

May 10, 2004

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSIONDOCKETED
USNRC

May 18, 2004 (4:52PM)

BEFORE THE ATOMIC SAFETY AND LICENSING BOARDOFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of:

DUKE ENERGY CORPORATION

(Catawba Nuclear Station,
Units 1 and 2)Docket Nos. 50-413-OLA
50-414-OLADUKE ENERGY CORPORATION'S RESPONSE TO BLUE RIDGE
ENVIRONMENTAL DEFENSE LEAGUE'S SECOND DISCOVERY REQUESTI. INTRODUCTION

In accordance with the schedule established by the Atomic Safety and Licensing Board ("Licensing Board") in its March 30, 2004 "Corrected Order (Confirming Matters Addressed at March 25 Telephone Conference)," Duke Energy Corporation ("Duke") hereby files its Response to the April 26, 2004 "Blue Ridge Environmental Defense League's Second Set of Discovery Requests to Duke Energy Corporation." That discovery request seeks the production of certain documents in connection with BREDL Contentions I and II.

This response includes certain proprietary documents that are governed by the Protective Order issued by the Licensing Board on April 8, 2004.¹ Such documents have been identified as proprietary in the index of documents (Attachment 1) included with this response,

¹ "Memorandum and Order (Protective Order Governing Non-Disclosure of Proprietary Information)" (April 8, 2004).

and the copies of the documents provided have been marked accordingly. These documents must be handled by BREDL in accordance with the Protective Order.²

II. RESPONSES

A. Requests for Production of Documents on BREDL Contention I

BREDL PRODUCTION REQUEST NO. I-2: *Any and all documents containing Duke's analysis of cross-flow between LEU fuel, MOX fuel, and "Next Generation" fuel, as described in Duke's presentation to the NRC Staff of April 23, 2004.*

Duke Response to Production Request No. I-2:

The documents produced in response to this request are listed in Attachment 1 to this Response.

BREDL PRODUCTION REQUEST NO. I-3: *Any and all documents discussing Duke's determination of the appropriate exclusion zone between fuel types.*

Duke Response to Production Request No. I-3:

The documents produced in response to this request are listed in Attachment 1 to this Response.

BREDL PRODUCTION REQUEST NO. I-4: *The Design Review Packages for LEU fuel, MOX fuel, and Next Generation fuel.*

Duke Response To Production Request No. I-4:

The documents produced in response to this request are listed in Attachment 1 to this Response.

Note that Request No. I-4, as worded by BREDL, is vague. The discovery request does not define a "Design Review Package." Nor is Duke aware of a standardized or industry-wide definition of the term "Design Review Package" that would assist Duke in identifying relevant documents with precision. Read literally, the "Design Review Packages" for

² Counsel for BREDL and BREDL's technical consultant executed a Confidentiality and Non-Disclosure Agreement in accordance with the Protective Order on April 13, 2004.

"LEU fuel" could encompass all fuel assembly designs used at Duke Energy since the initial operation of the Catawba Nuclear Station, because all fuel used to date at Catawba has been LEU fuel. Information on LEU fuel designs other than the Next Generation Fuel ("NGF") design and the Robust Fuel Assembly ("RFA") design currently used or to be used at Catawba co-resident with the MOX fuel lead assemblies could have no possible relevance to the contentions in this proceeding. Accordingly, in a good faith effort to respond to this request, Duke has provided documents in its possession that address fuel design transition reviews for RFA fuel and NGF fuel. There is no comparable fuel design transition review documentation for MOX fuel presently in Duke's possession. Fuel design transition review documentation will be generated by Duke later this year, consistent with the standard reload design schedule as implemented for Catawba Unit 1, Cycle 16.

BREDL PRODUCTION REQUEST NO. I-5: *Duke's procedures for monitoring fuel reliability and the actions planned upon detection of increased radioactivity in the primary coolant water.*

Duke Response to Production Request No. I-5:

The documents produced in response to this request are listed in Attachment 1 to this Response.

Note that this discovery request references "procedures," but does not provide a definition of "procedure" or limit the scope of the term. The term "procedures" potentially could include various categories of documents, including station technical procedures, station operating procedures, and administrative procedures. Additionally, this discovery request could be interpreted as seeking production of all revisions of such "procedures" that have ever been used at all three Duke nuclear stations since initial operation — including control copies, working

copies, completed procedures, and draft changes of such procedures. Such an approach would be unduly broad and burdensome.

