

September 28, 2004

U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

ATTENTION: Document Control Desk

SUBJECT: Duke Energy Corporation

Oconee Nuclear Station
Docket Nos. 50-269, 50-270, and 50-287

McGuire Nuclear Station
Docket Nos. 50-369 and 50-370

Catawba Nuclear Station
Docket Nos. 50-413 and 50-414

Application for Technical Specification Improvement to
Eliminate Requirements to Provide Monthly Operating
Reports and Occupational Radiation Exposure Reports

In accordance with the provisions of Section 50.90 of Title 10 of the *Code of Federal Regulations* (10 CFR), Duke Energy Corporation (Duke) is submitting a request for an amendment to the Technical Specifications (TS) for Oconee Nuclear Station, Units 1, 2, and 3; McGuire Nuclear Station, Units 1 and 2; and Catawba Nuclear Station, Units 1 and 2.

The proposed amendment would delete the TS requirements to submit monthly operating reports and occupational radiation exposure reports. The change is consistent with NRC-approved Revision 1 to Industry/Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF-369, "Removal of Monthly Operating Report and Occupational Radiation Exposure Report." The availability of this TS improvement was announced in the Federal Register on June 23, 2004 (69 FR 35067), as part of the Consolidated Line Item Improvement Process (CLIIP).

Attachment 1 provides a description of the proposed change and confirmation of applicability. Attachment 2 provides the existing TS pages marked-up to show the proposed change.

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Duke requests approval of the proposed license amendment by February 1, 2005, with the amendment being implemented within the NRC's standard 30-day grace period.

In accordance with 10 CFR 50.91, a copy of this application, with attachments, is being provided to the designated officials of the State of North Carolina and the State of South Carolina.

This submittal document contains regulatory commitments regarding implementation of this LAR and confirmation of the reactor types as required by the CLIIP. These commitments are discussed in detail in Section 6.1 of Attachment 1.

Inquiries on this matter should be directed to J. S. Warren at 704-875-5171.

Very truly yours,



William R. McCollum, Jr.

Attachments:

Attachment 1 - Description and Assessment

Attachments 2a, 2b, and 2c - Proposed Technical Specifications Changes (Mark-up) for Oconee, McGuire, and Catawba, Respectively

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xc w/Attachments:

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William R. McCollum, Jr., affirms that he is the person who subscribed his name to the foregoing statement, and that all the matters and facts set forth herein are true and correct to the best of his knowledge.

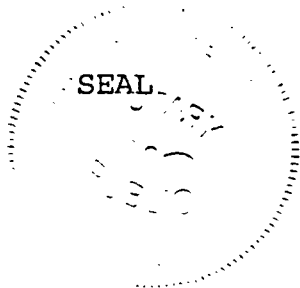


William R. McCollum, Jr., Vice President, Nuclear Support

Subscribed and sworn to me: September 28, 2004
Date


_____, Notary Public

My commission expires: 3/9/2009
Date



ATTACHMENT 1

Description and Assessment

1.0 INTRODUCTION

The proposed license amendment deletes the requirements in Technical Specification (TS) 5.6.1 for an annual report on occupational radiation exposures and TS 5.6.4 for a monthly report of operating statistics and shutdown experience.

The changes are consistent with NRC approved Industry/Technical Specification Task Force (TSTF) Standard Technical Specification Change Traveler, TSTF-369, "Removal of Monthly Operating Report and Occupational Radiation Exposure Report," Revision 1. The availability of this Technical Specification improvement was announced in the Federal Register on June 23, 2004 (69 FR 35067), as part of the Consolidated Line Item Improvement Process (CLIIP).

