

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

August 25, 2003 (11:00AM)

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

In the Matter of)

Duke Energy Corporation, et al)
McGuire Units 1 and 2, and)
Catawba, Units 1 and 2)

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

Regarding Proposed Amendment of)
License Nos. NPF-9, NPF-17, NPF-35,)
and NPF-52 and Eexpemption From)
Selected Regulations in Order to Test)
MOX Plutonium Fuel Assemblies)

August 21, 2003

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 July 25, 2003 Volume 68, Number 143, (pages 44107-
44108), 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, 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 ecosphere that includes North and South Carolina, as well as those potentially affected by the proposed action worldwide.

2. At this time, Nuclear Information and Resource Service is entering this license amendment 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 and 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 Declarations of Gray Newman, Kathryn Koppers, Nancy Jocoy, Gregg Jocoy and Sherry Lorenz are attached to this Request and Petition. Further, the Declarations of Kate Boniske and Dr. Lewis Patrie, also NIRS members in Asheville, North Carolina, living within 5 miles of Interstates 40 and / or 26 where irradiated MOX fuel would be transported are attached. 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 amended or exempted from regulations in order to test MOX plutonium fuel without resolving NIRS' safety and

environmental concerns, these plants may operate unsafely now or in the future and pose an unacceptable risk to the environment, thereby jeopardizing the health and welfare of NIRS members who live in the vicinity. We wish to thank the late Mr. Jesse Riley, in memoriam, for having assisted in identifying many of these concerns and his participation as a member of Nuclear Information and Resource Service in the past.

4. Consideration of these license amendments and requests for multiple exemptions by the Nuclear Regulatory Commission is not timely. A significant problem with a relatively high risk of occurrence -- containment sump failure, and associated additional failures -- exists at all four of the Duke reactors being considered for license amendment and exemption. This problem has been identified to the Commission by the Union of Concerned Scientists. The presence of experimental weapons grade MOX fuel and novel cladding in the core of the Catawba or McGuire reactors in the event of such an occurrence would compound the already significantly complex and dangerous situation, and could gravely impact NIRS members in the Charlotte region. The fact that the NRC is contemplating a lengthy period to address this situation while expediting a license amendment that would result in making matters worse in the event of a Loss of Coolant Accident combined with a containment sump failure is inappropriate. The NRC, charged with protecting public health and safety should not even consider the increased risks posed by the proposed Duke license amendment to test MOX fuel until this urgent matter is fixed at all four reactors.

5. The license amendment is again not timely and the request reflects a commitment of resources that are not warranted at this time. Uncertainty is growing in the joint US / Russian plutonium disposition agreements, program and funding. The Russian MOX factory remains underfunded, and the US has allowed technical agreements under the plutonium disposition program to lapse. Both of these circumstances call into question the viability of these agreements. All of the expense and risk associated with using weapons grade plutonium as fuel in the USA has, to date, been justified by the alleged benefits of a bi-lateral program with the Russians and the problem of security for former Soviet fissile material.

6. The license amendment request is untimely. At the present time it is not clear what the source of the plutonium oxide for the lead test assemblies will be, how it will have been processed, or where, precisely, the lead test assemblies will be manufactured. It is not even clear that weapons grade plutonium of US origin will be used to make the test fuel. Further, the Department of Energy has not yet done the environmental impact statement on the European fabrication of the LTAs that was previously drafted and promised to the government of Belgium. Since these factors are not known, and the analysis not done, it is not possible for Duke to assert that the lead test assemblies are representative of the plutonium fuel that would be irradiated in batch quantities, if approved by the NRC. If the LTAs are not representative of the batch fuel, it will not be possible to use the data generated from the proposed tests to bound the safety issues that would be engendered by the intended batch irradiation. Consideration of a license

amendment now would be grossly inefficient, and a severe waste of both NRC's and NIRS' limited resources.

