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65FR#24231
25 April 2000
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526 South Church Street
Charlotte NC 28201-1006

June 9, 2000

Mr. David L. Meyer, Chief
Rules and Directives Branch
Division of Administrative Services
Office of Administration
Mail Stop T-6 D59
U.S. Nuclear Regulatory Commission
Washington, DC 20555

Subject: Comments on Draft Regulatory Guide DG-1095
"Guidance for Implementation of 10CFR 50.59, 'Changes, Tests and
Experiments'"
65FR24231, dated April 25, 2000

Dear Mr. Meyer:

Duke Energy offers the attached comments relative to the solicitation for public comments regarding the Draft Regulatory Guide DG-1095, "Guidance for Implementation of 10CFR 50.59, 'Changes, Tests and Experiments'".

Please address any questions to Jeff Thomas at (704) 382-5826.

Thank you for the opportunity to provide these comments.

Very truly yours,

M. S. Tuckman
Executive Vice President
Nuclear Generation
Duke Power Company

Template: ADM-013

E-RIDS = ADM-03
Add- E. McKenna (EMM)

**Draft Regulatory Guide DG-1095
Duke Comments**

1. Section C.1.2, "Interface of 10CFR50.59 With the Maintenance Rule (10CFR50.65)." It is recommended that words be added to clarify that 10CFR50.65(a)(4) and 10CFR50.59 are both applicable if the 90-day period is expected to be exceeded.

2. Duke recommends that either the Regulatory Guide or other appropriate NRC communication address the transition from the current rule (3 criteria, 7 questions) to the new rule (8 criteria, 8 questions). For example, 50.59 evaluations for activities proposed prior to implementation of the new rule do not have to be reevaluated under the new rule if implemented after the new rule becomes effective. Furthermore, in the event that a revision to an evaluation performed pursuant to the current rule is required after the new rule becomes effective, then the revision can be completed using current rule or new rule guidance.

Duke endorses the June 8, 2000 NEI industry response to DG-1095.