



**UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
REGION II  
SAM NUNN ATLANTA FEDERAL CENTER  
61 FORSYTH STREET SW SUITE 23T85  
ATLANTA, GEORGIA 30303-8931**

September 22, 2005

Duke Energy Corporation  
ATTN: Mr. G. R. Peterson  
Vice President  
McGuire Nuclear Station  
12700 Hagers Ferry Road  
Huntersville, NC 28078-8985

**SUBJECT: (MCGUIRE NUCLEAR STATION) : ALLEGED RADIATION PROTECTION  
TECHNICIAN'S WILLFUL FAILURE TO COMPLY WITH HEALTH PHYSICS  
REQUIREMENTS (OFFICE OF INVESTIGATION CASE NUMBER 2-2004-057)**

Dear Mr. Peterson:

Enclosed for your information is the synopsis of the Nuclear Regulatory Commission's (NRC) Office of Investigation's (OI) completed report regarding alleged willful failure to comply with health physics requirements by a McGuire Nuclear Station (MNS) radiation protection technician.

OI determined that there was insufficient evidence to substantiate the allegation. We plan no further action with regard to this matter. Should you have any questions concerning this letter, please contact us.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter and its enclosure will be available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm/adams.html> (the Public Electronic Reading Room).

Sincerely,

/RA/

Carolyn F. Evans  
Regional Counsel/Enforcement Officer  
Enforcement and Investigations  
Coordination Staff

Enclosure: Investigative Synopsis,  
OI Case No. 2-2004-057

## SYNOPSIS

This investigation was initiated by the U.S. Nuclear Regulatory Commission (NRC) Office of Investigations (OI), Region II (RII), on December 22, 2004, to determine if a radiation protection technician at McGuire Nuclear Station (MNS) willfully failed to comply with health physics requirements.

Based on the evidence developed during this investigation, OI:RII did not substantiate the allegation that a MNS radiation protection technician willfully failed to comply with health physics requirements.

Approved for Release  
September 8, 2005  
Oscar de Miranda

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FIELD OFFICE DIRECTOR, OFFICE OF INVESTIGATIONS, REGION II~~