7. At such time as the above-enumerated issues of ripeness are resolved, the Duke license amendment and exemption application ("application") is incomplete. The application is fundamentally deficient because it does not fully address all the environmental and safety implications of using Mixed Oxide ("MOX") fuel at Catawba 1 & 2 and McGuire 1 & 2 reactors. Further the application to test weapons grade plutonium MOX fuel assemblies is integral to the larger action of irradiating / using weapons grade MOX plutonium fuel to the 40% level that Duke states is their intent. Duke's Environment Report and safety and risk analysis for the proposed amendment does not begin to cover the complex issues that use of MOX fuel raises. NRC must undertake a full environmental impact statement process and safety analysis to inform this major federal action, or the preferred denial of it.

NIRS believes it would violate the National Environmental Policy Act for the NRC to conduct a proceeding solely on the irradiation of Lead Assemblies as a separate issue from the question of the intended full-use of MOX. NIRS has previously asserted that the decision to license the use of MOX fuel by a commercial light water reactor in the USA is a major federal action; it is unprecedented. The fleet of light water reactors in the United States was never intended to use MOX plutonium fuel; they were not designed for it. "Batch" MOX plutonium fuel use would require additional changes in the technical specifications, possibly changes in the physical configuration of the reactor, altering the

FSAR substantially, likely in reactor operations and protocols and therefore sweeping changes in the current license basis of these reactors.

A shift from low-enriched uranium to plutonium fuel at these four reactors certainly has significant implications for public health and safety. The work of Dr. Edwin Lyman¹, reflected in the Department of Energy's Final Environmental Impact Statement on Plutonium Disposition² shows that a severe accident involving weapons grade plutonium in a partial MOX core would result in a significantly greater number of latent cancer fatalities than the same accident with conventional uranium fuel.

Low-enriched uranium fuel was assumed throughout the Environmental Impact Statements done for the original licenses of these reactors, as well as the current license renewal proceedings for all four Duke reactors. The assumptions about waste, worker impacts, releases of all kinds including thermal and countless other environmental parameters based on LEU fuel may not accurately represent the impact of MOX plutonium use. Further, no reactor in the world has used weapons grade plutonium before. Weapons grade plutonium as a security issue was never trivial, and has only gained greater significance since the events of September 11, 2001.

This program, if it proceeds, will most certainly set precedents, both in this country and abroad. This is not a small, one-time license amendment / exemption request.

¹ See Plutonium Fuel and ice Condenser Reactors: A Dangerous Combination, by Edwin S. Lyman, PhD, posted at <http://www.nci.org/e/el-ice-condensers.htm> and also other reports by Dr. Lyman on that site.

² Office of Fissile Materials, Surplus Plutonium Disposition Final Environmental Impact Statement, see Vol 1. Part A 3.7 and accompanying Record of Decision.

The Atomic Safety Licensing Board³ reviewing the Duke license renewal application previously admitted the contention that MOX use deserves a complete environmental impact statement. On appeal the Commissioners granted⁴ Duke's request to forestall consideration of MOX use, citing the fact that Duke had not yet applied to NRC for to use MOX plutonium fuel (until now); the Department of Energy contract⁵ naming Catawba 1 & 2 and McGuire 1 & 2 as "Mission Reactors" that was in force at that time (and is still), notwithstanding.

The fact that Duke now comes requesting authorization to test weapons grade MOX plutonium fuel, combined with the language in the Department of Energy contract that would appear to compel Duke to close its reactors in order to remove them from surplus plutonium disposition "Mission" status, forces the NRC to take an action. Under the National Environmental Policy Act, on behalf of our members, we urge that the Nuclear Regulatory Commission take the "No Action Alternative" and deny the license amendment. Further the application to test MOX fuel assemblies is integral to the larger action of irradiating / using weapons grade MOX plutonium fuel to the 40% level that Duke states is their intent. Duke's application does not begin to cover the complex issues that use of MOX fuel raises. NRC must undertake a full environmental impact statement process to inform this major federal action, or the preferred denial of it, particularly since

³ Atomic Safety and Licensing Board ("ASLB") in LBP-02-04, 55 NRC 49, 96-107 (2002).

