

July 26, 2004

U. S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, D.C. 20555-0001

Subject: McGuire Nuclear Station, Unit 1  
Docket No. 50-369  
Relief Request (RR) 03-001

Reference: (1) Letter from Mr. H.B. Barron of Duke Energy (Duke) to the NRC, dated June 1, 2001 (McGuire Unit 1 Third Ten-Year Interval ISI Plan),  
(2) Letter from Mr. G.R. Peterson of Duke to the NRC, dated March 8, 2004 (Relief Request 03-001)

By letter (reference 1), Duke submitted the Third Ten-Year Interval ISI Plan for McGuire Unit 1. Then Duke submitted a relief request (reference 2) seeking approval to use the 1998 Edition of the American Society of Mechanical Engineers (ASME) Code, Section XI with Addenda through 2000, in lieu of using the 1995 Edition of ASME Section XI with Addenda through 1996. Use of a subsequent edition of the Code requires approval of the NRC pursuant to 10 CFR 50.55a(g)(4)(iv).

The NRC staff discussed the proposed alternative with Duke in a conference call on June 8, 2004 and requested that RR 03-001 be modified to include the following limitations and modifications on the use of the 1998 Edition through the 2000 Addenda:

- Paragraph IWA-4340 regarding mitigation of defects by modification will not be used, and
- The repair and replacement activity provision of IWA-4540(c) of the 1998 Edition of Section XI for pressure testing Class 1, 2, and 3 mechanical joints will be applied when using the 1998 Edition through the 2000 Addenda of Section XI.

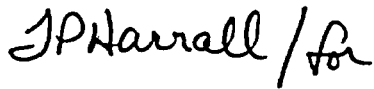
Duke has reviewed the previously approved relief requests for Unit 1 Third Ten-Year Interval as documented in reference 2 and determined they are not affected by the change of Code. The revised RR 03-001 is attached and includes the specified NRC commitment.

AOH

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Please direct questions pertaining to this request to Norman T. Simms of Regulatory Compliance at (704) 875-4685.

Sincerely,

A handwritten signature in black ink, appearing to read "J. P. Harrell" followed by a stylized flourish or initials.

G. R. Peterson

Attachment

xc w/attachment:

Mr. W.D. Travers  
U.S Nuclear Regulatory Commision, Region II  
Atlanta Federal Center  
61 Forsyth Street, SW, Suite 23 T 85  
Atlanta, Georgia 30303

Mr. J.J. Shea, McGuire Project Manager (addressee only)  
Office of Nuclear Reactor Regulation  
U.S. Nuclear Regulatory Commission  
One White Flint North, Mail Stop 0-8G1  
11555 Rockville Pike  
Rockville, MD 20852-2738

J. B. Brady  
Senior NRC Resident Inspector  
McGuire Nuclear Station

**ATTACHMENT**

**Relief Request No. 003-01 Revision 1**

**Duke Energy Corporation  
McGuire Nuclear Station - Unit 1  
Third 10-Year Interval  
Relief Request Serial No. 03-001**

Proposed Use of Subsequent ASME Code Edition and Addenda  
In Accordance with 10 CFR 50.55a(g)(4)(iv) for Inservice Inspection Items

**I. ASME Code Component(s) Affected**

Duke is requesting that the 1998 Edition of ASME Section XI with Addenda through 2000, as modified by 10 CFR 50.55a, be used in lieu of the 1995 Edition of ASME Section XI with Addenda through 1996 for the McGuire Unit 1 third 10-year inservice inspection interval beginning December 1, 2004.

**II. Applicable Code Edition and Addenda**

ASME Code Section XI, 1995 Edition through the 1996 Addenda

**III. Proposed Subsequent Code Edition and Addenda**

Duke is requesting that the 1998 Edition of ASME Section XI with Addenda through 2000 as modified by 10 CFR 50.55a, effective date October 28, 2002, be used in lieu of the 1995 Edition of ASME Section XI with Addenda through 1996.

**IV. Related Requirements**

Duke will implement the requirements of the 1998 Edition with Addenda through 2000 of ASME Section XI as modified by 10 CFR 50.55a, effective date October 28, 2002 with the following limitations and modifications:

1. Paragraph IWA-4340 of the 2000 Addenda regarding mitigation of defects by "modification" will not be used.
2. The repair and replacement activity provisions in IWA-4540(c) of the 1998 Edition of Section XI for pressure testing Class 1, 2, and 3 mechanical joints will be applied when using the 1998 Edition through the 2000 Addenda of Section XI.

**V. Duration of Proposed Request**

The update to the 1998 Edition with Addenda through 2000 of ASME Section XI will be effective for the last two periods of the McGuire Unit 1 third 10-year inspection interval.