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September 13, 2005

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

SUBJECT: Duke Energy Corporation

McGuire Nuclear Station Units 1 and 2
Docket Nos. 50-369 and 50-370

Withdrawal of a License Amendment Request
Applicable to Technical Specifications 3.8.1,
AC Sources-Operating; and 3.8.9, Distribution
Systems-Operating

AC Electrical Power System Completion Times
(WCAP-15622 and TSTF-417), Surveillance
Requirements Modifications, and Elimination of
Surveillance Requirements MODE Restrictions
(TSTF-283-A)

In a letter to the NRC dated October 11, 2004, Duke Energy Corporation (Duke) submitted a license amendment request (LAR) for the McGuire Nuclear Station Facility Operating Licenses and Technical Specifications (TS). This LAR applied to TS 3.8.1, AC Sources-Operating; and TS 3.8.9, Distribution Systems-Operating. The changes proposed in this LAR extended several Completion Times (CT) and modified the NOTES for several Surveillance Requirements within these TS. The LAR was based upon a topical report¹ prepared by the Westinghouse Electric Company in conjunction with the Westinghouse Owners Group, and two Industry/Technical Specifications Task Force (TSTF) Standard TS (STS) travelers^{2,3}. Additionally, this LAR corrected a non-conservative situation that currently exists with SR 3.8.1.4 which is applicable to the McGuire Emergency Diesel Generators.

¹ WCAP-15622, *Risk-Informed Evaluation of Extensions to AC Electrical Power System Completion Times*.

² TSTF-417, Rev. 0, *AC Electrical Power System Completion Times (WCAP-15622)*.

³ TSTF-283-A, Rev. 3, *Modify Section 3.8 MODE Restriction Notes*.

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As of this date the NRC has not approved Topical Report WCAP-15622 or TSTF-417. Duke has spent considerable time and effort in the preparation and submittal of information in support of this LAR. It is our understanding that the NRC has also spent significant time in review of McGuire specific plant information regarding the changes presented in WCAP-15622. Nevertheless, since it is anticipated that the NRC will not approve WCAP-15622 or TSTF-417 for some time in the future, Duke has decided to withdraw its October 11, 2004 LAR. This letter provides the NRC with notification of this withdrawal.

Approval of this LAR is very important to Duke. We therefore plan to re-submit this LAR following NRC approval of the referenced industry documents. Duke looks forward to working with the NRC in support of the completion of the reviews.

It should be noted that the regulatory basis for the probabilistic risk assessment approach used in WCAP-15622 is Regulatory Guide (RG) 1.174, "An Approach for Using Probabilistic Risk Assessment in Risk-Informed Decisions on Plant-Specific Changes to the Licensing Basis," and RG 1.177, "An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications." Duke emphasizes that this regulatory basis should remain the same for this LAR after it is re-submitted.

Finally, the portion of the October 11, 2004 LAR that corrects the non-conservatism in SR 3.8.1.4 will be re-submitted on an expedited basis.

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

Very truly yours,


Gary R. Peterson

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xc:


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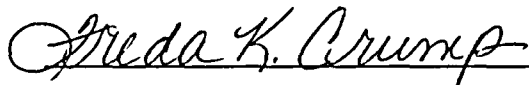
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Gary R. Peterson, affirms that he is the person who subscribed his name to the foregoing statement, and that all the matters and facts set forth herein are true and correct to the best of his knowledge.



Gary R. Peterson, Site Vice President

Subscribed and sworn to me: September 13, 2005
Date

, Notary Public

My commission expires: August 17, 2006
Date

