

August 21, 2006

Mr. G. R. Peterson  
Vice President  
McGuire Nuclear Station  
Duke Power Company LLC  
12700 Hagers Ferry Road  
Huntersville, NC 28078

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY  
OPERATING LICENSE AND OPPORTUNITY FOR A HEARING FOR  
REVISION TO THE TECHNICAL SPECIFICATIONS CONCERNING THE USE  
OF ALTERNATIVE SOURCE TERM (TAC NOS. MC9746 AND MC9747)

Dear Mr. Peterson:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendment to Facility  
Operating License and Opportunity for a Hearing" related to your application dated  
December 20, 2005, as supplemented by letter dated May 4, 2006.

The proposed amendment would revise the McGuire Nuclear Station, Units 1 and 2 licensing  
basis to adopt the alternative source term radiological analysis methodology in accordance with  
Section 50.67 of Title 10 of the *Code of Federal Regulations*.

This Notice has been forwarded to the Office of Federal Register for publication.

Sincerely,

**/RA/**

John F. Stang, Senior Project Manager  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-369 and 50-370

Enclosure:  
Federal Register Notice

cc w/encl: See next page

August 21, 2006

Mr. G. R. Peterson  
Vice President  
McGuire Nuclear Station  
Duke Power Company LLC  
12700 Hagers Ferry Road  
Huntersville, NC 28078

SUBJECT: NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY  
OPERATING LICENSE AND OPPORTUNITY FOR A HEARING FOR  
REVISION TO THE TECHNICAL SPECIFICATIONS CONCERNING THE USE  
OF ALTERNATIVE SOURCE TERM (TAC NOS. MC9746 AND MC9747)

Dear Mr. Peterson:

Enclosed is a copy of a "Notice of Consideration of Issuance of Amendment to Facility  
Operating License and Opportunity for a Hearing" related to your application dated  
December 20, 2005, as supplemented by letter dated May 4, 2006.

The proposed amendment would revise the McGuire Nuclear Station, Units 1 and 2 licensing  
basis to adopt the alternative source term radiological analysis methodology in accordance with  
Section 50.67 of Title 10 of the *Code of Federal Regulations*.

This Notice has been forwarded to the Office of Federal Register for publication.

Sincerely,

/RA/

John F. Stang, Senior Project Manager  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

Docket Nos. 50-369 and 50-370  
Enclosure:  
Federal Register Notice  
cc w/encl: See next page

DISTRIBUTION:

PUBLIC	RidsAcrsAcnwMailCenter	LPL2-1 R/F
RidsNrrDorlLpl2-1(EMarinos)	RidsNrrPMJStang(hard copy)	RidsOgcRp
RidsRgn2MailCenter(MErnstes)	RidsNrrLAMO'Brien(hard copy)	RidsNrrDorlDpr

ADAMS Accession No.: ML062300331

OFFICE	NRR/LPL2-1/PM	NRR/LPL2-1/LA	NRR/LPLC/BC
NAME	JStang	MO'Brien (DClarke for)	EMarinos
DATE	08/21/06	08/21/06	08/28/06

OFFICIAL RECORD COPY

UNITED STATES NUCLEAR REGULATORY COMMISSION

DUKE POWER COMPANY LLC

DOCKET NOS. 50-369 AND 50-370

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO  
FACILITY OPERATING LICENSE AND OPPORTUNITY FOR A HEARING

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating Licenses NPF-9 and NPF-17, issued to Duke Power Company (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The proposed amendment would revise the McGuire Nuclear Station's licensing basis to adopt the alternative source term radiological analysis methodology in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) Section 50.67.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

Within 60 days after the date of publication of this notice, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.309, which is

available at the Commission's public document room (PDR), located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management System's (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner/requestor in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: 1) the name, address and telephone number of the requestor or petitioner; 2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; 3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and 4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also identify the specific contentions which the petitioner/requestor seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner/requestor shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources

and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner/requestor to relief. A petitioner/requestor who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

Nontimely requests and/or petitions and contentions will not be entertained absent a determination by the Commission or the presiding officer of the Atomic Safety and Licensing Board that the petition, request and/or the contentions should be granted based on a balancing of the factors specified in 10 CFR 2.309(a)(1)(i)-(viii).

