

RELATED CORRESPONDENCE

April 26, 2004

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

DOCKETED
USNRC

May 4, 2004 (10:17AM)

In the Matter of

DUKE ENERGY CORPORATION

(Catawba Nuclear Station, Units 1 and 2)

Docket No's. 50-413-OLA,
50-414-OLA

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

**BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE'S
SECOND SET OF DISCOVERY REQUESTS TO NRC STAFF**

Pursuant to the schedule established by the Atomic Safety and Licensing Board's ("ASLB's") Order of March 30, 2004, Blue Ridge Environmental Defense League ("BREDL") hereby requests that the U.S. Nuclear Regulatory Commission ("NRC" or "Commission") Staff answer the following interrogatories and admission requests separately, fully, in writing, and under oath, and produce the documents requested below within the schedule established by the ASLB. These discovery requests pertain to Contentions I and II, as admitted by the ASLB in LBP-04-04, Memorandum and Order (Ruling on Standing and Contentions) (March 5, 2004).

Pursuant to 10 C.F.R. § 2.744, BREDL directs its documents production requests below to the Executive Director for Operations. As required by 10 C.F.R. § 2.744, the categories of document requests in those sections are described with reasonable particularity. The requested documents are relevant to the litigation of Contentions I and II, because they seek information regarding the Staff's evaluation of the behavior of MOX fuel under LOCA and severe accident conditions, and the Staff's position on the type of severe accident analysis that is required for use of MOX fuel at the Catawba nuclear power plant.

I. INSTRUCTIONS

Please follow the instructions contained in Section I of Blue Ridge Environmental Defense League's First Set of Discovery Requests to the NRC Staff (March 31, 2004) (hereinafter "BREDL's First Set of Discovery Requests to Staff").

II. DEFINITIONS

Please apply the definitions contained in Section II of BREDL's First Set of Discovery Requests to Staff.

III. REQUEST FOR PRODUCTION OF DOCUMENTS

A. Contention I

REQUEST NO. I-9 Any and all documents containing the Staff's evaluation of the relationship between the behavior of "Next Generation Fuel" and MOX fuel, as discussed in Duke's April 23, 2004, presentation to the NRC Staff.

B. Contention II

REQUEST NO. II-5 Any and all documents containing data from the VERCORS test series that was referred to by members of the Reactor Fuels Subcommittee of the Advisory Committee on Reactor Safeguards that was held at the NRC on April 21, 2004. Based on statements made by ACRS members at that meeting, it is BREDL's understanding that the NRC Staff has recently come into possession of this information.

REQUEST NO. II-6 Any and all documents containing the Staff's evaluation of the effect of using "Next Generation Fuel" and MOX fuel on the potential for or consequences of a severe accident at the Catawba nuclear power plant.

Respectfully submitted, .

A handwritten signature in black ink, appearing to read "Diane Curran". The signature is fluid and cursive, with a long horizontal stroke at the end.

Diane Curran

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