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DUKE POWER COMPANY

ELECTRIC CENTER, BOX 33189, CHARLOTTE, N. C. 28242

T. L. C. DAIL
VICE PRESIDENT
DESIGN ENGINEERING

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February 6, 1981

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Washington, DC

Attention: Docketing and Services Branch

Re: Proposed Rule "Codes and Standards for Nuclear Plants"
Federal Register, December 31, 1980, 86500
File: A-12.16-1



On December 31, 1980 the Nuclear Regulatory Commission published in the Federal Register a Proposed Rule dealing with 10 CFR Part 50 "Codes and Standards for Nuclear Power Plants". This Proposed Rule was issued for comment and was, in addition, the subject of a public meeting noticed in the Federal Register on December 29, 1980 and held in Washington, DC on January 30, 1981. Duke Power Company designs, constructs, and operates nuclear power reactors subject to the regulations of the Nuclear Regulatory Commission. Our experience with design and construction serves as the basis of our comments on these proposed rules. Duke Power Company was not represented at the meeting on January 30, 1981 and takes this opportunity to comment as requested in the Federal Register.

The Notice of the Public Meeting issued in the Federal Register indicates that the NRC is considering reorganizing paragraphs of 10 CFR 50.55(a) for easier location of specific provisions in rewording to make the regulation easier to understand.

Duke offers the following recommendations for the Commission and Staff:

The NRC should consider dividing the regulation into two major sections; one section applicable to plants under design and construction and a second section for plants which have an operating license. In addition, applicable codes and addenda to codes should be considered a separate subsection of each major section of the regulation. For plants under design and construction, the subsection should include a table of construction permit dates and applicable code dates for design, construction, and initial inservice inspection. For operating plants, the subsection should include a table of operating license dates and applicable code dates for subsequent inservice inspection requirements. In developing these subsections, care should be taken that these rules do not conflict with code requirements.

Acknowledged by [signature]

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Preservice examination requirements of section XI of ASME should be consistent with the prior planning and ASME section III Code used for design and construction of the plant. After a plant becomes operational, inservice examination should be required to later code additions and addenda with justifiable exceptions at the time examinations are planned.

The rewrite of 10 CFR 50.55(a) should consider complete compatibility with the codes referenced. To establish criteria or requirements differing with the codes endorsed by the regulation can create confusion and could provide the basis for potential future jurisdictional disputes. In addition, any rewrite should consider the adoption of code cases approved by ASME. This adoption could preclude the need for NRC Regulatory Guides 1.84 and 1.85 and would recognize that code cases normally become a part of the code in later editions.

Duke Power is in receipt of a copy of extensive comments made to the NRC on these proposed rules by Mr. Raymond R. Mccary dated January 14, 1981. We have reviewed Mr. Mccary's comments and suggestions and endorse them for consideration by the NRC in the proposed rewrite of 10 CFR 50.55(a).

We appreciate this opportunity to comment on the proposed rule and will be pleased to respond to any questions from the NRC or its Staff.

Yours very truly,



L. C. Dail, Vice-President
Design Engineering Department

DBB/pam