Duke Energy.

10 CFR Parts 71 and 72

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78 FR 3853

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March 18, 2013

Ms. Cindy K. Bladey
Chief, Rules, Announcements, and Directives Branch (RADB)
Office of Administration, Mail Stop: TWB-05-B01M
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Duke Energy Carolinas, LLC (Duke Energy)
Response to NRC's Request for Comments on Retrievability, Cladding Integrity and Safe Handling of Spent Fuel at an Independent Spent Fuel Storage Installation and During Transportation
(Docket ID: NRC-2013-0004)

Dear Ms. Bladey:

Duke Energy appreciates the opportunity to comment on the above referenced document published in the *Federal Register* (78 FR 3853) dated January 17, 2013. Duke Energy commends the NRC for recognizing the need to improve 10 CFR Parts 71 and 72 regulations for transportation and dry cask storage. Duke Energy supports NRC efforts to revise the regulatory framework governing dry cask storage and transportation in order to make them useable, efficient, effective, and risk informed and thereby provide a stable, predictable regulatory framework that reduces unnecessary regulatory burden.

The recent Blue Ribbon Commission recommendations on used fuel management highlights the importance of moving spent fuel efficiently and safely through a progression of steps from spent fuel pools, to storage casks, possibly to centralized storage or recycling facilities, and ultimately to a final repository. The current 10 CFR Parts 71 and 72 regulatory framework is not appropriately risk informed. Improving the regulations for storage and transportation activities based on risk insights and performance based principles can and should be pursued. In that regard, Duke Energy hereby supports and adopts the comments submitted by the Nuclear Energy Institute (NEI) in and under cover of a letter dated March 18, 2013. Duke Energy also endorses the October 2012 NEI petition for rulemaking in this area (PRM-72-7).

Duke Energy and the industry are prepared to work with the NRC in identifying improvements to the regulatory process for dry cask storage and transportation of used fuel, consistent with Nuclear Regulatory Commission direction in SRM-COMSECY-10-007, "Project Plan for Regulatory Program Review to Support Extended Storage and Transportation of Spent Nuclear Fuel" dated December 6, 2010. Duke Energy endorses a risk informed, performance based regulatory framework for dry cask storage and transportation as proposed by the NRC Risk Management Task Force headed by Commissioner George Apostolakis (NUREG-2150, "A Proposed Risk Management Regulatory Framework, dated April 2012).

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Please address any comments or questions regarding this matter to Jimmy Glenn at 980-373-2823 (*jimmy.glenn@duke-energy.com*).

Sincerely,

Benjamin C Waldrep
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