2.0 DESCRIPTION OF PROPOSED AMENDMENT

Consistent with the NRC-approved Revision 1 of TSTF-369, the proposed TS changes include:

Deleted - TS 5.6.1, Occupational Radiation Exposure Report

Deleted - TS 5.6.4, Monthly Operating Reports

As addressed in the safety evaluation (SE) published in the Notice of Availability for TSTF-369, Duke is proposing to adopt a part of NRC-approved Revision 4 to TSTF-258, "Changes to Section 5.0, Administrative Controls," for McGuire Nuclear Station, Units 1 and 2; and Catawba Nuclear Station, Units 1 and 2. Specifically, McGuire and Catawba TS 5.6.4 include a requirement to include in the monthly operating reports any challenges to the pressurizer power operated relief valves or pressurizer safety valves. The NRC model SE addressed the removal of requirements to submit monthly operating reports in those cases where the TS include a requirement to address challenges to relief and safety valves (i.e., if a licensee had not yet adopted the associated part of TSTF-258). The proposed change is consistent with the option described in the Notice of

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Availability published on June 23, 2004 (69 FR 35067), and the related documentation for both TSTF-369 and the limited portion of TSTF-258 included in this application.

3.0 BACKGROUND

The background for this application is adequately addressed by the NRC Notice of Availability published on June 23, 2004 (69 FR 35067), and TSTF-369.

4.0 REGULATORY REQUIREMENTS AND GUIDANCE

The applicable regulatory requirements and guidance associated with this application are adequately addressed by the NRC Notice of Availability published on June 23, 2004 (69 FR 35067), and TSTF-369.

5.0 TECHNICAL ANALYSIS

Duke has reviewed the SE published on June 23, 2004 (69 FR 35067), as part of the CLIIP Notice of Availability. This verification included a review of the NRC Staff's SE and the supporting information provided to support TSTF-369. Duke has concluded that the justifications presented in the TSTF proposal and the SE prepared by the NRC staff are applicable to Oconee Units 1, 2, and 3; McGuire Units 1 and 2; and Catawba Units 1 and 2, and justify this amendment for the incorporation of the changes to the Oconee, McGuire, and Catawba TS.

6.0 REGULATORY ANALYSIS

A description of this proposed change and its relationship to applicable regulatory requirements and guidance was provided in the NRC Notice of Availability published on June 23, 2004 (69 FR 35067), and TSTF-369.

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6.1 Verification and Commitments

As discussed in the model SE published in the Federal Register on June 23, 2004 (69 FR 35067), for this TS improvement, Duke is making the following regulatory commitments:

1. Duke is making a regulatory commitment to provide to the NRC using an industry database the operating data (for each calendar month) that is described in Generic Letter 97-02, "Revised Contents of the Monthly Operating Report," by the last day of the month following the end of each calendar quarter. The regulatory commitment will be based on use of an industry database (e.g., the industry's Consolidated Data Entry (CDE) Program, currently being developed and maintained by the Institute of Nuclear Power Operations). This regulatory commitment will be implemented to prevent any gaps in the monthly operating statistics and shutdown experience provided to the NRC (i.e., data for all months will be provided using one or both systems (monthly operating reports and CDE)).
2. The Oconee Site, the McGuire Site, nor the Catawba Site does not have different reactor types or both operating and shutdown reactors.

7.0 NO SIGNIFICANT HAZARDS CONSIDERATION

Duke has reviewed the proposed no significant hazards consideration determination published on June 23, 2004 (69 FR 35067), as part of the CLIIP. Duke has concluded that the proposed determination presented in the notice is applicable to Oconee, McGuire, and Catawba and the determination is hereby incorporated by reference to satisfy the requirements of 10 CFR 50.91(a).

8.0 ENVIRONMENTAL EVALUATION

Duke has reviewed the environmental evaluation included in the model SE published on June 23, 2004 (69 FR 35067), as part of the CLIIP. Duke has concluded that the Staff's

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findings presented in that evaluation are applicable to Oconee, McGuire, and Catawba and the evaluation is hereby incorporated by reference for this application.

9.0 PRECEDENT

This application is being made in accordance with the CLIIP. Duke is not proposing variations or deviations from the TS changes described in TSTF-369 and the limited portion of TSTF-258 or the NRC Staff's model SE published on June 23, 2004 (69 FR 35067).

10.0 REFERENCES

Federal Register Notice: Notice of Availability of Model Application Concerning Technical Specifications Improvement to Eliminate Requirements to Provide Monthly Operating Reports and Occupational Radiation Exposure Reports Using the Consolidated Line Item Improvement Process, published June 23, 2004 (69 FR 35067).

Attachment 2a

Oconeec Units 1, 2, and 3

Proposed Technical Specifications Changes (Mark-up)