

RAS 3426

UNITED STATES OF AMERICA

BEFORE THE NUCLEAR REGULATORY COMMISSION

Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Rockville, Maryland
Postal Address: Washington, DC 20555

DOCKETED
USNRC

September 14, 2001 (11:50AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)
)
Duke Energy Corporation)
McGuire Units 1 and 2, and)
Catawba, Units 1 and 2)
)
Regarding Renewal of Facility Operating)
License Nos. NPF-9, NPF-17, NPF-35,)
and NPF-52 for an)
Additional 20-Year Period)
_____)

Docket Nos. 50-369, 370, 413
and 414

September 11, 2001

REQUEST FOR HEARING
And
PETITION TO INTERVENE

Nuclear Information & Resource Service (petitioner) files this REQUEST FOR A HEARING and PETITION TO INTERVENE on the above referenced matter in response to Federal Register Notice of August 15, 2001 (Volume 66, # 158) pages 42893-42894, in accordance with the provisions of 10 CFR 2.714.

1. Nuclear Information and Resource Service is a non-profit corporation with over 6000 members, many of whom live in the Southeastern part of the United States. The central office of the organization is located at 1424 16th St. NW, Washington, DC 20036; however the day-to-day business of this Request for Hearing and Petition to Intervene shall be conducted via the Southeast Office, located at 729 Haywood Road, A-1

Template = SECY-037

SECY 02

Asheville, North Carolina 28806, and mailing address of P.O. Box 7586 Asheville, North Carolina, 28802. Nuclear Information and Resource Service has a mission to promote a non-nuclear energy policy, and a concern for the health and safety of the people and ecospheres of North and South Carolina, as well as those potentially affected worldwide.

2. At this time, Nuclear Information and Resource Service is entering this license action as a staff and volunteer effort, without legal representation. NIRS has authorized the undersigned, Mary Olson, to represent it in this proceeding. Ms. Olson is the Director of the Southeast Office.

3. Members of Nuclear Information and Resource Service (NIRS) who live or have property and family within the immediate area of McGuire 1 & 2 and Catawba 1 & 2 have requested that Nuclear Information & Resource Service represent them and their interest in this proceeding. The Declaration of Ronald Phillip Barnette, is attached to this Request and Petition, those of Phyllis St. Clair and Jan Jenson are to be appended, on receipt, by the Secretary's office. We, and they, believe that their interests would not be adequately represented without this action to intervene, and participation as a full party in this proceeding. If the McGuire and Catawba licenses are renewed without resolving NIRS' safety and environmental concerns, these plants may operate unsafely and pose an unacceptable risk to the environment, thereby jeopardizing the health and welfare of NIRS members who live in the vicinity.

4. The license renewal application is untimely and incomplete.

At the outset, NIRS wishes to raise its concern that the license renewal application is fundamentally deficient because it does not address the safety and environmental implications of using Mixed Oxide (“MOX”) fuel at Catawba and McGuire. In 1999, Duke (as a member of a consortium) was awarded a contract under the Department of Energy’s plutonium disposition program. This contract names these four Duke reactors (and only two others not operated by them) as plutonium disposition “Mission Reactors.” The Department of Energy contract would appear to require Duke to close its reactors in order to remove them from “Mission” status.

Even though this contract is in force, has the clear expectation that mixed oxide fuel from weapons grade plutonium will be used as fuel in McGuire 1 & 2 and Catawba 1 & 2, and even appears to impose the penalty of shutdown if the reactors are not used to burn MOX, Duke’s license renewal application fails to address any issues related to the use of MOX fuel. In fact, Duke explicitly asks that the NRC disregard its intended use of MOX fuel in reviewing the application.

NIRS believes it would violate the National Environmental Policy Act for the NRC to conduct a proceeding on the renewal of these licenses for continued operation using uranium-based fuel, when Duke has every expectation of using MOX fuel. Moreover, such a proceeding would be grossly inefficient, and a severe waste of both NRC’s and NIRS’ limited resources.

5. In the context of license renewal, other issues on which we seek a hearing include safety and environmental aspects of the following concerns:

New information on station blackout probability and early containment failure for these four reactors requires attention to severe accident mitigation on a site-specific basis.

There are obvious and immediate ways to at least partially mitigate the increased risk that these atomic power stations pose to the Charlotte area.

Duke Power recently obtained license renewals from the Nuclear Regulatory Commission for the three Oconee reactors, only to subsequently find some of the most severe age-related degradation of metal components in the US reactor fleet at this site. The Duke Generic Aging Lessons Learned surveillance program failed to apprehend this situation. Duke comes now for four more license renewals. We charge that the current process is not adequate to insure public health, safety and safe ongoing facility performance within the current license basis.

