

May 14, 2008

LICENSEE: Duke Energy Carolinas, LLC (Duke)  
FACILITY: McGuire Nuclear Station, Units 1 and 2  
SUBJECT: SUMMARY OF APRIL 7, 2008, PUBLIC MEETING REGARDING THE PETITION FOR ENFORCEMENT ACTION PURSUANT TO 10 CFR 2.206 ON MCGUIRE NUCLEAR STATION, UNITS 1 AND 2 (TAC NOS. MD8364 AND MD8365)

On April 7, 2008, a Category 3 public meeting was held at the U.S. Nuclear Regulatory Commission (NRC) Headquarters, One White Flint North, 11555 Rockville Pike, Rockville, Maryland. The purpose of the meeting was to provide an opportunity for Mr. William H. Smith (the petitioner) to present additional relevant information concerning his petition submitted under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 2.206. This meeting also provided the NRC staff and Duke Energy Carolinas, LLC (the licensee), an opportunity to ask clarifying questions concerning the submitted petition. A list of meeting attendees is enclosed.

#### BACKGROUND

Mr. Smith (the petitioner) of Stanley, North Carolina, had requested an opportunity to address the NRC's Petition Review Board (PRB) after learning that the PRB's initial recommendation was to reject his March 24, 2008, petition request (Agencywide Documents Access and Management System (ADAMS) Accession No. ML080850518).

In the March 24, 2008, letter, Mr. Smith requested that McGuire Nuclear Station, Unit 2 not be allowed to start up due to a potential meltdown. Mr. Smith expressed a concern that there is a potential for a massive number of tubes in "A" high pressure feed water heaters at the McGuire Nuclear Station, Units 1 and 2, to rupture because of broken top support plates. Mr. Smith also expressed concern that this event could cause feed water to enter the main turbine resulting in destruction of the turbine which in turn could cause extensive damage to the control room.

The petition manager (John Stang) of the NRC staff spoke with the petitioner on March 26, 2008. The petition manager informed Mr. Smith that the initial decision of the PRB was not to accept the March 24, 2008, letter as a 10 CFR 2.206 petition, because it did not address the criteria in NRC Management Directive 8.11, "Review Process for 10 CFR 2.206 Petitions". Further, the petition manager also offered Mr. Smith an opportunity to address the PRB and, to provide any relevant additional information and support for the request in light of the PRB's recommendations. Mr. Smith indicated that he would like to address the PRB by tele-conference on March 31, 2008. On March 27, 2008, the petition manager received a phone call from Mr. Smith and he indicated that he would like to first meet with the licensee and then address the PBR in person on April 7, 2008.



MEETING SUMMARY

The petitioner provided supplemental information in a letter dated April 5, 2008, in support of his request for enforcement action (See ADAMS Accession No. ML080990550). The petitioner presented the information to support his request for the NRC to prevent McGuire Nuclear Station Unit 2 from restarting from its current refueling outage. During the meeting, Mr. Smith submitted additional information including an original report prepared for the licensee by Mr. Thomas G. Haynes of PPHX in 1990. Mr. Smith indicated that portions of the report may be proprietary in nature and requested the report to be handled in accordance with the proper NRC procedures. By letter dated April 16, 2008, the licensee provided the NRC with a redacted version of the report (See ADAMS Accession Nos. ML081130482).

Following the presentation by Mr. Smith, the NRC staff asked clarifying questions of the petitioner about the presentation. A court reporter was present during the public meeting. A transcript of the proceedings is publicly available (See ADAMS Accession No. ML081070451).

Members of the public were in attendance. Public Meeting Feedback forms were not received.

Please direct any inquiries to me at 301-415-1345, or [jfs2@nrc.gov](mailto:jfs2@nrc.gov).

**/RA/**

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

Docket Nos. 50-369 and 50-370

Enclosure:  
List of Attendees

cc w/encl: See next page



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

Docket Nos. 50-369 and 50-370

Enclosure:  
 List of Attendees

cc w/encl: See next page

DISTRIBUTION:

PUBLIC	T. Mensah, NRR	RidsNrrPMSLingam
LPL2-1 R/F	S. Jones, NRR	S. Gardockie, NRR
RidsNrrDorlLpl2-1 (MWong)	D. Harrison, NRR	J. Brady, NRR
RidsNrrPMJStang	R. Carroll, RII	R. Carroll, NRR
RidsNrrLAMO'Brien	R. Uhle, NRR	RidsRgn2MailCenter (KWeaver)
RidsOgcRp	RidsAcrcAcnw&mMailCenter	D. Wright, NRR
H. Nieh, NRR	G. Longo, OGC	M. Cox, Edo Rgn II
R. Jasinski, NRR	C. Tucci, NRR	

Package: ML081160155  
 Summary Accession No. ML081160139  
 Meeting Notice Accession No. ML080920016 NRC-001

OFFICE	LPL2-1/PM	LPL2-1/LA	LPL2-1/BC
NAME	JStang	MO'Brien	MWong
DATE	5/14/08	5/13/08	5/14/08

LIST OF ATTENDEES  
PUBLIC MEETING ON APRIL 7, 2008  
REGARDING THE PETITION FOR ENFORCEMENT ACTION PURSUANT  
TO 10 CFR 2.206 ON MCGUIRE NUCLEAR STATION, UNITS 1 AND 2  
(TAC NOS. MD8364 AND MD8365)

NRC - HQ

Giovanna Longo	OGC
Ho Nieh	DPR
Tanya Mensah	DPR
John Stang	DORL
Melanie Wong	DORL
Siva Lingam	DORL
Donald Harrison	SBPB
Steve Jones	SBPB
Stanley Gardockie	SBPB

Petitioner

William H. Smith

Licensee

Melvin Arey	Duke Energy Carolinas, LLC
James Kammer	Duke Energy Carolinas, LLC
Kate Nolan	Duke Energy Carolinas, LLC

Members of the Public

Jane Smith	
Mark Wetterhahn	Winston and Strawn
Charles Brinkman	Westinghouse

The following individuals participated by teleconference:

NRC – RIII

Joe Brady	Senior Resident Inspector
Robert Carroll	DRP/PE
Ryan Uhle	Observer
Donna Wright	Observer

Enclosure

McGuire Nuclear Station, Units 1 & 2

cc:

Vice President  
McGuire Nuclear Station  
Duke Energy Carolinas, LLC  
12700 Hagers Ferry Road  
Huntersville, NC 28078

Associate General Counsel and Managing  
Attorney  
Duke Energy Carolinas, LLC  
526 South Church Street - EC07H  
Charlotte, North Carolina 28202

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

Regulatory Compliance Manager  
Duke Energy Corporation  
McGuire Nuclear Site  
12700 Hagers Ferry Road  
Huntersville, NC 28078

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

Mecklenburg County  
Department of Environmental Protection  
700 N. Tryon St  
Charlotte, NC 28202

Vice President  
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

Assistant Attorney General  
NC Department of Justice  
P.O. Box 629  
Raleigh, NC 27602

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

Owners Group (NCEMC)  
Duke Energy Corporation  
4800 Concord Road  
York, SC 29745

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

Senior Counsel  
Duke Energy Carolinas, LLC  
526 South Church Street - EC07H  
Charlotte, NC 28202