⁴ CLI-02-14, 55 NRC 278, 294-97 (2002)

⁵ Contract DE-AC02-99CH10888 between the Department of Energy signed by John D. Greenwood contracting officer and Duke, COGEMA, Stone and Webster, LLC signed by Robert H. Ihde, President and CEO on March 3, 1999 specifies that Catawba 1 & 2 and McGuire 1 & 2, as "mission reactors" will

the Department of Energy denied our request for such a analysis saying that it would be up to the Nuclear Regulatory Commission.

NIRS believes it would violate the National Environmental Policy Act for the NRC to conduct a proceeding solely on the irradiation of Lead Assemblies as a separate issue from the question of the intended full-use of MOX. Moreover, such a proceeding would be grossly inefficient, and a severe waste of both NRC's and NIRS' limited resources.

8. The timing of this action as the US Light Water Reactor fleet, and Catawba and McGuire as part of it, are aging points to the intersection between aging equipment and fuel that may accelerate these processes. Since the license renewal for these reactors is still pending, it would be timely to consider the impact of experimental weapons grade MOX fuel use on the aging of the reactors and proposed extended operations.

9. In the context of the proposed license amendment and exemption from regulation, other issues on which we seek a hearing include safety and environmental aspects of the following concerns:

Radiological impacts of weapons grade MOX plutonium fuel irradiation on both workers and members of the public, including both in routine operations and due to accidents or incidents. The increase and overall change of source term associated with weapons grade

provide "irradiation services" for surplus plutonium and may only be replaced if shutdown for either economic or safety reasons.

MOX plutonium fuel assemblies in the core and the fuel pool increases the impact of any radiological event / release as compared to current low enriched uranium fuel.

Security: Including but not limited to transfer of weapons-usable plutonium to a commercial facility and the location of the commercial facility in a major North Carolina population zone, Charlotte. Threats against nuclear energy generating sites within the USA have been documented and attributed to known terrorists. NIRS is concerned that the use of weapons-usable MOX fuel will increase the chances that these sites might be targeted for acts of aggression. The increase and change in source term at these sites would mean a greater impact due to a release caused by terror attack.

Quality assurance (QA) and quality control (QC): Uncertainty associated with the poor history of QA and QC programs in European and British MOX production is magnified by the fact that the LTA MOX fuel will have no second party certification, let alone third party certification of the fuel product since Framatome is designated to run the QA program and also certify the fuel for DCS.

Transportation of weapons-usable plutonium: Local and international transport of weapons-usable plutonium deserves full consideration and public participation of an environmental impact statement.

Validity of assumptions: Duke repeatedly assumes that the European experience with reactor-grade plutonium MOX fuel is valid for weapons grade plutonium MOX. If the

amendment is granted, NIRS members will be subjected to the outcome of the first test of these assumptions; therefore they are experiencing elevated risk of many kinds.

Thermal issues: Including concern about the increased thermal out-put and conductivity of MOX fuel in the core, in the fuel pool, in future transportation of irradiated fuel as waste and long-term disposition. Concerns include, but are not limited to ability to cool the reactors during periods of heat and drought, increased thermal discharge of the reactors to the Catawba River as well as conditions during a Loss of Coolant Accident and / or Station Black-Out in both the reactor core containing weapons grade MOX assemblies, or the cooling pool.

Increased reactivity: Potential for loss of control in the core during a full or partial scram of the reactor, with associated thermal issues due to weapons grade plutonium MOX fuel and the increased fission rate of the plutonium at higher temperatures, as compared to LEU where fission is less likely at higher temperatures. The cascading factors include ability of the cooling system to off-set this, as well as the cladding to withstand rising temperatures.

Concerns about reactor aging: Long term use of MOX fuel will accelerate aging and embrittlement of key components, as was raising by NIRS in a contention accepted by the Atomic Safety Licensing Board under the proceeding on Duke license renewal of Catawba 1 & 2 and McGuire 1 & 2⁶.

