



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931**

November 29, 2004

EA 04-189

Duke Energy Corporation
ATTN: Mr. D. M. Jamil
Site Vice President
Catawba Nuclear Station
4800 Concord Road
York, SC 29745

SUBJECT: MEETING ANNOUNCEMENT - PUBLIC MEETING
CATAWBA NUCLEAR STATION - DOCKET NOS. 50-413 and 50-414

Dear Mr. Jamil:

This letter confirms the telephone conversation between Mr. Lee Keller of your staff and Mr. Robert Carroll of this office on November 8, 2004, concerning a Predecisional Enforcement Conference (Category One public meeting) which has been scheduled for December 17, 2004, from 9:00 a.m. to 11:00 a.m. The meeting notice, which provides additional details, is enclosed. The purpose of this conference is to discuss the three apparent violations (AVs) identified in NRC Inspection Report 05000413,414/2004010, regarding Duke Energy Corporation's proposed license amendment request to allow the use of mixed oxide fuel at Catawba Nuclear Station, Units 1 and 2. Two of the AVs involve the completeness and accuracy of the aforementioned amendment request, and the third involves a related failure to periodically update the Final Safety Analysis Report. The conference is being held to obtain information to assist the NRC in making an enforcement decision about these AVs. This may include information to determine whether violations occurred, information to determine the significance of violations, information related to the identification of violations, and information related to any corrective actions taken or planned. The conference will provide an opportunity for you to provide your perspective on these matters and any other information that you believe the NRC should take into consideration in making an enforcement decision.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room (PDR) or from the Publicly Available Records (PARS) component of NRC's Agencywide Document Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room). (Note: Public access to ADAMS has been temporarily suspended so that security reviews of publicly available documents may be performed and potentially sensitive information removed. Please check the NRC Web site for updates on the resumption of ADAMS access.)

DEC

2

Should you have any questions concerning this meeting, please contact me at (404)562-4638.

Sincerely,

/RA/

Michael E. Ernstes, Chief
Reactor Projects Branch 1
Division of Reactor Projects

Docket Nos. 50-413, 50-414
License Nos. NPF-35, NPF-52

Enclosure: As stated

cc w/encl:

Lee Keller (CNS)
Regulatory Compliance Manager
Duke Energy Corporation
Electronic Mail Distribution

Lisa Vaughn
Legal Department (PB05E)
Duke Energy Corporation
422 South Church Street
P. O. Box 1244
Charlotte, NC 28201-1244

Anne Cottingham
Winston and Strawn
Electronic Mail Distribution

North Carolina MPA-1
Electronic Mail Distribution

Henry J. Porter, Assistant Director
Div. of Radioactive Waste Mgmt.
S. C. Department of Health
and Environmental Control
Electronic Mail Distribution

R. Mike Gandy
Division of Radioactive Waste Mgmt.
S. C. Department of Health and
Environmental Control
Electronic Mail Distribution

Elizabeth McMahon
Assistant Attorney General
S. C. Attorney General's Office
Electronic Mail Distribution

Vanessa Quinn
Federal Emergency Management Agency
Electronic Mail Distribution

North Carolina Electric
Membership Corporation
Electronic Mail Distribution

Peggy Force
Assistant Attorney General
N. C. Department of Justice
Electronic Mail Distribution

County Manager of York County, SC
Electronic Mail Distribution

Piedmont Municipal Power Agency
Electronic Mail Distribution

R. L. Gill, Jr., Manager
Regulatory Issues & Affairs
Duke Energy Corporation
526 S. Church Street
Charlotte, NC 28201-0006

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

Richard M. Fry, Director
Division of Radiation Protection
NC Dept. of Environment, Health,
and Natural Resources
3825 Barrett Drive
Raleigh, North Carolina 27609-7721

Mr. Henry Barron
Group Vice President, Nuclear Generation
and Chief Nuclear Officer
P.O. Box 1006-ECO7H
Charlotte, NC 28201-1006

Dianne Curran
Harmon, Curran, Spielberg &
Eisenberg, LLP
1726 M. Street, NW
Suite 600
Washington, DC 20036

