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August 3, 2005

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555-0001

Subject: Catawba Nuclear Station Unit 1
Docket No. 50-413
Catawba Unit 1, Cycle 16 Startup Report

- References:
- 1) Letter, M.S. Tuckman (Duke) to U.S. Nuclear Regulatory Commission, Physics Testing Program in Support of Topical Report DPC-NE-1005-P, "Nuclear Design Methodology Using CASMO-4/ SIMULATE-3 MOX," June 26, 2003.
 - 2) Letter, Robert E. Martin (USNRC) to H.B. Barron (Duke), Final Safety Evaluation for Duke Topical Report DPC-NE-1005-P, "Nuclear Design Methodology Using CASMO-4/ SIMULATE-3 MOX," August 20, 2004.

On June 5, 2005, Duke Power started Catawba Unit 1 Cycle 16 when the reactor was taken critical with four mixed oxide (MOX) fuel lead assemblies loaded in the reactor core. Duke committed in Reference 1 to perform a startup testing program and to provide a startup report to the Nuclear Regulatory Commission (NRC) within 60 days after completion of this test program. The NRC included this commitment in Reference 2 as part of its Safety Evaluation for Duke Topical Report DPC-NE-1005-P-A, *Nuclear Design Methodology Using CASMO-4/SIMULATE-3 MOX*. The subject startup report is included as Attachment 1 to this letter.

In addition, this startup report is submitted pursuant to the Catawba Updated Final Safety Analysis Report, Section 14.3.4. This section states that a startup report will be submitted if fuel of a different design or fuel manufactured by a different fuel supplier is installed. The insertion of four MOX fuel lead assemblies into the Catawba Unit 1 reactor meets both of these criteria.

This submittal contains information that is proprietary to Duke Energy. The specific information that is proprietary in Attachment 1 is identified by enclosure in brackets. In accordance with 10CFR 2.390, Duke requests that this information be withheld from public disclosure. Attachment 2 is a redacted version of the report with proprietary information removed. An affidavit is included that attests to the proprietary nature of the information in this submittal.

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PROPRIETARY Material Attached
Withhold from Public Disclosure
Under 10 CFR 2.390(a)(4)

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There are no regulatory commitments contained in this submittal. Inquiries on this matter should be directed to Paul F. Bailey at (704) 382-6781.

Very truly yours,



James R. Morris

Attachments

xc with Attachment 1:

W. D. Travers
Regional Administrator, Region II
U. S. Nuclear Regulatory Commission
Atlanta Federal Center
61 Forsyth St., SW, Suite 23T85
Atlanta, GA 30303

E. F. Guthrie
NRC Senior Resident Inspector
Catawba Nuclear Station

xc with 3 copies of Attachment 1

Sean E. Peters (Addressee Only)
NRC Project Manager
U. S. Nuclear Regulatory Commission
One White Flint North - Mail Stop O-8 G9A
11555 Rockville Pike
Rockville, MD 20852-2738

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bx with Attachment 1 (pdf):

T. C. Geer – EC08H
D. C. Culp – EC01X
P. F. Bailey – EC08G
J. L. Eller – EC08G
D. E. Bortz – EC08G
T. D. Ray – CN01RC
J. R. Ferguson – CN03CE
C. J. Thomas – MG01RC
S.W. Moser – MG05EE
L. A. Keller – CN01RC
K. E. Nicholson – CN01RC
ELL – EC050

bx with Attachment 1:

McGuire Master File – MG01DM
Catawba Master File 801.01 – CN04DM
Catawba RGC Date File (J. M. Ferguson – CN01SA)
MOX File – 1607.3203

bx with Attachment 2:

R. H. Clark - DCS
M. B. Newdorf – DOE/NNSA
G. A. Meyer – Framatome ANP
Don Spellman – ORNL
Kord Smith – Studsvik Scanpower

AFFIDAVIT OF James R. Morris

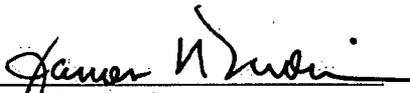
1. I am Vice President of Duke Energy Corporation (Duke), and as such have the responsibility of reviewing the proprietary information sought to be withheld from public disclosure in connection with nuclear plant licensing and am authorized to apply for its withholding on behalf of Duke.
2. I am making this affidavit in conformance with the provisions of 10 CFR 2.390 of the regulations of the Nuclear Regulatory Commission (NRC) and in conjunction with Duke's application for withholding which accompanies this affidavit.
3. I have knowledge of the criteria used by Duke in designating information as proprietary or confidential.
4. Pursuant to 10 CFR 2.390, Duke seeks to protect from disclosure specific analytical information contained in the document "Special Startup Report for Catawba Unit 1, Cycle 16."
5. Pursuant to the provisions of 10 CFR 2.390(b)(4), the following is furnished for consideration by the NRC in determining whether the proprietary information sought to be protected should be withheld from public disclosure:
 - (i) The information is of a type that is customarily held in confidence by Duke. This information is proprietary to Duke, and Duke seeks to protect it as such. The information consists of analysis methodology details, analysis results, and supporting data that provide a competitive advantage to Duke. Duke submits that a rational basis therefore exists for treatment of this information as proprietary.
 - (ii) The information was transmitted to the NRC in confidence and, under the provisions of 10 CFR 2.390, it is to be received in confidence by the NRC.
 - (iii) The information sought to be withheld is not available from public sources to the best of Duke's knowledge and belief.
 - (iv) Public disclosure of the proprietary information Duke seeks to protect is likely to cause substantial harm to Duke's competitive position within the meaning of 10 CFR 2.390(b)(4)(v). The proprietary information has substantial commercial value to Duke. For example:
 - (a) Duke uses this information to reduce vendor and consultant expenses associated with supporting the operation and licensing of its nuclear power plants.
 - (b) Duke could sell the information to nuclear utilities, vendors, and consultants for purpose of supporting the operation and licensing of other nuclear power plants.


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- (c) The subject information could only be duplicated by competitors at similar expense to that incurred by Duke.
- (d) Public disclosure of this information is likely to cause harm to Duke because it would allow competitors in the nuclear industry to benefit from the results of a significant development program without requiring a commensurate expense or allowing Duke to recoup a portion of its expenditures or benefit from the sale of the information.

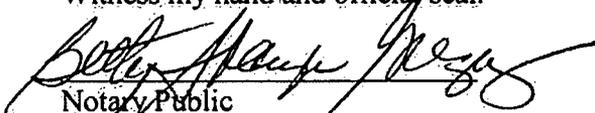
For all of the reasons discussed above, Duke requests that this proprietary information be withheld from public disclosure in its entirety.

I affirm that I, James R. Morris, am the person who subscribed my name to the foregoing, and that all the matters and facts herein are true and correct to the best of my knowledge


James R. Morris

Sworn to and subscribed before me this 3rd day of August, 2005

Witness my hand and official seal.


Notary Public

My commission expires: _____

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