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A Duke Energy Company

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Executive Vice President
Nuclear Generation

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December 21, 1999

DOCKET NUMBER
PROPOSED RULE PR 20
(64FR35090)

U.S. Nuclear Regulatory Commission
Office of the Secretary
ATTN: Rulemaking and Adjudication Staff
Washington D.C. 20555-0001

Subject: Catawba Nuclear Station Units 1 & 2
Docket Nos. 50 -413, 414
McGuire Nuclear Station Units 1 & 2
Docket Nos. 50 -369, 370
Oconee Nuclear Station Units 1, 2 & 3
Docket Nos. 50 -269, 270, 287
Duke Energy Corporation comments on the
"Release of Solid Materials at Licensed
Facilities: Issues, and Notice of Public
Meetings (64FR35090, dated June 30, 1999)

The Nuclear Regulatory Commission is considering a rulemaking that would set specific requirements on releases of solid materials in order to establish a regulatory framework more consistent with existing NRC requirements on air and liquid releases. On October 19, 1999, the comment period on the proposed rulemaking was extended until December 22, 1999.

Duke appreciates the opportunity to comment on the proposed rulemaking on "Release of Solid Materials at Licensed Facilities" and offers the following comments for consideration by the NRC.

Comments:

- Duke Supports the comments and recommendations concerning this issue as submitted to the NRC by Nuclear

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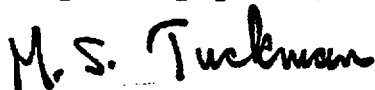
Energy Institute (NEI).

- Duke supports the NRC's efforts to address the current mix of regulatory approaches and case-by-case exceptions under 10 CFR 20.2002. If approved, this initiative would provide for clearly defined, risk-based regulation of solid materials, similar to those in long-standing use for liquid and gaseous releases.
- Clearance of solid material is unavoidable and is already on-going at power reactors, medical and research facilities. Duke believes that standardization and clarification of solid material release criteria would help build public confidence and trust, while reducing the regulatory burden for the NRC and licensees through fewer exemption requests.
- Duke supports the development of a safe, practical, dose-based standard by the NRC. The assumptions used to derive release limits from dose limits should be realistic, not excessively conservative, yet provide for public health and safety. The rulemaking should address all materials entering and leaving nuclear facilities. The current draft NUREG-1640 addresses a very limited range of materials. Duke recommends that the NRC consider endorsing ANSI N13.12 (1999), "Surface and Volume Radioactivity Standards for Clearance" as part of the rulemaking.

In summary, Duke supports the NRC's initiative for clearance of solid materials from licensed nuclear facilities and the comments provided to the NRC by NEI. The NRC should be willing and able to definitively state that material cleared under any standard is clean and safe. A practical dose-based standard would be an improvement over the current mix of regulatory approaches, while continuing to provide for public health and safety.

If you have any questions or need additional information, please contact Allison Jones-Young at (704) 382-3154.

Very truly yours,



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