



**M. S. Tuckman**  
Executive Vice President  
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August 17, 2000

Mr. David L. Meyer, Chief  
Rules and Directives Branch  
Division of Administrative Services  
Office of Administration  
Mail Stop T-6 D59  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Subject: Comments on Petition For Rulemaking 10CFR72  
Docket Number PRM-72-5  
65FR36647, dated June 9, 2000

Dear Mr. Meyer:

Duke Energy offers the attached comments relative to the solicitation for public comments regarding the Petition For Rulemaking pursuant to 10CFR 72, "Nuclear Energy Institute Petition for Rulemaking," Docket Number PRM-72-5, as published in the June 9, 2000 Federal Register.

Please address any questions to Jeff Thomas at (704) 382-5826.

Thank you for the opportunity to provide these comments.

Very truly yours,

M. S. Tuckman

**Duke Power Company**  
A Duke Energy Company

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**Nuclear Energy Institute  
Petition For Rulemaking  
Docket PRM-72-5  
Duke Comments**

Duke Power Company supports the Petition for Rulemaking offered by the Nuclear Energy Institute (NEI). The rulemaking process currently used by the Nuclear Regulatory Commission (NRC) is unduly lengthy. The current process typically adds approximately one year to the period required for application approval after the completion of technical review by the staff. Approvals of recent applications have taken two to three years, or longer. The result is a process that is not very responsive to the needs of industry. This situation will be further aggravated by the increase in submittals for new licenses and amended Certificates of Compliance as more utilities make use of spent fuel dry cask storage systems. Further, the current process for dry cask storage system approvals is inconsistent with the process successfully used to approve spent fuel transportation systems. This inconsistency unnecessarily complicates the approval process for transportable (dual use) storage systems. The revised licensing process proposed in the NEI petition would remove this inconsistency.

Duke Power Company supports the NEI submittal. The proposed process will:

1. Assure appropriate NRC review of new applications and amendments,
2. Assure appropriate public review and comment by focusing attention on requests for new storage system licenses and Certificates of Compliance, and safety significant amendment requests,
3. Provide for the expeditious review and approval of amendment requests found to have no significant impact on public health and safety, and
4. Better accommodate the industry's increasing need to spent fuel storage systems.

Duke Power recommends that NEI Petition for Rulemaking, Docket PRM-72-5, be approved.

U. S. Nuclear Regulatory Commission

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