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DOCKET NUMBER
PROPOSED RULE PR 50
(67FR 12488)

DOCKETED
USNRC



Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402-2801

April 10, 2002 (3:19PM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

April 8, 2002

U.S. Nuclear Regulatory Commission
ATTN: Rulemaking and Adjudications Staff
Rules and Directives Branch
Office of Administration
Washington, D.C. 20555-0001

Gentlemen:

NUCLEAR REGULATORY COMMISSION - INCORPORATE BY REFERENCE OF ASME BPV
AND OM CODE CASES - PROPOSED RULE (VOL. 67 FEDERAL REGISTER 12488-12493)
DATED MARCH 19, 2002

TVA appreciates the opportunity to comment on the proposed rulemaking. Our comments are as follows:

Regulatory Guides "incorporated by reference" into the text of 10 CFR 50.55a, allow the staff to circumvent the licensees' relief request processes for 120 month inservice inspection program intervals. Specifically, TVA objects to the wording under 67 FR 12493, Section (i) *Approved ASME Code Cases*, because the language in paragraphs (2)(ii), (3)(ii), and (4)(ii) allows NRC to impose Regulatory Guides by reference that undo code case relief granted in existing safety evaluation reports. Also, the words infer that changes could be imposed at any time during a 120 month inservice inspection interval. This type of imposed requirement is difficult to execute unless put to use at the beginning of an inservice inspection interval.

If you have any questions regarding our comments, please contact R. M. Brown at (423) 751-7228.

Sincerely,


Mark J. Burzynski
Manager
Nuclear Licensing

cc: U.S. Nuclear Regulatory Commission
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