

June 23, 2004

LICENSEE: Duke Energy Corporation

FACILITY: Catawba Nuclear Station, Units 1 and 2

SUBJECT: SUMMARY OF MEETING ON MAY 14, 2004, WITH DUKE ENERGY ON
MIXED OXIDE FUEL

Representatives of the Duke Energy Corporation (Duke), met with members of the Nuclear Regulatory Commission (NRC) staff on May 14, 2004, in Duke's OJ Miller Auditorium located at 526 South Church Street, Charlotte, North Carolina. The meeting addressed issues related to Duke's application dated February 27, 2003, as supplemented, to use mixed oxide (MOX) lead test assemblies (LTAs) at the Catawba Nuclear Station (Catawba).

The NRC staff began the meeting by noting that it is a Category I meeting wherein the public is invited to observe and will have one or more opportunities to communicate with the NRC staff after the business portion of the meeting. The NRC staff circulated an attendance sign-up sheet and the list of attendees is provided in Enclosure 1.

The NRC staff provided background on the purpose of the MOX program by referring to Duke's submittal of February 27, 2003, Attachment 5, Section 5.4, wherein Duke quotes the Department of Energy (DOE) as stating the following:

The fundamental purpose of the program is to ensure that plutonium produced for nuclear weapons and declared excess to national security needs (now and in the future) is never again used for nuclear weapons.

The NRC staff emphasized that it is a separate Federal agency from the DOE and that NRC's role in this matter is to ensure that if MOX is to be used at Catawba, that it meets the applicable NRC regulatory requirements for the safe operation of Catawba and protection of the environment.

The issues addressed in this meeting were also discussed with Duke in a meeting between the NRC staff and Duke that was held on April 23, 2004. The summary of that meeting may be found at ADAMS Accession Number ML041230011. The subject of that meeting was to discuss the planned inclusion by Duke of eight Westinghouse Next Generation Fuel (NGF) LTAs in the Catawba reactor core that would also include the four MOX LTAs. The NRC staff's letter to Duke dated April 30, 2004, provided an initial identification of additional information that would be needed by the NRC staff to review the NGF fuel.

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Based on an examination on May 12-14, 2004, of the Duke engineering design files that are located in Duke's offices at 526 South Church Street, the NRC staff identified specific documents and areas of information that were requested to be submitted to the NRC on the Catawba docket. Subsequent to the May 14, 2004, meeting, these areas were described in detail in a letter issued by the NRC staff on May 19, 2004 (ADAMS Accession Number ML041400201). Duke responded to that request in its letter dated June 17, 2004.

Several members of the public provided comments expressing opposition to nuclear power in general and to the use of MOX fuel at Catawba.

Mr. Louis Zeller of the Blue Ridge Environmental Defense League (BREDL) expressed interest in learning more about the issues in the NRC staff letter dated April 30, 2004. He questioned the purpose of the meeting and asked how it serves the public's interest when the issue could have been handled via e-mail or phone calls. He stated that BREDL is challenging the use of MOX in 2005. He indicated that MOX fuel manufacturing not representing reprocessing is a myth and indicated that it could be used to build nuclear weapons instead. He stated that MOX presents an unacceptable risk to health and safety of the public. He indicated that he expected to be provided with the documents that the NRC staff is requesting Duke to provide.

Additional comments and questions addressed the use of weapons grade plutonium during heightened security risks, whether accident consequences would be worse for new fuel versus old fuel and the transportation of MOX fuel.

The NRC staff referred to its recently issued Safety Evaluation and its Supplement No. 1 for answers to several of these comments. These documents are located at ADAMS Accession Numbers ML040970046 and ML041260544, respectively.

Several comments addressed a nearby tract of land, said to be owned by Duke, that was said to be in the process of being sold. This issue is addressed by a letter provided by David E. McCauley to the NRC staff at the meeting. A copy of the letter is provided in Enclosure 2.

/RA/

Robert E. Martin, Senior Project Manager, Section 1
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Office of Nuclear Reactor Regulation

Docket Nos. 50-413 and 50-414

Enclosures: 1. List of Meeting Participants
2. David E. McCauley Letter

cc w/encls: See next page

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cc w/encls: See next page

Distribution: See next page

Meeting Notice: ML041280510 Meeting Summary: ML041750542 Package: ML041750568
Enclosure 1: ML041750542 Enclosure 2: ML041680143 NRC-001

OFC	PDII-1/PM	PDII-1/LA (A)	PDII-1/SC (A)
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DATE	6/21/04	6/15/04	6/23/04

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RHaag (RGN-II/DRP/RPB5)

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ATTENDEES LIST

May 14, 2004

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Tony Attard	NRC
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Mike Cash	Duke Power
Gregg Swindlehurst	Duke Power
Ron Gribble	Duke Power
Mr. McCauley	Catawba Nuclear Neighbors
Dave McCauley	Catawba Nuclear Neighbors
Gilda Bocock	Westinghouse
Louis Zeller	Blue Ridge Environmental
Sherry Lorenz	Public/Concerned Citizens
Al Boshers	Duke Power
Stanley J. Hayes	Duke Power
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Catawba Nuclear Station

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