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PR 20, 30, 40, 50, 70 and 72
(73FR03811)

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DOCKETED
USNRC

May 12, 2008 (10:30am)

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May 8, 2008

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Ms. Annette Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Subject: Duke Energy Carolinas, LLC (Duke)
RIN 3150-AH45: Decommissioning Planning Proposed Rule and "Draft
Guidance to Implement Survey and Monitoring Requirements Pursuant to
Proposed Rule Text in 10 CFR 20.1406(c) and 10 CFR 20.1501(a)"

Duke appreciates the opportunity to comment concerning the above-referenced proposed rule published in the *Federal Register* (73 FR 3812) dated January 22, 2008 and the draft guidance released with the proposed rule. In that regard, Duke hereby supports and adopts the comments submitted by the Nuclear Energy Institute in and under cover of a letter dated May 8, 2008.

Duke would also like to reiterate the industry's concerns with the NRC's decision to use a threshold using voluntary licensee initiatives in place of current NRC requirements in conducting its backfit analysis. While we would continue to support and participate in voluntary initiatives where prudent and appropriate, we are concerned with the potential chilling effect that this NRC action could have on the creation of and support for such initiatives in the future due to the potential that the NRC will attempt to use such voluntary action as a means to backfit requirements without the necessary analysis.

Furthermore, we wish to stress it is inappropriate for the NRC to specifically select elements of the voluntary initiative and use them in the draft regulatory guidance released with the proposed rule in a manner inconsistent with the original purpose. For instance, the NRC's adoption of the voluntary communication threshold from the industry initiative actually goes beyond what was intended. This element of the initiative was designed to address stakeholder interactions and communications. The threshold does not correlate to "significance" in terms of public health and safety.

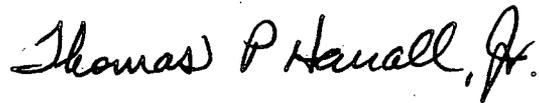
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SECY-02
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In addition, the basis and justification for the modification to the guidance on "prompt (e.g., < 4 hours) cleanup" is inconsistent with current requirements. The timeframe is unreasonable and is not always practically achievable. Licensees should be given the flexibility to define the appropriate timeframe for clean-up of a spill or leak, taking into consideration ALARA, realistic exposure pathways and the site-specific soil and ground water characteristics.

If you have any questions, please contact R. L. Gill, Jr., at (704) 382-3339.

Sincerely,

A handwritten signature in black ink that reads "Thomas P. Harrall, Jr." The signature is written in a cursive style with a prominent initial 'T' and a clear 'Jr.' at the end.

Thomas P. Harrall, Jr.