Potential containment sump failure must be factored in accident analyses. Such an event would change assumptions about core cooling and other parameters in a Loss Of Coolant Accident. Plutonium fuel and novel cladding are additional, compounding factors in the event of a Loss of Coolant Accident that may be more than additive in effect (synergistic) due to limitations of current models and the unknowns of the human factor. Duke does not currently assess loss of sump pump function in accident analyses for the McGuire and Catawba reactors.

Impact of MOX fuel use on indemnification and liability.

We are also concerned about the intersection between the aging of the ice condenser reactors, relatively weak containment, and the use of MOX fuel.

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 and the recently publicized lack of a evacuation plan for metropolitan Charlotte.

We are concerned about the safety and security during transportation of irradiated MOX fuel from Catawba and McGuire to Oak Ridge.

We are concerned about the disposition, safety and security of the irradiated MOX fuel while at Oak Ridge, and after the testing, as well as the addition to the Oak Ridge National Lab source term.

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 profile⁷.

We acknowledge that some aspects of our concerns become more relevant to the impact that using weapons grade MOX plutonium fuel at the intended 40% rate, however all of these issues are triggered by the insertion of four weapons grade MOX fuel assemblies. The only reason to insert four is to insert more.

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

⁷ NUREG-1767 Draft EIS on the Construction and Operation of a Mixed Oxide Fuel Fabrication Facility at the Savannah River Site, South Carolina, page 2-35, line 6 the NRC finds: ³Of the accidents evaluated, a hypothetical explosion accident at the proposed MOX facility had the highest estimated short-term impacts, approximately 50 latent cancer fatalities (LCFs) among members of the off-site public. A hypothetical tritium release at the PDCF [pit disassembly and conversion facility] had the highest 1-year exposure impact, approximately 200 LCFs among members of the off-site public. (figures are from revised edition of draft EIS) . . . the communities most likely to be affected by a significant accident would be minority or low income, given the demographics and prevailing wind direction. The counties of the Central Savannah River region are among the poorest in the USA.

Respectfully submitted,



Mary Olson
Director of the Southeast Office
Nuclear Information and Resource Service
P.O. Box 7586
Asheville, NC 28802
828-675-1792
nirs.se@mindspring.com

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

In the Matter of

Duke Energy Corporation
McGuire Units 1 and 2, and
Catawba, Units 1 and 2

Regarding Proposed Amendment of
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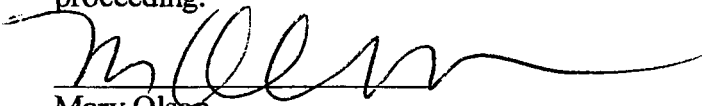
August 21, 2003

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:
P.O. Box 7586 Asheville, North Carolina, 28802; 828-675-1792
2. NIRS' address and telephone number are: 1424 16th St. NW Suite 404, Washington, DC 20036; 202-328-0002
3. I have been appointed by NIRS to represent the organization and its members in this proceeding.


Mary Olson

August 21, 2003

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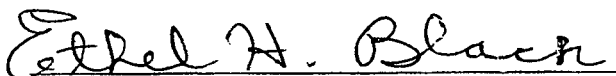
State of North Carolina
County of Buncombe

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

August 21, 2003



Notary Public for the State of North Carolina

My Commission expires: June 21, 2004

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

**Secretary
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Rockville, Maryland
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selected regulations in order to test MOX)	
plutonium fuel assemblies)	

DECLARATION OF KATHRYN KUPPERS

Comes now Kathryn Kuppers, 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 amend the operating license of the Catawba Units 1 and 2 and McGuire Units 1 and 2 nuclear power plants, and exempt them from specific regulations in order to test MOX plutonium fuel, for the stated intention to use MOX as fuel in these reactors in the future. More specifically, I authorize Mary Olson, a staff member of NIRS, or anyone else NIRS designates, to represent me and my interests.

