

September 10, 2004

Mr. Henry B. Barron
Duke Energy Corporation
William B. McGuire Nuclear Station, Units 1 and 2
Oconee Nuclear Station, Units 1, 2 and 3
P. O. Box 1006-EC07H
Charlotte, NC 28201-1006

SUBJECT: IMPLEMENTATION STATUS OF INDEPENDENT SPENT FUEL STORAGE
INSTALLATION INTERIM COMPENSATORY MEASURES (TAC NO. MC3417,
MC3418, MC3545, MC3546 AND MC3547)

Dear Mr. Barron:

The Nuclear Regulatory Commission (NRC) issued Order (EA-02-104) to all holders of general and specific licenses of Independent Spent Fuel Storage Installations (ISFSIs) on October 16, 2002, requiring implementation of security-related interim compensatory measures (ICMs). Since October 16, 2002, the NRC has issued by Order the same ICMs to six additional facilities. Although the NRC did not require licensees to modify their ISFSI physical protection plans in response to these Orders, the NRC staff reviewed all licensee responses to these Orders and concluded that they were acceptable.

Subsequently, the NRC issued Order (EA-03-086) dated April 29, 2003, to all power reactor licensees that required them to modify their physical security, safeguards contingency, and training and qualification plans mandated by 10 CFR 50.34(c), 50.34(d), and 73.55(b)(4)(ii) to provide protection against the revised Design Basis Threat (DBT). The Order further required that these revised power reactor security plans be submitted to the NRC by April 29, 2004.

Several licensees with ISFSIs included ISFSI-related security provisions in their revised power reactor security plans. However, the NRC does not intend to review ISFSI-related security provisions as part of its review of the revised power reactor security plans submitted in response to the April 29, 2003, Order. The NRC staff at this time, seeks to ensure that ISFSI-related security provisions implemented in response to the ICMs remain unchanged.

To achieve this aim, the NRC is requesting that those licensees who are in receipt of this letter respond in writing, within 10 days from the receipt of this letter, stating whether or not their implementation of ISFSI-related security provisions of the ISFSI ICM Orders have been modified or revised since responding to the ISFSI Orders described above. If no modifications or revisions which decrease the effectiveness of the implementation of ISFSI-related security provisions have been made, a statement to that effect will suffice as an adequate response to this letter. Where modifications or revisions which decrease the effectiveness of the ISFSI-related security provisions are proposed, provide detailed descriptions of those modifications or revisions. NRC review and approval of the proposed modifications or revisions would be required prior to implementation.

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If you have any questions concerning this request, please contact me at (301) 415-2743 or by e-mail at DWS@nrc.gov.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html>.

Sincerely,

/RA/

Deirdre Spaulding, Project Manager
Security Plan Review Team
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-369, 50-370, 50-269, 50-270 and 50-287

cc: See next page

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- 2 -

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Deirdre Spaulding, Project Manager
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McGuire Nuclear Station
Oconee Nuclear Station
cc:

Ms. Lisa F. Vaughn
Duke Energy Corporation
Mail Code - PB06E
422 South Church Street
P.O. Box 1244
Charlotte, NC 28201-1244

County Manager of Mecklenburg County
720 East Fourth Street
Charlotte, NC 28202

Mr. C. Jeffrey Thomas
Regulatory Compliance Manager
Duke Energy Corporation
McGuire Nuclear Site
12700 Hagers Ferry Road
Huntersville, NC 28078

Anne Cottingham, Esquire
Winston and Strawn
1400 L Street, NW
Washington, DC 20005

Senior Resident Inspector
c/o U.S. Nuclear Regulatory Commission
12700 Hagers Ferry Road
Huntersville, NC 28078

Dr. John M. Barry
Mecklenburg County
Department of Environmental
Protection
700 N. Tryon Street
Charlotte, NC 28202

Mr. Peter R. Harden, IV
VP-Customer Relations and Sales
Westinghouse Electric Company
6000 Fairview Road, 12th Floor
Charlotte, NC 28210

Mr. Richard M. Fry, Director

Division of Radiation Protection
North Carolina Department of
Environment, Health and Natural
Resources
3825 Barrett Drive
Raleigh, NC 27609-7721

Mr. T. Richard Puryear
Owners Group (NCEMC)
Duke Energy Corporation
4800 Concord Road
York, SC 29745

Henry Barron
Group Vice President, Nuclear Generation
and Chief Nuclear Officer
P.O. Box 1006-EC07H
Charlotte, NC 28201-1006

Lee Keller, Manager
Regulatory Compliance
Duke Energy Corporation
4800 Concord Road
York, SC 29745

North Carolina Municipal Power
Agency Number 1
1427 Meadowwood Boulevard
P.O. Box 29513
Raleigh, NC 27626

County Manager of York County
York County Courthouse
York, SC 29745

Piedmont Municipal Power Agency
121 Village Drive
Greer, SC 29651

Karen E. Long
Assistant Attorney General
North Carolina Department of Justice
P.O. Box 629
Raleigh, NC 27602

NCEM REP Program Manager
4713 Mail Service Center

McGuire Nuclear Station
Oconee Nuclear Station
cc:

Raleigh, NC 27699-4713

North Carolina Electric Membership Corp.
P.O. Box 27306
Raleigh, NC 27611

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
4830 Concord Road
York, SC 29745

Henry Porter, Assistant Director
Division of Waste Management
Bureau of Land and Waste Management
Dept. of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201-1708

Mr. R.L. Gill, Jr., Manager
Nuclear Regulatory Issues
and Industry Affairs
Duke Energy Corporation
526 South Church Street
Mail Stop EC05P
Charlotte, NC 28202

Saluda River Electric
P.O. Box 929
Laurens, SC 29360

Mary Olson
Director of the Southeast Office
Nuclear Information and Resource Service
729 Haywood Road, 1-A
P.O. Box 7586
Asheville, NC 28802

Dhiaa M. Jamil
Vice President
Catawba Nuclear Station
Duke Energy Corporation
4800 Concord Road
York, SC 29745-9635

Manager, LIS
NUS Corporation
2650 McCormick Drive, 3rd Floor

Clearwater, FL 34619-1035

Senior Resident Inspector
U.S. Nuclear Regulatory Commission
7812B Rochester Highway
Seneca, SC 29672

Mr. Henry Porter, Director
Division of Radioactive Waste Management
Bureau of Land and Waste Management
Department of Health and Environmental
Control
2600 Bull Street
Columbia, SC 29201-1708

Mr. Michael A. Schoppman
Framatome ANP
1911 North Ft. Myer Drive
Suite 705
Rosslyn, VA 22209

Mr. B.G. Davenport
Regulatory Compliance Manager
Oconee Nuclear Site
Duke Energy Corporation
ON03RC
7800 Rochester Highway
Seneca, SC 29672

Mr. Ronald A. Jones
Vice President, Oconee Site
Duke Energy Corporation
7800 Rochester Highway
Seneca, SC 29672

Mr. G. R. Peterson, Vice President
McGuire Nuclear Station
Duke Energy Corporation
12700 Hagers Ferry Road
Huntersville, NC 28078