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Group Executive and
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PRM-50-88
(72FR46569)

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USNRC

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October 4, 2007 (3:25pm)

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attention: Rulemakings and Adjudications Staff

SUBJECT: Comments on PRM-50-88, Petition for Rulemaking on Disposal of Major Reactor Components (72 FR46569, August 21, 2007)

REF: McGuire Nuclear Station, Units 1 and 2
Docket Nos. STN 50-369 and STN 50-370
Oconee Nuclear Station, Units 1, 2 and 3
Docket Nos. STN 50-269, STN 50-270, STN 50-287
Catawba Nuclear Station, Units I and 2
Docket Nos. STN 50-413 and STN 50-414

Dear Sir or Madam:

The purpose of this letter is to provide comments on the subject Petition for Rulemaking published in the *Federal Register* on August 21, 2007. The proposed rule change would permit the Nuclear Regulatory Commission (NRC) to amend its regulations to provide a regulatory framework that would allow funds from licensees' decommissioning trust funds to be used for the cost of disposal of "major radioactive components" (MRCs) that have been removed from reactors prior to the permanent cessation of operations.

Duke Energy is in favor of the proposed rule change. We further believe that the proposed change would be in the best interest of the public as it would facilitate the disposal of MRCs that currently are stored at various reactor sites around the country. The current interpretation of the NRC, that 10 CFR § 50.82(a)(8)(i) & (ii) restricts the withdrawal of funds from NDTs until after permanent plant shutdown, poses an unreasonable burden that is not accompanied by any benefit.

In the case of Duke Energy, we currently have MRCs stored at each of the reference power plants. There are eight (8) steam generators stored at the McGuire Nuclear Station, six (6) steam generators stored at the Oconee Nuclear Station, and four (4) steam generators stored at the Catawba Nuclear Station. We have collected and are continuing to collect funds for the purpose of disposing of these MRCs; however, we are unable to access these funds under the regulatory framework.

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Duke Energy has prepared a site-specific decommissioning cost estimate for each of the reference facilities. In each case, the cost of disposal of MRCs is included in the site specific decommissioning cost estimate. The proposed rule change would facilitate the prompt removal of radiologically contaminated material from the Facilities. Duke Energy is in agreement with the petitioner that the removal of the MRCs prior to the time of decommissioning is a cost effective method to disperse of this material and ensure that additional funds are available to decommission the sites once operation is suspended. As suggested by the petitioner, our inability to expend funds for the purpose for which they were collected poses an unnecessary regulatory burden on Duke Energy.

Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry B. Barron, Jr.", with a long horizontal flourish extending to the right.

Henry B. Barron, Jr.
Chief Nuclear Officer