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5207 Creedmoor Road # 101
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**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:

Attached for the information of the administrative judges and the parties in this proceeding is a copy of a letter, submitted today, by Duke Energy Corporation to the NRC Staff regarding an issue that has arisen in connection with the license amendment request for the mixed oxide ("MOX") fuel lead assemblies. Duke has determined that the issue is not material to Loss of Coolant Accident ("LOCA") analyses and therefore is not material to Contention I in this proceeding. It is also not material to the remaining security issues.

Very truly yours,



David A. Repka
Counsel for Duke Energy Corporation

Enclosure

cc: Service List (w/Enclosure) via U.S. mail and e-mail

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SECY-02

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August 31, 2004

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Subject: Duke Energy Corporation Catawba Nuclear Station Units 1 & 2, Docket Nos. 50-413, 50-414 Proposed Amendments to the Facility Operating License and Technical Specifications to Allow Insertion of Mixed Oxide (MOX) Fuel Lead Assemblies (Dose Inputs)

Reference: (1) Letter, M. S. Tuckman (Duke) to U. S. Nuclear Regulatory Commission, Proposed Amendments to McGuire and Catawba Facility Operating Licenses to Allow Insertion of Mixed Oxide Fuel Lead Assemblies, February 27, 2003.

This letter provides additional information to the Nuclear Regulatory Commission (NRC) regarding Duke's MOX fuel lead assembly license amendment request. This letter briefly summarizes an issue discussed with members of the NRC staff during a conference call on August 26, 2004. As described below, Duke intends to provide additional information by September 10, 2004.

In Reference 1, Duke applied to the NRC for amendments to the McGuire and Catawba operating licenses that would provide for receipt and use of four MOX fuel lead assemblies. This application was later limited to Catawba Nuclear Station. Duke supplemented the initial submittal with numerous responses to NRC requests for additional information (RAI). Some of that dose information was derived from data currently listed in Table 15-4 of the Catawba Updated Final Safety Analysis Report (UFSAR). Duke has subsequently determined that the calculated doses in Table 15-4 have not been updated for a period of time; the table includes a disclaimer stating that "The following values are presented for the purpose of illustration and do not necessarily reflect the current design basis of the plant."

Duke has made a corrective action program entry to lead to a root cause and corrective actions to prevent recurrence. The corrective action program will address UFSAR update practices, as well as methods and sources for engineering inputs. As an immediate corrective action, Duke staff at Catawba Nuclear Station have reviewed pending license amendment applications and open operability evaluations and have not identified any reliance on the doses contained in Table 15-4 except for the pending MOX fuel license amendment application.

Duke will provide the Nuclear Regulatory Commission staff with updated MOX license application materials appropriately updated to reflect current design basis and licensing basis information related to UFSAR Table 15-4. Duke is working to provide this updated material by September 10, 2004. Duke does not anticipate that the revised doses will affect the conclusion that doses are within applicable regulatory limits or the proposed no significant hazards consideration determination. The issue does not impact LOCA mechanical or thermal-hydraulic analyses and therefore does not impact matters subject to the ongoing Atomic Safety and Licensing Board proceedings related to Safety Contention I.

Please contact Mike Cash at (704) 382-5826 or Steve Nesbit (704) 382-2197 regarding questions on this matter.


Sincerely,



W.R. Mc Collum
Senior Vice President – Nuclear Generation
Duke Energy Corporation

Oath and Affirmation

I affirm that I, W.R. Mc Collum, 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.


W.R. Mc Collum

Subscribed and sworn to before me on this 31st day of August 2004.


Notary Public

My Commission expires:

August 31, 2004
Date

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