Moreover, a number of "procedures" used for sampling, analysis or surveillance of the primary reactor coolant system and other fuel related activities could fall within the scope of this discovery request. These procedures also exist in various physical forms. Discovery of all of these "procedures" for "monitoring" and "actions" would be unduly burdensome, largely historical in nature, and would have no possible relevance to the contentions in this proceeding.

Accordingly, in a good faith effort to respond to this request, Duke has provided corporate programmatic procedures that detail fuel integrity monitoring requirements and associated actions. Duke has in response to this request supplied the current copy of the departmental directive, the current copy of the section procedure, and a draft proposed copy of the section procedure. These documents are listed in Attachment 1 to this response.

B. Request for Production of Documents on BREDL Contention II

BREDL PRODUCTION REQUEST NO. II-7. Any and all documents containing Duke's analysis of 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.

Duke has not done an analysis of data from the VERCORS test series. It is Duke's understanding that the VERCORS data is proprietary. Duke has not obtained this data. To the extent BREDL believes that "the NRC Staff has recently come into possession of this information," inquiries regarding the VERCORS test series should be directed to the NRC Staff.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David A. Repka", with a long horizontal flourish extending to the right.

David A. Repka
Anne W. Cottingham
WINSTON & STRAWN, LLP
1400 L Street, NW
Washington, D.C. 20005-3502

Lisa F. Vaughn
DUKE ENERGY CORPORATION
422 South Church Street
Mail Code: PB05E
Charlotte, N.C. 28201-1244

ATTORNEYS FOR DUKE ENERGY
CORPORATION

Dated in Washington, District of Columbia
This 10th day of May 2004

Index to Documents Produced in Response to BREDL Second Request

Document Description	Document Type (letter, calc, etc.)	Date of Document	Beginning Bates Number	Ending Bates Number	Responsive To	Proprietary
Transition Core Cross Flow Velocity Comparison/One Advanced Mark-BW (MOX) in RFA core			008849	008851	I-2	No
Nuclear Policy Manual			008852	008911	I-5	Yes
Guidelines for Fuel Reliability Management Program, Revision 2		12/20/2002	008912	008923	I-5	Yes
Guidelines for Fuel Reliability Management Program, Revision 3		May, 2004	008924	008935	I-5	Yes
Jocelyn Petty to David Stucker re Duke Fuel Assembly Compatibility Engineering Review	Letter with Attachments	10/11/1999	008936	008994	I-4	Yes - Westinghouse 99DA-G-0066; 10/11/99; Duke Fuel Assembly Compatibility Engineering Review
Certification of Engineering Calculation - Core Isotopics and Source Term for PRA Level III Analyses*	Includes CD Attachment	3/24/2004	008995	009056	III.B. General Document Production Request #1	No

* Documents were previously provided with "Duke Energy Corporation's First Supplemental Response to Blue Ridge Environmental Defense League's First Discovery," dated May 5, 2004.

Document Description	Document Type (letter, calc, etc.)	Date of Document	Beginning Bates Number	Ending Bates Number	Responsive To	Proprietary
Certification of Engineering Calculation - (NUC) Catawba Nuclear Station LEU Versus MOX Core PRA Risk Analysis*	Includes CD Attachment	5/4/2004	009057	009118	III.B. General Document Production Request #1	Yes
Next Generation Fuel Program - Westinghouse	Binder	6/30/2003	009119	009562	I-4	Yes - Contains Westinghouse NGF-03-127, Rev. 1, DR 01-4: 17 NGF Catawba 1 Lead Test Assemblies Design Closeout Package
Certification of Engineering Calculation - Functionally Evaluation of the Westinghouse Next Generation Fuel (NGF) Assembly		8/15/2003	009563	009610	I-4	Yes - Contains Westinghouse 5/15/03 - MFRD-03-92: Impact of Optimized Zirlo (™) on Fuel and Fuel Assembly Growth and Thermal Expansion
Certification of Engineering Calculation - Revision Log; Functionality Evaluation of the Westinghouse 17x17 Standard Robust Fuel Assembly		4/16/2002	009611	009686	I-4	Yes - Contains 9/27/99 - 99DA-G-0059, Westinghouse Fuel Design Recommendations for Catawba 2 Cycle 11

* Documents were previously provided with "Duke Energy Corporation's First Supplemental Response to Blue Ridge Environmental Defense League's First Discovery," dated May 5, 2004.

