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January 22, 2001

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-3020  
"Guidance for Implementation of 10CFR 72.48, 'Changes,  
Tests and Experiments'"  
66FR00390, dated January 3, 2001

Dear Mr. Meyer:

Duke Energy offers the attached comments relative to the solicitation for public comments regarding the Draft Regulatory Guide DG-3020, "Guidance for Implementation of 10CFR 72.48, '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 Department  
Duke Power Company

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**Draft Regulatory Guide DG-3020**  
**Duke Comments**

Duke Energy supports DG-3020 and its expressed regulatory position that "Appendix B, 'Guidelines for 10 CFR 72.48 Evaluations,' dated November 6, 2000 to NEI 96-07 provides methods that are acceptable to the NRC staff for complying with the provisions of 10 CFR 72.48, with the clarifications noted below." Duke also concurs with the stated clarifications.

As a participant in the development of NEI 96-07, Appendix B, Duke believes this document provides valuable and sufficient generic guidance to dry storage licensees and certificate holders to assure conformance with 10 CFR 72.48. However, Duke concurs with NRC's caution that the included examples may not be applicable to ALL licensees and certificate holders, and that they should ensure the applicability of any particular example before using it as guidance.

Duke suggests one text revision to DG-3020. In Section B, the last sentence states the following: *"The guidance contained in Appendix B to NEI 96-07 is generally applicable to 10 CFR 50.59 evaluations performed by reactor licensees."* To avoid potential confusion, Duke suggests replacing that sentence with the following: *"The guidance contained in Appendix B to NEI 96-07 for 10 CFR 72.48 evaluations is similar to the guidance in NEI 96-07, Revision 1, which was endorsed in Regulatory Guide 1.187 for 10 CFR 50.59 evaluations."*

Duke endorses the proposed clarifications offered by NEI in their letter of January 22, 2001.