



JAMES R. MORRIS, VICE PRESIDENT

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Catawba Nuclear Station
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October 14, 2008

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

Catawba Nuclear Station Units 1&2, Docket Nos. 50-413, 50-414
McGuire Nuclear Station Units 1&2, Docket Nos. 50-369, 50-370

Subject: Duke Energy Carolinas, LLC (Duke)
Proposed Amendments to the Renewed Facility Operating Licenses and Technical Specifications Pursuant to the Use of Advanced Mark-BW (ABW) Fuel and Request for Exemption from Certain Regulations in 10 CFR Part 50

Reference: Letter from Duke to NRC, same subject, dated May 7, 2008

The reference letter requested license amendments to revise Unit 1 and 2 Technical Specification 4.2.1 for the Catawba and McGuire Nuclear Stations. The proposed changes allow the use of nuclear fuel clad with the M5™ zirconium-based alloy. The reference letter also requested exemptions from certain requirements of 10 CFR 50.46 "Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors" and Appendix K to 10 CFR 50 "ECCS Evaluation Models". The requested exemptions pertain to the specific types of cladding material specified in these regulations and allow the use of M5™ clad fuel at Catawba and McGuire. Together, the requested license amendments and exemptions support a Lead Test Assembly (LTA) program for the ABW fuel design.

As described in the requested license amendments and exemptions, Duke had planned to insert ABW LTAs in Catawba Unit 2 Cycle 17 in March 2009 and in McGuire Unit 2 Cycle 20 in September 2009. However, due to recent adverse industry operating experience, Duke has decided not to insert ABW LTAs at Catawba and McGuire in 2009. Accordingly, by copy of this letter, Duke is formally withdrawing the requested license amendments and exemptions.

Pursuant to 10 CFR 50.91, copies of this withdrawal letter are being sent to the appropriate state officials.

If there are any questions or if additional information is needed, please contact Mr. L. J. Rudy at (803) 701-3084 or ljrudy@dukeenergy.com.

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Very truly yours,

A handwritten signature in black ink, appearing to read "J. R. Morris". The signature is fluid and cursive, with a prominent initial "J" and "M".

J. R. Morris

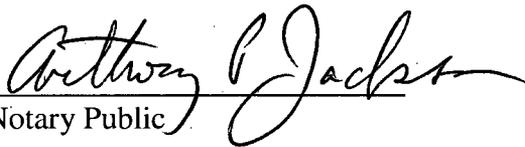
LJR/s

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



J. R. Morris, Site Vice President

Subscribed and sworn to me: 10/14/08
Date



Notary Public

My commission expires: 7/2/2014
Date



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xc:

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