

**From:** [Guill, Paul F](#)  
**To:** [RulemakingComments Resource](#)  
**Subject:** [External\_Sender] Docket ID NRC–2018–0296 {RIN 3150–AK32}; Proposed Rule - Renewing Nuclear Power Plant Operating Licenses—Environmental Review  
**Date:** Tuesday, May 02, 2023 2:23:40 PM  
**Attachments:** [230502 Duke Energy Comment letter - NRC.pdf](#)

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Attached are Duke Energy comments to the proposed rule concerning Renewing Nuclear Power Plant Operating Licenses—Environmental Review (Docket ID NRC–2018–0296).



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RA-23-0113  
May 2, 2023

10 CFR Part 51  
NRC-2018-0296  
RIN 3150-AK32

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Nuclear Regulatory Commission  
Washington, DC 20555-0001  
ATTN: Rulemakings and Adjudications Staff

*Submitted electronically via [Rulemaking.Comments@nrc.gov](mailto:Rulemaking.Comments@nrc.gov)*

**Subject:** Duke Energy Carolinas, LLC and Duke Energy Progress, LLC (collectively “Duke Energy”) Comments on NRC Proposed Rule – Renewing Nuclear Power Plant Operating Licenses – Environmental Review (88 Fed. Reg. 13329; Mar. 3, 2023)

**References:**

1. Duke Energy Letter (RA-21-0132) dated June 7, 2021, Application for Subsequent Renewed Operating Licenses, (ADAMS Accession Number ML21158A193)
2. Federal Register, Vol. 88 No. 42, Nuclear Regulatory Commission, Proposed Rule, Renewing Nuclear Power Plant Operating Licenses - Environmental Review, March 3, 2023
3. Nuclear Energy Institute (Jennifer Uhle) Letter to Nuclear Regulatory Commission (Rulemakings and Adjudications Staff), Nuclear Energy Institute Comments on NRC Proposed Rule – Renewing Nuclear Power Plant Operating Licenses – Environmental Review (88 Fed. Reg. 13329; Mar. 3, 2023), dated May 2, 2023

Ladies and Gentlemen:

Duke Energy appreciates this opportunity to provide comments on the U.S. Nuclear Regulatory Commission’s (NRC) proposed revisions to its Part 51 license renewal (LR) regulations, draft Revision 2 to NUREG-1437, Generic Environmental Impact Statement for License Renewal of Nuclear Plants (revised LR GEIS), and related draft guidance (Reference 2). We also applaud the NRC staff for their focused and diligent efforts in developing the proposed rulemaking package on an expedited basis. As a public utility, we believe in both preserving and expanding nuclear generation.

As a member of Nuclear Energy Institute (NEI), Duke Energy was an active participant in the development of the comments on the NRC Proposed Rule – Renewing Nuclear Power Plant Operating Licenses – Environmental Review (88 Federal Register 13329; Mar. 3, 2023) that were submitted to the NRC by NEI. Duke Energy concurs with the comments that were provided by the NEI letter.

In addition to the comments provided by Jennifer L. Uhle, Ph.D. Vice President, Technical and Regulatory Services May 2, 2023 (Reference 3), Duke Energy offers an additional comment related to the ongoing NRC staff review of the Subsequent License Renewal Application (SLRA) for the Oconee Nuclear Station (Reference 1). Under the current NRC schedules, the NRC plans to issue the final rule and revised LR GEIS by April 2024 and plans to issue the final Supplemental Environmental Impact Statement (SEIS) for the Oconee SLRA in June 2024. Under this scenario, in which the final

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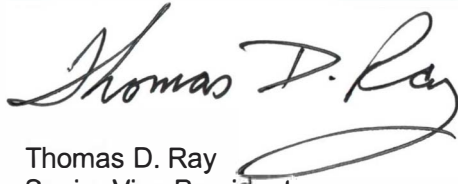
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rule becomes effective before the final SEIS is issued and before the final decision on the Oconee SLRA is rendered, the rule could be construed as requiring the NRC to perform further environmental reviews to address the new final rule, potentially delaying the proceeding. However, that would be inconsistent with Commission order CLI-22-3, in which the Commission provided applicants the option of proceeding with a site-specific environmental review that is not subject to the new final rule. Accordingly, Duke Energy recommends that the Statement of Consideration for the final rule acknowledge the effect of CLI-22-3 and expressly confirm that the NRC's review of the Oconee SLRA is subject to the provisions of Part 51 in effect as of June 7, 2021, as supplemented by CLI-22-3.

Please contact Paul Guill ([paul.guill@duke-energy.com](mailto:paul.guill@duke-energy.com)) or Rounette Nader ([rounette.nader@duke-energy.com](mailto:rounette.nader@duke-energy.com)) with any questions regarding these comments.

Sincerely,

A handwritten signature in black ink that reads "Thomas D. Ray". The signature is fluid and cursive, with a large loop at the end of the last name.

Thomas D. Ray  
Senior Vice President  
Nuclear Corporate

CC:

P. K. Holahan, Director, NMSS/SLED

K. T. Folk, Senior Environmental Project Manager, NMSS/SLED

J. A. Davis, Senior Environmental Project Manager, NMSS/SLED