Document Description	Document Type (letter, calc, etc.)	Date of Document	Beginning Bates Number	Ending Bates Number	Responsive To	Proprietary
RFA T/H Analyses			009687	009690	I-2	Yes - Figures based on other corporate entities data or vendor data; marked as Proprietary (no attribution of source)
C1C15 Core Model			009691	009709	I-2, I-3	Yes - Contains Westinghouse FGF Grid Elevations (Drawing)
Duke Fuel Assembly Compatibility Engineering Review 99-1		10/22/1999	009710	009720	I-4	Yes - Contains Westinghouse P02-99-275; 10/22/99, Duke Fuel Assembly Compatibility Frequency Review 99-2
Certification of Engineering Calculation - Revision Log; Westinghouse NGF Fuel Assembly T-H Model and LTA MPA Limits		7/10/2003	009721	009753	I-2	Yes - Contains Westinghouse NGF-03-133/NF-DA-03-80; WRB-2M; Correlation Applicability for NGF LTAs; 5/30/03
Certification of Engineering Calculation		3/20/2003	009754	009800	I-3	No
Engineering Review 99-1 Duke F/A Compatibility		10/21/1999	009801	009809	I-4	No
E-mail from Kenneth Epperson re Response to MOX RAIs		9/10/2003	009810	009812	I-2	No

Document Description	Document Type (letter, calc, etc.)	Date of Document	Beginning Bates Number	Ending Bates Number	Responsive To	Proprietary
Memo from Kenneth Opperson re VIPER Loop Flow Testing of the RFA at Columbia		10/1/1999	009813	009813	I-2	No
Memo/Attachments re Duke Fuel Assembly Compatibility Engineering Review 99-1		10/6/1999	009814	009871	I-4	Yes -Contains Westinghouse 10/6/99 Duke Fuel Assembly Compatibility Engineering Review 99-1; PD1-99-163
Fuel Assembly Compatibility Report for the Supply of 17x17 WH Robust Fuel Assemblies to the DP Catawba and McGuire Units		9/1/1999	009872	009925	I-4	Yes - Contains Westinghouse 10/6/99 PD1-99-163 DP, Compatibility Engineering Review 99-1
Memo w/ Attachments from Ronald Knott to G. J. Bocock re Databook for Catawba Unit 1, DCCQ 17NGF LTAs		5/30/2003	009926	009943	I-4	Yes - Contains Westinghouse 5/30/03 NGF-03-134, Databook Catawba Unit 1; DCCQ 17 NGF LTAs
E-mail from Kenneth Epperson to Robert J. Buechel re QRTN2&3 Pressure Drop Test Results		10/18/1999	009944	009944	I-2	No

Document Description	Document Type (letter, calc, etc.)	Date of Document	Beginning Bates Number	Ending Bates Number	Responsive To	Proprietary
Next Generation Fuel Program - Westinghouse	Binder	5/20/2003	009945	010385	I-4	Yes - Contains Westinghouse 5/20/03 - NGF-03-127, DR01-4: 17 NGF Catawba 1 Lead Test Assemblies Design Closeout Package
Next Generation Fuel Program - Westinghouse	Binder	10/11/2002	010386	010842	I-4	Yes - Contains Westinghouse NGF-02-144, Design and Manufacturability Review Package; 10/11/02
CIC15 LTA Program		2/12/2003	010843	010871	I-3	No
Epperson Memo re CIC15 Reload Design Safety Analysis Review (REDSAR) Checklist		7/15/2003	010872	010905	I-3	No
E-mail with attachments re Original Mark-BW lift/crossflow data - revised plots		5/5/2004	010906	010911	I-2	No
E-mail re Original Mark-BW lift/crossflow data - revised plots		5/5/2004	010912	010913	I-2	No

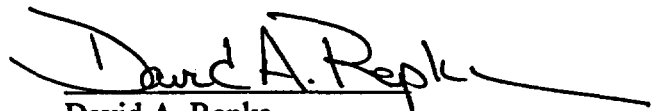
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

Docket Nos. 50-413-OLA
50-414-OLA

**Adjudicatory File
Atomic Safety and Licensing Board Panel
U.S. Nuclear Regulatory Commission
Washington, DC 20555**

Susan L. Uttal, Esq. **†
Antonio Fernandez, Esq. **
Margaret J. Bupp**
Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, DC 20555
(e-mail: slu@nrc.gov)
(e-mail: axf2@nrc.gov)
(e-mail: mjb5@nrc.gov)

Diane Curran **†
Harmon, Curran, Spielberg &
Eisenberg, LLP
1726 M Street, N.W.
Suite 600
Washington, DC 20036
(e-mail: dcurran@harmoncurran.com)


David A. Repka
Counsel for Duke Energy Corporation