

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

RAS 3842

DOCKETED 01/31/02

ATOMIC SAFETY AND LICENSING BOARD PANEL

SERVED 01/31/02

Before Administrative Judges:

Ann Marshall Young, Chair
Dr. Charles N. Kelber
Lester S. Rubenstein

In the Matter of

DUKE ENERGY CORPORATION

(McGuire Nuclear Station, Units 1 and 2,
Catawba Nuclear Station, Units 1 and 2)

Docket No's. 50-369-LR, 50-370-LR,
50-413-LR, and 50-414-LR

ASLBP No. 02-794-01-LR

January 31, 2002

NOTICE OF HEARING

This proceeding concerns the license renewal application (LRA) of Duke Energy Corporation (Duke), seeking approval under 10 C.F.R. Part 54 to renew the operating licenses for its McGuire Nuclear Station, Units 1 and 2, and Catawba Nuclear Station, Units 1 and 2, for additional twenty-year periods commencing in 2021, 2023, 2024 and 2026, respectively. After noting receipt of the application, see 66 Fed. Reg. 37,072 (July 16, 2001), the NRC Staff determined it to be complete and acceptable for docketing and on August 15, 2001, provided a notice of opportunity for hearing with regard to the application. See 66 Fed. Reg. 42,893 (Aug. 15, 2001). In response to this notice, Petitioners Nuclear Information and Resource Service (NIRS) and Blue Ridge Environmental Defense League (BREDL), both appearing through non-attorney representatives, timely filed petitions to intervene and requests for hearing on September 14, 2001. By Order dated October 4, 2001, the Nuclear Regulatory Commission referred the hearing requests and intervention petitions to the Atomic Safety and Licensing Board Panel, CLI-01-20, 54 NRC 211 (2001), and on October 5, 2001, an Atomic Safety and Licensing Board, consisting of the members listed above, was established to preside over the proceeding. See 66 Fed. Reg. 52,158 (Oct. 12, 2001).

Notice is hereby given that, by Memorandum and Order dated January 24, 2002, the Board granted Petitioners NIRS and BREDL a hearing, after holding oral argument in Charlotte, North Carolina, on December 18-19, 2001. LBP-02-04, 54 NRC __ (Jan. 24, 2002). In this Memorandum and Order, the Board found that both NIRS and BREDL have standing to proceed, admitted contentions relating to the anticipated use of plutonium mixed oxide (MOX) fuel in the Duke plants and to ice condensers and station blackout risks, and certified one question relating to terrorism risks to the Commission for its consideration.

This proceeding will be conducted under the Commission's hearing procedures set forth in 10 C.F.R. Part 2, Subpart G. During the course of the proceeding, the Board may conduct additional oral argument as provided in 10 C.F.R. § 2.755, hold additional prehearing conferences pursuant to 10 C.F.R. § 2.752, and conduct an evidentiary hearing in accordance with 10 C.F.R. §§ 2.750-.751. The time and place of these sessions will be announced in Licensing Board Orders. Except as limited by the parameters of telephone conferences (which will in any event be transcribed), members of the public are invited to attend any such sessions.

Additionally, as provided in 10 C.F.R. § 2.715(a), any person not a party to the proceeding may submit a written limited appearance statement setting forth his or her position on the issues in the proceeding. Persons wishing to submit a written limited appearance statement should send it to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Rulemakings and Adjudications Staff. A copy of the statement should also be served on the Chair of the Atomic Safety and Licensing Board. At a later date, the Board will entertain oral limited appearance statements at a location in the vicinity of the Duke plants, which are both situated within a 20-mile radius of Charlotte, North Carolina. Notice of these oral limited appearance sessions will be published in the *Federal Register* and/or made available to the public at the NRC Public Document Room (PDR).

Documents related to this proceeding are available electronically through the Agencywide Documents access and Management System (ADAMS), with access to the public through the NRC's Internet Web site (Public Electronic Reading Room Link, <<http://www.nrc.gov/reading-rm/adams.html>>). The NRC Public Documents Room (PDR) and many public libraries have terminals for public access to the Internet. Documents that may relate to this proceeding that are dated earlier than December 1, 1999, are available in microfiche form (with print form available on one-day recall) for public inspection at the PDR, Room 0-1 F21, NRC One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852-2738.

FOR THE ATOMIC SAFETY
AND LICENSING BOARD¹

/RA/

Ann Marshall Young, Chair
ADMINISTRATIVE JUDGE

Rockville, Maryland
January 31, 2002

¹Copies of this Notice of Hearing were sent this date by Internet e-mail or facsimile transmission, if available, to all participants or counsel for participants.

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)
)
DUKE ENERGY CORPORATION) Docket Nos. 50-369/370/413/414-LR
)
(McGuire Nuclear Station, Units 1 and 2;)
Catawba Nuclear Station, Units 1 and 2))

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB NOTICE OF HEARING DATED 01/31/02 have been served upon the following persons by deposit in the U.S. mail, first class, or through NRC internal distribution.

Office of Commission Appellate
Adjudication
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Ann Marshall Young, Chair
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge
Charles N. Kelber
Atomic Safety and Licensing Board Panel
Mail Stop - T-3 F23
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Administrative Judge, ASLBP
Lester S. Rubenstein
4760 East Country Villa Drive
Tucson, AZ 85718

Susan L. Uttal, Esq.
Antonio Fernández, Esq.
Office of the General Counsel
Mail Stop - O-15 D21
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Michael S. Tuckman, Executive Vice President
Nuclear Generation
Duke Energy Corporation
526 South Church Street
P.O. Box 1006
Charlotte, NC 28201-1006

Mary Olson
Director of the Southeast Office
Nuclear Information and Resource Service
729 Haywood Road, 1-A
P.O. Box 7586
Asheville, NC 28802

Janet Marsh Zeller, Executive Director
Blue Ridge Environmental Defense League
P.O. Box 88
Glendale Springs, NC 28629

Docket Nos. 50-369/370/413/414-LR
LB NOTICE OF HEARING DATED 01/31/02

David A. Repka, Esq.
Anne W. Cottingham, Esq.
Winston & Strawn
1400 L Street, NW
Washington, DC 20005

Paul Gunter
Nuclear Information and Resource Service
1424 16th St., NW
Washington, DC 20026

Lisa F. Vaughn, Esq.
Duke Energy Corporation
422 South Church Street
Charlotte, NC 28202

Jesse Riley
854 Henley Place
Charlotte, NC 28207

[Original signed by Evangeline S. Ngbea]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 31st day of January 2002