We are particularly concerned that use of plutonium fuel will exacerbate the previous two concerns.

We are also concerned about aging of the ice condenser reactors in particular since it may lead to further complications with the ice beds, as well as environmental impacts associate with CFC release due to aging.

We are concerned that the impacts of thermal and radioactive release from the two McGuire atomic stations are cumulative and perhaps not linear in terms of aging impacts...that may result in water use conflicts since Charlotte drinking water is drawn below Lake Norman.

We are also concerned about entrainment of fish, impingement of fish, and heat shock in Lake Norman. We are also concerned about groundwater impacts ground water quality impacts and ground water use impacts.

We are concerned about the Carolina Heelsplitter, and endangered species, with respect to many of these points, including water use conflicts on the Catawba River.

We are concerned about microbial mutations due to reactor operations, which may be impacting other organisms in this biome.

We are concerned with land use and demographic changes on both Lake Norman and Lake Wylie. We are concerned about transportation, particularly in the Lake Norman area.

We believe that there are underlying and pernicious environmental justice issues, particularly with respect to Duke's participation in the Plutonium Disposition program. Duke has a corporate history of exploitation of less privileged communities, and they are participating in a program that once again displays this profile.

In the light of the events on September 11, 2001 we are concerned that the NRC and Duke have not credibly considered terrorism and sabotage, with or without plutonium fuel in use, but certainly the plutonium fuel question highlights the need for this consideration in the near future. We are also concerned that an additional 20 years of operation increases the potential for larger aircraft being built and flown – when the plant was not designed for impacts from larger aircraft. We are further concerned that additional nuclear waste generation over the extended license period may result in a growing radiological burden in both wet and dry storage at these sites increasing the potential radiological and nuclear hazards resulting from an act of aggression.

Nuclear Information and Resource Service requests that its Petition to Intervene be approved, and that NIRS be made a full party to the NRC proceeding in these matters.

Respectfully submitted,



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

828-251-2060

nirs.se@mindspring.com

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September 11, 2001

State of North Carolina
County of Buncombe

Notice of Appearance of Mary Olson *

Pursuant to 10 C.F.R. § 2.713(b), Mary Olson hereby enters an appearance on behalf of Nuclear Information and Resource Service ("NIRS"), and provides the following information:

1. I am the Southeast Director of NIRS. My address and telephone number are:
929 HAYWOOD RD ASHVILLE, NC 28806 / P.O. BOX 7586 ASHVILLE 28802
328-251-2000
2. NIRS' address and telephone number are: 1424 16th ST NW #404
202-328-0002 WASHINGTON, DC 20036
3. I have been appointed by NIRS to represent the organization and its members in this proceeding.



Mary Olson

September 14, 2001

* A REVISED FORMAT WILL
BE PROVIDED... AN OVERSIGHT RESULTS
IN THIS BEING TO MEET
TIMELY FILING... MCO

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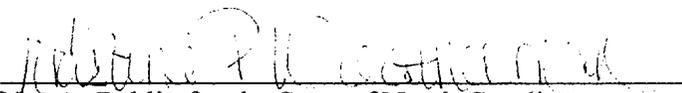
Declaration of Mary Olson

Under penalty of perjury, I, Mary Olson, declare that I have been appointed by Nuclear Information and Resource Service ("NIRS"), the Petitioner in the above referenced matter, to represent NIRS and its members in this proceeding; that I have knowledge of the facts and matters herein concerned; that I coordinated the preparation of the foregoing Request for Hearing and Petition to Intervene; and that to the best of my knowledge and belief the matters stated in NIRS' Request for Hearing And Petition to Intervene are true and correct.



Mary Olson

September 11, 2001



Notary Public for the State of North Carolina
My Commission expires: 1-1-2003

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NUCLEAR REGULATORY COMMISSION
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DECLARATION OF RONALD PHILLIP BARNETTE

Comes now Ronald Phillip Barnette, who declares under penalty of perjury as follows:

1. I authorize and request Nuclear Information and Resource Service (NIRS) to represent me and my interests in the above proceeding involving Duke Energy's application to renew the operating license of the Catawba Units 1 and 2 and McGuire Units 1 and 2 nuclear power plants. More specifically, I authorize Mary Olson, a staff member of NIRS, or anyone else NIRS designates, to represent me and my interests.

