

October 31, 2003

Mr. Michael S. Tuckman
Executive Vice President
Duke Energy Corporation
526 South Church St
Charlotte, NC 28201-1006

SUBJECT: WILLIAM B. MCGUIRE NUCLEAR STATION, UNITS 1 AND 2 AND CATAWBA
NUCLEAR STATION, UNITS 1 AND 2 RE: MIXED OXIDE LEAD FUEL
ASSEMBLIES (TAC NOS. MB7863, MB7864, MB7865, MB7866, MC0824 AND
MC0825)

Dear Mr. Tuckman:

By letter dated February 27, 2003, you submitted applications for amendment to the operating licenses for the McGuire Nuclear Station, Units 1 and 2 (McGuire) and the Catawba Nuclear Station, Units 1 and 2 (Catawba). The proposed amendments would revise the Technical Specifications to allow the use of four mixed oxide (MOX) fuel assemblies at either Catawba or McGuire. By letter dated September 23, 2003, you amended the February 27, 2003, application so that it now applies only to Catawba. Accordingly, we are treating this as a withdrawal by Duke Power of the application as it applies to McGuire. We will publish a Notice of Withdrawal in the *Federal Register* and will close the associated work tracking TAC numbers for the McGuire Nuclear Station.

By letter dated September 15, 2003, you submitted a proposed revision to the physical security plan and associated requests for exemptions from certain regulations for the Catawba and McGuire stations. The Nuclear Regulatory Commission (NRC) staff does not plan to review the physical security plan revisions for McGuire, since, as noted above, Duke has withdrawn McGuire from the MOX Lead Test Assembly program. The NRC staff review and findings regarding your physical security plan submittal dated September 15, 2003, will be applicable only to the Lead Test assembly program at Catawba. Any physical security plan revisions associated with the potential use of batch quantities of MOX fuel will be reviewed if and when the NRC staff receives such proposals.

Sincerely,

/RA/

Robert E. Martin, Senior Project Manager, Section 1
Project Directorate II
Division of Licensing Project Management
Office of Nuclear Reactor Regulation

Docket Nos. 50-369, 50-370, 50-413, and 50-414

cc: See next page

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* See previous concurrence

NRR-106

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McGuire Nuclear Station
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