

SAFEGUARDS INFORMATION

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December 16, 2004

U. S. Nuclear Regulatory Commission
Document Control Desk
Washington, D. C. 20555

Subject: McGuire Nuclear Station
Docket Nos. 50-369, 370
Compliance with NRC Order EA-03-086, Dated April 29, 2003

Section III.A.1 of Order EA-03-086, the Order requiring compliance with the revised design basis threat, dated April 29, 2003 (DBT Order), specified that all licensees shall revise their physical security, safeguards contingency, and guard training and qualification plans to implement the design basis threat (DBT) set forth in Attachment 2 to the Order. Section III.A.2 of the DBT Order also specified that the revised physical security, safeguards contingency, and guard training and qualification plans must be fully implemented by licensees no later than October 29, 2004.

On October 30, 2004, at approximately 2:00 a.m. (EST) McGuire notified the Nuclear Regulatory Commission's Headquarters Operations Center of the inability to achieve compliance with a certain provision of the Physical Security Plan (PSP) by October 29, 2004. Specifically, McGuire stated that a gate tamper alarm on the Vehicle Barrier System (VBS) was not declared operational until 1:14 a.m. on October 30, 2004.

By letter dated November 30, 2004, the NRC requested that Duke Energy Corporation provide any additional information that Duke believes should mitigate any NRC enforcement action for failure to be in compliance with Section III.A.2 of the DBT Order due to the lack of a request for relaxation of the full implementation date.

Attachment 1 provides the McGuire response to the subject request.

Questions with regard to this submittal should be directed to Kay Crane, McGuire Regulatory Compliance at (704) 875-4306.



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