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 AUTH. NAME: AUTHOR AFFILIATION
 CARR, A.V. Duke Power Co.
 RECIPI. NAME: RECIPIENT AFFILIATION
 EISENHUT, D.G. Division of Licensing

SUBJECT: Withdraws request for hearing re order imposing environ-
 qualification requirements. Withdrawal contingent upon util-
 understanding of final rule on environ qualification.

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DUKE POWER COMPANY

LEGAL DEPARTMENT

P. O. Box 33189

CHARLOTTE, N. C. 28242

ALBERT V. CARR, JR.
ASSISTANT GENERAL COUNSEL

March 24, 1983

(704) 373-2570

Mr. Darrell G. Eisenhut
Director, Division of Licensing
Office of Nuclear Reactor Regulation
U. S. Nuclear Regulatory Commission
Washington, D. C. 20555

Re: Withdrawal of Hearing Requests

Dear Mr. Eisenhut:

By your letter dated August 14, 1981, you stated that Duke Power Company would have until 30 days after the Commission had completed action on the industry petition to extend the June 30, 1982, deadline for environmental qualification in which to either reaffirm or withdraw our request for hearing regarding the Order imposing environmental qualification requirements for Oconee Nuclear Station, Units 1, 2 and 3. Commission action on the industry petition was completed on February 22, 1983, when the final rule on environmental qualification became effective. 48 Fed. Reg. 2729 (January 21, 1983).

By letter of February 21, 1983, we notified the Staff that our action on the petition request would be dependent on our review of the final rule which would be completed by March 24, 1983. We have now completed that review. We believe that there are significant improvements in the final rule relative to the draft proposed in January of 1982 (47 Fed. Reg. 2876 (January 20, 1982)). Based upon our understanding of the rule, we are now prepared to withdraw our hearing request. However, there remain a few areas of potential confusion or ambiguity that we wish to raise (although we believe that our understanding of these areas will comport with the Staff's). Therefore, while we are by this letter withdrawing our request for hearing, the withdrawal is based on the following interpretations of the final rule.

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Mr. Darrell G. Eisenhut
March 24, 1983
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1. Qualification Criteria. Section 50.49(k) of the final rule states that applicants for and holders of operating licenses are not required to requalify equipment important to safety to the provisions of this rule if such equipment was previously required to be qualified pursuant to either the DOR Guidelines or NUREG-0588. From this section, it is our understanding that equipment qualified pursuant to the DOR Guidelines or NUREG-0588 by the dates and schedules set forth in Section 50.49(g) need not be qualified to the provisions of the final rule. Of course, unless there are sound reasons to the contrary, replacement equipment must be qualified to the provisions of the final rule pursuant to Section 50.49(1).

2. Replacement Equipment. While Section 50.49(1) of the final rule states that unless there are sound reasons to the contrary replacement equipment must be qualified to the provisions of the rule, the statement of considerations discusses replacement parts. It is our understanding that the provisions of the rule govern, and the appropriate emphasis is to be placed on replacement equipment and not parts.

As noted above, the withdrawal of our hearing request is predicated on the accuracy of our understandings of the final rule on environmental qualification. Unless we are notified in writing to the contrary by May 24, 1983, we will consider this matter resolved.

Very truly yours,



Albert V. Carr, Jr.

AVCJr/fhb