDEIS Table of Contents for Volumes I and II and the Summary of the SPDEIS.)
10. *DOE Supplement Analysis: Fabrication of Mixed Oxide Fuel Lead Assemblies in Europe* (DOE/EIS-0229-SA3) (Nov. 2003). Also included is the DOE Amended Record of Decision, at 68 Fed. Reg. 64611 (Nov. 14, 2003). A copy of the Supplement Analysis and the related DOE Record of Decision were previously provided as Addendum A and Addendum B, respectively, to Duke's November 11, 2003 Answer.
11. Nuclear trade press articles referenced in Duke's November 11, 2003 Response. (These documents will be provided to the Board under separate cover, as soon as they are available.)