A request for a hearing or a petition for leave to intervene must be filed by: 1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; 2) courier, express mail, and expedited delivery services: Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff; 3) E-mail addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, [HEARINGDOCKET@NRC.GOV](mailto:HEARINGDOCKET@NRC.GOV); or 4) facsimile transmission addressed to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, Attention: Rulemakings and Adjudications Staff at (301) 415-1101, verification number is (301) 415-1966. A copy of the request for hearing and petition for leave to intervene should also be sent to the Office of the General Counsel, U.S.

Nuclear Regulatory Commission, Washington, DC 20555-0001, and it is requested that copies be transmitted either by means of facsimile transmission to 301-415-3725 or by email to [OGCMailCenter@nrc.gov](mailto:OGCMailCenter@nrc.gov). A copy of the request for hearing and petition for leave to intervene should also be sent Ms. Lisa F. Vaughn, Duke Power Company LLC, 422 South Church Street, Charlotte, North Carolina 28201-1006, attorney for the licensee.

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated December 20, 2005, as supplemented by letter dated May 4, 2006, which are available for public inspection at the Commission's PDR, located at One White Flint North, Public File Area O1 F21, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Electronic Reading Room on the Internet at the NRC Web site, <http://www.nrc.gov/reading-rm/adams.html>. Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS should contact the NRC PDR Reference staff by telephone at 1-800-397-4209, or 301-415-4737, or by e-mail to [pdr@nrc.gov](mailto:pdr@nrc.gov).

Dated at Rockville, Maryland, this 21st day of August 2006.

FOR THE NUCLEAR REGULATORY COMMISSION

**/RA/**

John F. Stang, Senior Project Manager  
Plant Licensing Branch II-1  
Division of Operating Reactor Licensing  
Office of Nuclear Reactor Regulation

McGuire Nuclear Station, Units 1 & 2

cc:

Ms. Lisa F. Vaughn  
Duke Energy Corporation  
526 South Church Street  
P. O. Box 1006  
Mail Code = EC07H  
Charlotte, North Carolina 28201-1006

County Manager of Mecklenburg County  
720 E. Fourth St.  
Charlotte, NC 28202

Mr. C. Jeffrey Thomas  
Regulatory Compliance Manager  
Duke Energy Corporation  
McGuire Nuclear Site  
12700 Hagers Ferry Road  
Huntersville, NC 28078

Senior Resident Inspector  
c/o U.S. Nuclear Regulatory Commission  
12700 Hagers Ferry Road  
Huntersville, NC 28078

Dr. John M. Barry  
Mecklenburg County  
Department of Environmental Protection  
700 N. Tryon St  
Charlotte, NC 28202

Mr. Peter R. Harden, IV  
VP-Customer Relations and Sales  
Westinghouse Electric Company  
6000 Fairview Road, 12th Floor  
Charlotte, NC 28210

NCEM REP Program Manager  
4713 Mail Service Center  
Raleigh, NC 27699-4713

Ms. Karen E. Long  
Assistant Attorney General  
NC Department of Justice  
P.O. Box 629  
Raleigh, NC 27602

Mr. R.L. Gill, Jr., Manager  
Nuclear Regulatory Issues &  
Industry Affairs  
Duke Energy Corporation  
526 S. Church St.  
Mail Stop EC05P  
Charlotte, NC 28202

Division of Radiation Protection  
NC Dept of Environment, Health & Natural  
Resources  
3825 Barrett Dr.  
Raleigh, NC 27609-7721

Mr. T. Richard Puryear  
Owners Group (NCEMC)  
Duke Energy Corporation  
4800 Concord Road  
York, SC 29745

Mr. Henry Barron  
Group Vice President, Nuclear Generation  
& Chief Nuclear Officer  
P.O. Box 1006-EC07H  
Charlotte, NC 28201-1006