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USNRC

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3

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May 29, 2002 (8:15AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

May 23, 2002

DOCKET NUMBER
PROPOSED RULE PR 50
(67FR 12488)

Ms. Annette L. Vietti-Cook, Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Attention: Rulemakings and Adjudications Staff

Subject: Comments on Proposed Amendment to 10CFR50.55a,
Codes and Standards, 67FR12488 dated March 19, 2002

Duke Energy offers the following comments relative to the solicitation for public comments regarding the proposed amendment to 10CFR50.55a, "Codes and Standards" as published in the Federal Register on March 19, 2002. This amendment proposes to incorporate by reference certain ASME Code Cases which the NRC has reviewed and found acceptable for use.

As written, new paragraphs (i)(2)(ii), (i)(3)(ii), and (i)(4)(ii) of the proposed rulemaking would require immediate implementation of a later edition of a Code Case once the applicable Regulatory Guide is referenced in a revision to 10CFR50.55a. These paragraphs could place limitations and conditions on the earlier version of a Code Case once a later version is approved and incorporated into the applicable Regulatory Guide and referenced in 10CFR50.55a.

This appears to be inconsistent with the existing regulatory requirements contained in 10CFR50.55a, paragraphs (f)(4)(ii) and (g)(4)(ii), which permit licensees to defer implementation of new ASME Code criteria until the end of the current 10 year inservice test or inspection interval. It is recommended to revise these paragraphs to be consistent with existing regulations.

Please address any questions to Lee Hentz at 704-382-8081. Thank you for the opportunity to provide these comments.

Sincerely,

M. S. Tuckman

Template = SECY-067

SECY-02

U. S. Nuclear Regulatory Commission
May 23, 2002
Page 2

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