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SAFEGUARDS INFORMATION

October 14, 2004

Docket No(s): 50-269. 50-270,
50-287

Mr. James E. Dyer
Director, Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Supplemental Response to the April 29, 2003, Orders to Duke Energy Corporation, Oconee Units 1, 2 and 3

The NRC issued an Order, dated April 29, 2003, Requiring Compliance with Revised Design Basis Threat ("Order EA-03-086" or "Order") and other security related Orders (collectively "Orders") for the Oconee Nuclear Station.

Order EA-03-086 imposed license conditions on nuclear power plants licensed pursuant to the Atomic Energy Act of 1954 and Title 10 of the Code of Federal Regulations. Section III.A of the Order required licensees to revise their physical security plans and safeguards contingency plans to provide protection against the revised design basis threat (DBT) set forth in Attachment 2 to the Order. Section III.A also required licensees to revise their security force training and qualification plan to implement the revised DBT. These revised plans, along with an implementation schedule, were required to be submitted to the Commission for review and approval no later than April 29, 2004.

In accordance with the Order and 10 CFR § 50.4, Duke Energy Corporation (Duke) submitted its response on June 2, 2003. Duke submitted Supplemental Responses for the above-mentioned licensed facility on April 27, 2004, September 8, 2004, and September 30, 2004. Our activities were scheduled to be implemented by October 29, 2004, as required by the Order. However, in developing and implementing the detailed plans required by the Orders, Duke has determined that it cannot complete the implementation of all of the elements of its plans by the required October 29, 2004, date.

NOTE: THE ATTACHMENT TO THIS LETTER CONTAINS "SAFEGUARDS INFORMATION" AND MUST BE PROTECTED ACCORDINGLY. UPON REMOVAL OF THE ATTACHMENT, THIS LETTER IS "DECONTROLLED."

SAFEGUARDS INFORMATION

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Attachment A to this letter contains Safeguards Information. It includes the specific provision(s) of the Order for which implementation cannot be completed by October 29, 2004; the manner in which Duke had intended to meet that requirement; the reasons why all elements of the plans will not be able to be implemented by that date; and the steps that will be taken to provide a high degree of assurance that the defensive strategy employed by Duke will meet the intent of that requirement of the Order until implementation is complete. That information will be provided in the following format for each requirement that Duke does not expect to be able to meet by October 29, 2004.

I. Order requirement:

II. Plan commitment to meet that requirement:

III. Reasons for all elements of the plan not being able to be implemented by October 29, 2004:

IV. Steps that [Licensee] took to minimize the delay in implementing the pertinent provisions of the [Licensee's] plan:

V. Current implementation schedule:

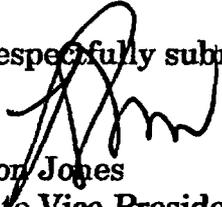
VI. Measures to be taken until plan implementation is complete:

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As a result, Duke requests that the Commission grant an extension for completion of implementation of the remaining elements of Duke's plan detailed in Attachment A. Further, because the Commission concluded that it would be appropriate to exercise enforcement discretion to accommodate any transitional issues which may arise as licensees, in good faith, take reasonable actions to implement the specific requirements of the Orders, Duke requests that enforcement discretion be exercised during the period from this request until implementation of the steps necessary to meet the requirement that is the subject of this request is complete. At that time, the revised plans will be fully implemented and the exercise of enforcement discretion will no longer be necessary.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,



Ron Jones
Site Vice-President
Oconee Nuclear Station

Attachment