2. I have been associated with NIRS since September 2000, I have been a dues paying member of NIRS since September 2001.

3. I reside at 339 Coachman Hills Drive, Old Fort, NC 28762, and own property in the Stallings community, between Highway 74 (New Charlotte Hwy) and Old Highway 74 (Monroe Road), approximately 6 miles west of Monroe, NC. My property lies within forty miles of the Catawba and McGuire reactors. I also have extended family living within forty miles of these reactors, including parents, aunts, uncles, cousins, nieces, nephews, stepchildren, and grandchildren. My wife and I have visited with these

family members 6 – 8 times a year for the last 6 years, and expect to visit even more often (and for longer periods of time) in the future, due to declining health of some family members. My parents garden and preserve garden produce, which they share with my wife and me when we visit, as well as with my children and grandchildren. I have serious concerns about the hazards to my health and the health of my family members posed by the extended operation of the four Duke nuclear power reactors, Catawba 1 and 2 and McGuire 1 and 2.

4. I am concerned about future shipments of plutonium fuel on the roads near my home. I believe that exposure to radiation from these shipments could injure my health.

5. I have read NIRS' Request for Hearing, and am concerned that the problems raised in that document could affect the health and safety of myself and my family. If NIRS's position is upheld, there is a reduced likelihood of a serious accident at these facilities and I am less likely to suffer injury.

This statement is made under penalty of perjury.

Ronald Phillip Barnette
Ronald Phillip Barnette
September 11, 2001
Date

To: Mary Olson <nirs.se@mindspring.com>
From: Jan Jenson <jjenson@i-america.net>
Subject: Returning BETTER DRAFT FOR YOU TO WORK WITH
Cc:
Bcc:

X-Attachments:

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DECLARATION OF JAN JENSON

Comes now Jan Jenson who declares under penalty of perjury as follows:

1. I authorize and request Nuclear Information and Resource Service (NIRS) to represent me and my interests in the above proceeding involving Duke Energy's application to renew the operating license of the Catawba Units 1 and 2 and McGuire Units 1 and 2 nuclear power plants. More specifically, I authorize Mary Olson, a staff member of NIRS, or anyone else NIRS designates, to represent me and my interests.

2. Since September 2000, I have been a dues paying member of NIRS.

3. I reside at 408 N. Center Street, Statesville, NC 28677 with my daughter, Shelly Roberts, age 36. My home lies within forty miles of the Catawba and McGuire reactors. I believe my life and health are jeopardized by the extended operation of the four Duke nuclear power reactors, Catawba 1 and 2 and McGuire 1 and 2. I am also concerned for the safety and health of my immediate family and most of my extended family, who either live with me or nearby. Our safety and health would be adversely impacted by increased radioactive releases from extended operations, wastes generated, and any accident which becomes more likely with time, age and changes in reactor operations. Our air, drinking water, bodies and property are all at risk. Further, my livelihood [in the field of real estate photography and home cleaning business] is impacted now by uncertainty associated with selling property near these nuclear facilities, and would be irreparably damaged in the event of a nuclear accident which resulted in contamination in this region.

4. I am concerned about future shipments of plutonium fuel on the roads near my home. I believe that exposure to radiation and vehicle exhaust from these shipments would be VERY damaging to my health.

5. I have read NIRS' Request for Hearing, and am concerned that the problems raised in that document could affect the health and safety of myself and my family. If NIRS's position is upheld, there is a reduced likelihood of a serious accident at these facilities and I am less likely to suffer injury.

This statement is made under penalty of perjury.

Jan Jenson

9-14-01

7-14-01

TO: Mr. Emile Julian
From: Jan Jenson
Re: Enclosed Declaration

Please attach the enclosed Declaration re: Duke License Renewal application to the Nuclear Information & Resource Service Request for Hearing and Petition to Intervene.

Thank you

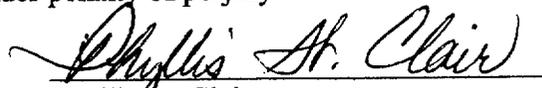
Jan Jenson

is becoming more likely with time, age and changes in reactor operations. Our air, drinking water, bodies and property are all at risk. Further, my livelihood in the field of Real Estate is impacted now by uncertainty associated with selling property near these nuclear facilities, and would be irreparably damaged in the event of a nuclear accident which resulted in contamination in this region.

4. I am concerned about future shipments of plutonium fuel on the roads near my home. I believe that exposure to radiation and vehicle exhaust from these shipments could injure my health.

5. I have read NIRS' Request for Hearing, and am concerned that the problems raised in that document could affect the health and safety of myself and my family. If NIRS's position is upheld, there is a reduced likelihood of a serious accident at these facilities and I am less likely to suffer injury.

This statement is made under penalty of perjury.



Phyllis St. Clair
Sept. 12, 2001
Date