

**RELATED CORRESPONDENCE**

November 2, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

DOCKETED  
USNRC

November 9, 2004 (11:07AM)

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

In the Matter of:

DUKE ENERGY CORPORATION

(Catawba Nuclear Station,  
Units 1 and 2)

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Docket Nos. 50-413-OLA  
50-414-OLA

DUKE ENERGY CORPORATION'S FIRST SUPPLEMENTAL RESPONSE  
TO BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE'S FIRST SET  
OF INTERROGATORIES ON BREDL SECURITY CONTENTION 5

Duke Energy Corporation ("Duke") supplements its July 2, 2004 response to General Interrogatory Nos. 2 and 3 of the June 19, 2004 "Blue Ridge Environmental Defense League's First Set of Discovery Requests to Duke Energy Corporation Regarding Security Plan Submittal" as follows:

Supplemental Response to General Interrogatory No. 2

Ms. Rita A. Edwards will testify as an additional expert witness on behalf of Duke regarding Security Contention 5. A copy of Ms. Edwards' Statement of Qualifications is attached.

Supplemental Response to General Interrogatory No. 3

The designated witnesses are also expected to testify collectively to the following facts and opinions which demonstrate that Security Contention 5 is without merit:

- The mission and structure of the Catawba security organization, and its relationship with other site and offsite organizations.

- Security features at the Catawba site.
- Security operations, training, and procedures.
- How the armed response force is selected, trained, equipped and how it responds to security events.
- How all elements of the security function are integrated into an overall strategy, which when implemented, has as its objective to provide high assurance that activities involving special nuclear material are not inimical to the common defense and security and do not constitute an unreasonable risk.
- The role that access authorization and continuing behavioral observation programs play in security and how insider threats are eliminated or minimized and dealt with in the security response.
- How the elements of the security response and the integrated response are developed and tested.
- The additional security measures taken as a result of the presence of the MOX lead assemblies at Catawba for each evolution, *e.g.*, receipt, inspection and storage, and how such measures when integrated with the measures already in place, assure that the MOX fuel can be successfully protected against theft or diversion within the scope of the appropriate DBT for theft and diversion.
- Precedents for security measures for strategic special nuclear material at reactor sites.
- The validity and likely outcome of the proposed BREDL scenario(s) for theft and diversion of strategic special nuclear material from Catawba.
- Why each requested exemption is justified.

- To the extent it remains an issue in the proceeding, the limited increment of the design basis threat (“DBT”) for theft and diversion as compared to the radiological sabotage DBT.
- To the extent it remains an issue in the proceeding, the relative attractiveness of the MOX lead assemblies to theft or diversion.

Moreover, in addition to the grounds previously provided, the opinions of the witnesses will be based on their review of responses to discovery.

The information provided in this supplemental response was supplied by Mr. Michael T. Cash, as previously identified in response to BREDL General Interrogatory No..1.

Respectfully submitted,



David A. Repka  
Mark J. Wetterhahn  
Anne W. Cottingham  
WINSTON & STRAWN, LLP  
1400 L Street, NW  
Washington, D.C. 20005-3502

Timika Shafeek-Horton  
DUKE ENERGY CORPORATION  
422 South Church Street  
Mail Code: PB05E  
Charlotte, N.C. 28201-1244

ATTORNEYS FOR DUKE ENERGY  
CORPORATION

Dated in Washington, District of Columbia  
This 2<sup>nd</sup> day of November 2004

November 2, 2004

UNITED STATES OF AMERICA  
NUCLEAR REGULATORY COMMISSION

BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

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DUKE ENERGY CORPORATION

(Catawba Nuclear Station,  
Units 1 and 2)

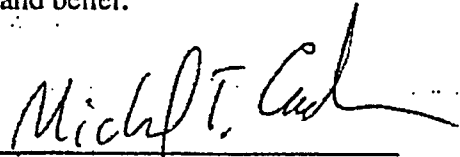
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Docket Nos. 50-413-OLA  
50-414-OLA

AFFIDAVIT OF MICHAEL T. CASH

Michael T. Cash hereby declares under penalty of perjury that the following statements are true and correct of his own knowledge:

1. I have prepared Duke Energy Corporation's responses to "Duke Energy Corporation's First Supplemental Response to Blue Ridge Environmental Defense League's First Set of Interrogatories on BREDL Security Contention 5," dated November 2, 2004.
2. The information provided in these responses is responsive to the requests and is true and correct to the best of my knowledge, information and belief.



Michael T. Cash

## STATEMENT OF QUALIFICATIONS

**RITA A. EDWARDS**

Duke Energy Corporation  
Catawba Nuclear Station  
4800 Concord Road  
York, South Carolina 29745

### Experience

Nuclear Shift Captain, Charlie Team - Catawba Nuclear Station  
1997 – Present

Training Department – Catawba Nuclear Station  
Firearms Instructor  
1995-1997

Security – Shift Supervisor (developmental) – Catawba Nuclear Station  
1994 - 1995

Security Specialist – Catawba Nuclear Station  
Responsibilities included CAS/SAS Operator/Badging/Access Control  
1987 – 1994

Security Officer – Catawba Nuclear Station  
1983 – 1987

Law Enforcement Officer  
City of Gastonia, North Carolina  
1981-1983

Law Enforcement Officer  
Sheriff's Department  
Gaston County, North Carolina  
1976 – 1981

Police Dispatcher  
Gaston County, North Carolina  
1974 – 1976

### Education

West Lincoln High School  
Lincolnton, North Carolina

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) Docket Nos. 50-413-OLA  
(Catawba Nuclear Station, ) 50-414-OLA  
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CERTIFICATE OF SERVICE

I hereby certify that copies of "DUKE ENERGY CORPORATION'S FIRST SUPPLEMENTAL RESPONSE TO BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE'S FIRST SET OF INTERROGATORIES ON BREDL SECURITY CONTENTION 5" in the captioned proceeding have been served on the following by deposit in the United States mail, first class, this 2<sup>nd</sup> day of November, 2004. Additional e-mail service, designated by \*, has been made this same day, as shown below.

Ann Marshall Young, Chairman\*  
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U.S. Nuclear Regulatory Commission  
Washington, DC 20555  
Attn: Rulemakings and Adjudications Staff  
(original + two copies)  
(e-mail: HEARINGDOCKET@nrc.gov)

Office of Commission Appellate  
Adjudication  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Adjudicatory File  
Atomic Safety and Licensing Board Panel  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

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Mark J. Wetterhahn  
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