Distribution w/encl:
PUBLIC

- E-Mail

Meeting Announcement Coordinator, OADM/DFIPS (PMNS)
 Region II Administrator's Secretary
 DRP Division Secretary
 Region II Division Directors and Deputies
 Regional Counsel
 Region II Public Affairs Officers
 Receptionist
 E. Guthrie, RII
 S. Richards, DISP/PIPB
 Region II Regional Coordinator OEDO (16E15)
 S. Peters, NRR
 T. Sullivan, NRR
 R. Martin, NRR
 R. Franovich, NRR
 B. Jones, OGC
 L. Slack, RII EICS
 RIDSNRRDIPMLIPB

OFFICE	RII/DRP								
SIGNATURE	REC1								
NAME	R Carroll								
DATE	11/29/2004								
E-MAIL COPY?	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO	YES NO
PUBLIC DOCUMENT	YES NO								



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION II
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET SW SUITE 23T85
ATLANTA, GEORGIA 30303-8931

SUBJECT: PREDECISIONAL ENFORCEMENT CONFERENCE WITH DUKE ENERGY CORPORATION

FACILITY: Catawba Nuclear Station

DOCKETS: 50-413 and 50-414

DATE & TIME: Friday, December 17, 2004
9:00 a.m. to 11:00 p.m. (EDT)

LOCATION: Two White Flint North
11545 Rockville Pike
Rockville, Maryland 20852-2738
Room: T-2B3

PURPOSE: The purpose of this conference is to discuss the apparent violations identified in NRC Inspection Report 05000413,414/2004010, regarding Duke Energy Corporation's proposed license amendment request to allow the use of mixed oxide fuel at Catawba Nuclear Station, Units 1 and 2. The NRC's Policy Statement, "Enhancing Public Participation in NRC Meetings," effective May 28, 2002, applies to this meeting. The policy statement may be found on the NRC Web site, www.nrc.gov, and contains information regarding visitors and security.

CATEGORY: This is a **Category 1** meeting: The public is invited to observe this meeting and will have one or more opportunities to communicate with the NRC after the business portion, but before the meeting is adjourned.

NRC OFFICE(S)
PARTICIPATING: Region II (RII)
Office of Nuclear Reactor Regulation (NRR)
Office of Enforcement (OE)
Office of General Counsel (OGC)

OTHER
ORGANIZATIONS
PARTICIPATING: None

PARTICIPANTS: NRC

W. Travers, Regional Administrator, RII
V. McCree, Director, Division of Reactor Projects (DRP), RII

Enclosure

M. Ernstes, Chief, Reactor Projects Branch 1, DRP, RII
C. Evans, Regional Counsel and Enforcement Officer, RII
L. Marsh, Director, Division of Licensing Project Management, NRR
C. Nolan, Section Chief, Enforcement Policy and Program Oversight, OE
J. Hull, Attorney, Office of Material Litigation and Enforcement, OGC
E. Hackett, Project Director, Project Directorate II (PDII), NRR
R. Martin, Project Manager, PDII-1, NRR
S. Peters, Lead Project Manager, PDII-1, NRR
S. Uttal, Office of General Counsel, OGC
R. Franovich, Division of Inspection Program Management, NRR
B. Sheron, Associate Director, Project Licensing and Technical Analysis,
NRR

LICENSEE

W. McCollum, Jr., Vice President, Strategy and Business Development
D. Jamil, Vice President, Catawba Nuclear Station (CNS)
T. Ray, Safety Assurance Manager, CNS
L. Keller, Regulatory Compliance Manager, CNS
T. Geer, Nuclear Station Engineering Manager, Nuclear Support
S. Nesbit, Nuclear Engineering Supervisor II, MOX Fuel Project
S. Schultz, Manager, Nuclear Engineering Design, Nuclear Support
R. Cummings, Community Relations Manager, Public Affairs

MEETING CONTACT: Michael E. Ernstes, NRC, RII
(404)562-4638
MEE@nrc.gov