

RAS 8192

RELATED CORRESPONDENCE

WINSTON & STRAWN LLP

Electronic
Letterhead

1400 L STREET, N.W., WASHINGTON DC 20005-3502
202-371-5700

35 W. WACKER DRIVE
CHICAGO IL 60601-9703
312-655-6600

200 PARK AVENUE
NEW YORK, NY 10166-4193
212-294-6700

35TH FLOOR, 333 SOUTH GRAND AVE
LOS ANGELES, CA 90071-1843
213-618-1700

101 CALIFORNIA STREET
SAN FRANCISCO CA 94111-5894
415-801-1000

43 RUE DU RHONE
1204 GENEVA, SWITZERLAND
41-22-317-78-78

21 AVENUE VICTOR HUGO
75116 PARIS, FRANCE
33-1-63-64-82-82

CITY POINT, 1 ROPERSWAY STREET
LONDON, ENGLAND EC2Y 9HT
44-207-183-1025

November 2, 2004

DOCKETED
USNRC

November 9, 2004 (11:07AM)

Diane Curran, Esq.
Harmon, Curran, Spielberg & Eisenberg, LLP
1726 M Street, N.W.
Suite 600
Washington, DC 20036

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Re: **Duke Energy Corporation**
Catawba Nuclear Station, Units 1 and 2
(Docket Nos. 50-413-OLA, 50-414-OLA)

Dear Ms. Curran:

This letter is in response to your October 20, 2004 letter and your e-mail of October 21, 2004 requesting that your client, Blue Ridge Environmental Defense League, be given access to a number of documents through informal discovery. The letter also updates my October 20, 2004 letter on the status of document production and addresses a proposed schedule for depositions of Duke Energy Corporation ("Duke") witnesses..

The items listed in your October 20, 2004 letter are addressed below, corresponding to your numbered requests:

1. You will be given access to NEI-03-01, Revision 1, Nuclear Power Plant Access Authorization Program.
2. You will be given access to Procedure No. 414, "Hostage Situation," Rev. 6
3. You will be given access to Procedure No. 415, "Extortion," Rev. 4
4. You will be given access to a map which shows the requested area and features.
5. You have already been given access to diagrams showing the locations of microwave zones and camera locations in the Owner Controlled Area and Protected Area. You will be given access to the security door numbers at elevations 594 and 605 leading to the Fuel Building.

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6. You will be given access to a drawing which shows which doors leading to the Fuel Building are hardened for security reasons (denial barriers).
7. There are no drawings which show the temporary locations of the MTUs. The position of MTUs during an outage are determined based upon available space and activities being conducted during the outage.

This completes action on your October 20, 2004 letter.

With regard to your October 21, 2004 e-mail to me and the service list, the two additional requested documents, the "Critical Incident Response Plan" and "Integrated Response Plan," are actually one document, with the latter title being an industry-wide generic reference. The Critical Incident Response Plan was authored by the South Carolina Law Enforcement Division and contains law enforcement sensitive material. It was provided to Duke with the proviso that it be kept confidential and not copied. On that basis, Duke may not provide the document through informal discovery.

With regard to my October 20, 2004 letter to you, I stated that I would notify you when the implementing procedures prepared in connection with Duke's Security Plan Submittal were available for your review. The attached table entitled "Procedures Modified or Deleted as a Result of Revision of Catawba Physical Security Plan" shows the disposition of those procedures which previously been made available to you. The revised and replacement procedures will be made available to you after completion of the NRC Staff's "need-to-know" review.

The MOX-specific Procedure entitled "Receipt and Storage of Unirradiated MOX Fuel Assemblies," Rev. 0, referred to in my October 20, 2004 letter, is now available for your review. It has not yet been through the Duke formal approval process. Under separate cover, Duke is supplementing its response to BREDL Interrogatories Nos. 2 and 3 dated June 19, 2004, to identify an additional potential witness and the facts and opinions to which the designated witnesses will testify. These actions close out all open items in my October 20, 2004 letter to you.

At the October 25, 2004 oral argument, you noted the possibility of your taking the depositions of designated Duke witnesses (Tr. 3726). Because of the need to complete these depositions in a timely manner and in an effort to accommodate the two week period in November when you will be out of the country, I would suggest that any such depositions be scheduled, at the latest, for Monday, November 22, 2004, the morning of Tuesday, November 23, 2004, and be completed, if necessary, on Wednesday morning, November 24, 2004. Any later time would significantly interfere with the preparation of testimony and for trial of Security Contention 5. Please let me know as soon as possible whether you are still planning

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to take any depositions of Duke witnesses, their identity, and whether the proposed dates are acceptable as travel arrangements for this holiday period will have to be made at an early time.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark J. Wetterhahn", with a long horizontal flourish extending to the right.

Mark J. Wetterhahn

Counsel for Duke Energy Corporation

cc: Service List

**PROCEDURES MODIFIED, REPLACED OR DELETED AS A
RESULT OF REVISION OF CATAWBA PHYSICAL SECURITY PLAN***

| Discovery Index Item No. | Procedure Provided and Disposition |
|-------------------------------------|--|
| 67 | Procedure 213 revised (Rev. 14) |
| 68 | Procedure 401 replaced by Procedure 1601 |
| 75 | Procedure 412 revised (Rev. 33) |
| 85 | Procedure 101 replaced by Procedure 1101 |
| 86 | Procedure 105 replaced by Procedure 1201 |
| 88, 89, 90 | Procedures 201, 202 and 203 replaced by Procedures 1303 and 1305 |
| 92 | Procedure 211 replaced by Procedure 1304 |
| 93 | Procedure 93 replaced by Procedure 1404 |
| 94 | Procedure 312 deleted |

TITLES OF PROCEDURES MODIFIED OR REPLACED

| Number | Title | Revision |
|---------------|---|-----------------|
| SP/C/213 | Armed Responder | 14 |
| SP/C/412 | Significant Security Equipment Degradation Singly and in Combination | 33 |
| SP/A/1101-C | Security Organizational Structure and Duties of Personnel | 0 |
| SP/E/1201-C | Security Locks and Keys | 0 |
| SP/C/1303-C | Security Patrol Requirements | 0 |
| SP/O/1304-C | Central and Secondary Alarm Station (CAS/SAS) Operations | 0 |
| SP/O/1305-C | Vehicle Barrier System (VBS) Access Control and Search | 0 |

* Other procedures previously provided were not revised.