

RAS 8668

RELATED CORRESPONDENCE

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DOCKETED  
USNRC

October 21, 2004 (1:00PM)

October 19, 2004

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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

Docket Nos. 50-413/414-OLA

**SUBJECT:** *Informal Discovery Request for Security-Related Documents and Request for Need-to-Know Determination*

Dear Susan and Antonio,

As instructed by the ASLB in paragraph 6 of its Memorandum and Order of October 1, 2004, I am writing to informally request that you make any necessary need-to-know determinations and provide access to the following documents regarding security measures for the Catawba nuclear power plant. As discussed below, BREDL has a need-to-know with respect to each of the documents.

1. Letter from George P. Fisher to Maurice Eisenstein, NRC, re: conclusions from Meeting on the difficulty of Separating PUO2 from Mixed Oxide Blends with Enclosure (August 25, 1976) (marked "Confidential"). This apparently classified letter is referred to in NUREG-0414, Safeguarding a Domestic Mixed Oxide Industry Against a Hypothetical Subnational Threat (May 1978). This document appears to be directly relevant to the instant case, because it presents Staff views on the difficulty of separating plutonium from MOX fuel, which is one of the principal issues in dispute between BREDL and the Staff in this proceeding.
2. NRC Guidance on Implementation of the April 2003 Revised Design Basis Threat (May 8, 2004). This guidance document, which the Staff references in its most recent interrogatory responses, is relevant to our case because it provides information regarding the manner in which the April 2003 revised design basis threat should be implemented. The document is also relevant because it appears to contain recommendations that are not reflected in Duke's Security Plan.
3. May 14, 2004, results of the NRC staff's evaluation of lessons learned from the pilot expanded force-on-force exercises. This document is referenced in a letter from Scott A. Morris, NRC, to Henry B. Barron, Duke Energy Corp., re: Security Plan Provisions for

Template = SECY-043

SECY-02

Antonio Fernández, Esq.  
Susan L. Uttal, Esq.  
October 19, 2004  
Page 2

Enhanced Owner Controlled Area Surveillance and Response (TAC Nos. MC2936, MC2937, MC2902, MC 2903, MC2945, MC2946, and MC2957 (September 21, 2004).

4. Revised security plan language developed by the nuclear industry's Working Group and the Nuclear Energy Institute to "develop appropriate provisions to be included in physical security plans." This revised security plan language is referenced in Mr. Morris' September 21, 2004, letter.

5. Safeguards attachment to 1/31/03 inspection report re security issues – see EA-03-020, letter from Anne t. Boland, NRC, to G.R. Peterson, Duke Energy corporation, re: Catawba Nuclear Station – NRC Special Inspection Report 50-413/02-09 and 50-414/02-09 (January 31, 2002). This attachment has "supplemental information."

6. RIS 2003-06, "High Security Protected and Vital Area Barrier/Equipment Penetration Manual" (March 20, 2003). RIS 2003-06 is identified on the NRC's website's list of regulatory issues summaries. According to the website, the document is not publicly available because it contains safeguards and/or "Official Use Only" information.

7. Any documents in the NRC Staff's possession which contain or otherwise discuss the results of tests in which explosives were used to breach or attempt to breach any fresh MOX fuel storage casks.

Please let me know as soon as possible whether you have any question or problem regarding this request. If you are unwilling to answer this discovery request informally, I plan to file a formal discovery request.

Thank you for your assistance in this matter.

Sincerely,



Diane Curran

cc: Catawba-LTA service list