

December 4, 2003

U.S. Nuclear Regulatory Commission  
Attention: Document Control Desk  
Washington, D.C. 20555

Subject: Duke Energy Corporation  
Catawba Nuclear Station, Units 1 and 2  
Docket Numbers 50-413 and 50-414  
Withdrawal of Exemption Requests for Proposed Technical  
Specification Amendment Concerning Reactor Coolant System  
Pressure and Temperature Limits and Low Pressure  
Overtemperature Protection System

Reference:

1. Letter from G. R. Peterson to U.S. Nuclear Regulatory  
Commission dated March 24, 2003.

In Reference 1, Duke Energy Corporation requested an amendment to the Catawba Nuclear Station Facility Operating License and Technical Specifications (TS). The proposed amendment revises various TS that are affected by the revised heatup, cooldown, critically, and inservice test pressure and temperature (P/T) limits for the reactor coolant system (RCS) of each unit.

The technical analyses for this proposed TS amendment relied on two American Society of Mechanical Engineers (ASME) Code Cases. They are ASME Code Case N-640, "Alternative Reference Fracture Toughness for Development of P-T Limit Curves for Section XI, Division 1," and ASME Code Case N-641, "Alternative Pressure-Temperature Relationship and Low Temperature Overpressure Protection (LTOP) System Requirements, Section XI, Division 1." At the time of the submittal of Reference 1, the NRC had not formally approved these ASME code cases for licensee use without submitting an exemption request. Since, the submittal of Reference 1, the NRC published revision 13 to Regulatory Guide 1.147, "Inservice Inspection Code Case Acceptability, ASME Section XI, Division 1." This revision included ASME Code Cases N-640 and N-641 in Table 1, Acceptable Section XI Code Cases.

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On July 8, 2003, the NRC published a final revision to 10 CFR 50.55a to incorporate, by reference, NRC Regulatory Guides listing Code cases published by ASME which the NRC has reviewed and found to be acceptable for use. Therefore, the code cases listed in these Regulatory Guides are incorporated by reference into the NRC's regulations. This included Regulatory Guide 1.147, revision 13. This rule change was effective as of August 7, 2003.

Based on the above discussion, Catawba no longer requires the exemption requests for ASME code cases N-640 and N-641 to support the TS amendment requested in Reference 1. Catawba withdraws only the exemption requests in Reference 1. Catawba requests that the NRC continue to review the TS amendment changes requested in Reference 1.

The items discussed in this letter have been reviewed against the No Significant Hazards Evaluation submitted in Reference 1. Duke has determined that the previous No Significant Hazards Evaluation still remains valid and has not been affected by any of these changes. There are no commitments contained within this letter.

Pursuant to 10 CFR 50.91, a copy of this response is being sent to the appropriate State of South Carolina official.

Inquiries on this matter should be directed to R. D. Hart at (803) 831-3622.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Dhiam', with a large, stylized loop at the end.

Dhiaa M. Jamil

RDH/s

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