



Duke Power
Energy Center
P.O. Box 1006
Charlotte, NC 28201-1006

April 13, 2004

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555

Subject: Duke Energy Corporation
Catawba Nuclear Station, Units 1 & 2, Docket Nos. 50-413, 50-414
Response to Request for Additional Information (TAC Nos. MB7863, MB7864)
Mixed Oxide Fuel Lead Assemblies (Security)

By letter dated February 27, 2003, Duke Energy Corporation submitted an application to amend the McGuire Nuclear Station and Catawba Nuclear Station operating licenses to allow the use of four mixed oxide (MOX) fuel lead assemblies. Associated with that application, Duke Energy provided separate security-related information (the "security submittal") to the NRC on September 15, 2003. The security submittal has been designated as NRC Safeguards Information in accordance with 10 CFR § 73.21.

On March 1, 2004, Duke Energy provided responses to an NRC Staff request for additional information (RAIs) concerning the security submittal. Certain aspects of Duke Energy's March 1, 2004 RAI response required conforming changes to Attachment 1 of the September 15, 2003 security submittal. On March 9, 2004 Duke submitted conforming changes, to Attachment 1 of the September 15, 2003. On March 31, 2004 the NRC staff requested that Duke include details contained in the March 1, 2004 RAI responses directly into the revised Attachment 1 communicated in the March 9, 2004 submittal. Attachment 1 to this correspondence contains the requested inclusion of detail.

The NRC Staff has previously determined that counsel to the Blue Ridge Environmental Defense League (BREDL), an intervenor in this proceeding, and BREDL's technical expert, Dr. Edwin Lyman, has established a "need to know" regarding the contents of the security submittal. Duke Energy further understands that the NRC Staff has determined that BREDL has a "need to know" regarding RAIs and previously submitted Duke RAI responses relating to the security submittal. Therefore, while the "need to know" determination regarding the revised Attachment 1 thus appears to be predetermined, we ask that the Staff expeditiously make its formal finding, consistent with the Protective Order and past practice in this proceeding. By this letter, Duke Energy requests that this entire submittal be forwarded to the presiding Atomic Safety and Licensing Board in this proceeding.

* IF53
11

Attachment 1 provides the content in response to the staff request. In addition to the Plan there will be a detailed procedure which will include details in Attachment 1 as well as additional details of implementation and additional controls that may be implemented at Catawba. The NRC Staff is also aware of the current industry effort to standardize Security Plan format and level of detail. Attachment 1 to this submittal has not been prepared in that format. However, the content of Attachment 1 will be translated into that format as appropriate for Duke's submittal associated with the industry effort. Inquiries on this correspondence should be directed to M.T. Cash at (704) 382-5826.



H.B. Barron
Executive Vice President – Nuclear Generation
Duke Energy Corporation

Oath and Affirmation

I affirm that I, H.B Barron , am the person who subscribed my name to the foregoing, and that all the matters and facts set forth herein are true and correct to the best of my knowledge.

H.B. Barron

H.B. Barron

Subscribed and sworn to before me on this ^{MTCash} ~~16TH~~ ^{13TH} day of April 2004.

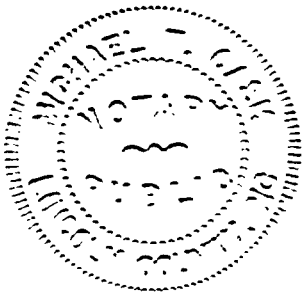
Michael T. Cash

Notary Public

My Commission expires:

January 22, 2008
Date

MICHAEL T. CASH
Notary Public
Lincoln County, North Carolina
Commission Expires January 22, 2008



ATTACHMENTS CONTAIN SAFEGUARDS INFORMATION

Cc:/ with Safeguards attachments
R. E. Martin (addressee only)
NRC Project Manager
U. S. Nuclear Regulatory Commission
Mail Stop O-8G9
Washington, DC 20555-0001

cc: cover letter only

L. A. Reyes
U. S. Nuclear Regulatory Commission Regional
Administrator, Region II Atlanta Federal Center
61 Forsyth St., SW, Suite 23T85
Atlanta, GA 30303

E. F. Guthrie
Senior Resident Inspector
U. S. Nuclear Regulatory Commission
Catawba Nuclear Station

J. B. Brady
Senior Resident Inspector
U. S. Nuclear Regulatory Commission
McGuire Nuclear Station

H. J. Porter, Director Division of Radioactive Waste Management
Bureau of Land and Waste Management
Department of Health and Environmental Control
Columbia, SC 29201

ATTACHMENTS CONTAIN SAFEGUARDS INFORMATION

bcc: cover letter only

Richard Clark-DCS
Patrick Rhoads-DOE
David Alberstein-DOE
Don Spellman-ORNL
NCMPA-1
NCEMC
PMPA
SRE

bcc: cover letter only (paper copy)

NRIA File/ELL - EC050
MOX File 1607.2304
Catawba Document Control File 801.01– CN04DM
Catawba RGC Date File (J. M. Ferguson – CN01SA)

ATTACHMENTS CONTAIN SAFEGUARDS INFORMATION

DC:348464.1