2. Since August 2003, I have been a dues paying member of NIRS.

3. I reside at 729 Honeysuckle Lane, Midland, North Carolina, with my husband Freddie A. Helms, and my son George K. Helms. My home lies within forty miles of the Catawba and McGuire reactors. I believe my life and health are jeopardized by the proposed amendments and exemptions from current regulation of the four Duke nuclear power reactors, Catawba 1 and 2 and McGuire 1 and 2 in order to test MOX plutonium fuel. 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 potential for increased radioactive releases from changes in operations, wastes generated, and any accident which becomes more likely with changes in reactor operations. Our air, drinking water, bodies and property are all at risk. Further, my husband's business, which is the main source of income for my immediate family, is located within a forty mile

radius of both the Catawba and the McGuire nuclear reactors, and would be irreparably damaged in the event of a nuclear accident or other event which resulted in contamination in this region.

4. I am concerned about future shipments of plutonium fuel on the roads near my home. Events both accidental and malicious that might be associated with the transportation of unirradiated weapons grade plutonium in fuel through our community and storage on the reactor site place me and my family at greater risk than we are today. 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.

Kathryn Koppers
Kathryn Koppers
8/13/2003
Date

Date: Sun, 17 Aug 2003 10:43:20 -0400
From: Mary Olson <nirs.se@mindspring.com>
Subject: declaration in body of message
To: Sherry Lorenz [REDACTED]
X-Accept-Language: en-us, en
User-Agent: Mozilla/5.0 (Windows; U; Win98; en-US; rv:1.4) Gecko/20030624
Netscape/7.1 (ax)
X-ELNK-Trace:
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b72f9c350badd9bab72f9c350badd9bab72f9c
Original-recipient: [REDACTED]

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DECLARATION OF SHERRY LORENZ

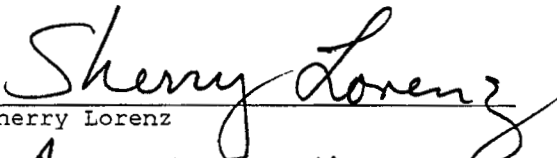
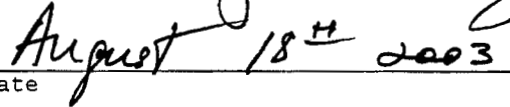
Comes now Sherry Lorenz, who declares under penalty of perjury as follows:

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 amend the operating license of the Catawba Units 1 and 2 and McGuire Units 1 and 2 nuclear power plants, and exempt them from specific regulations in order to test MOX plutonium fuel, for the stated intention to use MOX as fuel in these reactors in the future. 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 Nuclear Information and Resource service since 2000, and since August 2003, I have been a dues paying member of NIRS.
3. I reside at 25031 Tega Cay Drive, in Tega Cay, South Carolina. My home lies within forty miles of the Catawba and McGuire reactors. I believe my life and health are jeopardized by the proposed amendments and exemptions from current regulation of the four Duke nuclear power reactors, Catawba 1 and 2 and McGuire 1 and 2 in order to test MOX plutonium fuel. I am also concerned for the safety and health of my immediate family, who either live with me or nearby. Our safety and health would be adversely impacted by potential for increased radioactive releases from changes in operations, wastes generated, and any accident which becomes more likely with changes in reactor operations. Our air, drinking water, bodies and property are all at risk. Further, my livelihood as a Sales Representative would be irreparably damaged in the event of a nuclear accident or other event which resulted in contamination in this region.

4. I am concerned about future shipments of plutonium fuel on the roads near my home. Events both accidental and malicious that might be associated with the transportation of unirradiated weapons grade plutonium in fuel through our community and storage on the reactor site place me and my family at greater risk than we are today. I believe that exposure to radiation and vehicle exhaust from these shipments could injure my health.

5. I have read NIRS's 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 or other disruption at these facilities and I am less likely to suffer injury.

This statement is made under penalty of perjury.


Sherry Lorenz

date

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plutonium fuel assemblies)	
)	

DECLARATION OF GREGG JOCOY

Comes now Gregg Jocoy, 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 amend the operating license of the Catawba Units 1 and 2 and McGuire Units 1 and 2 nuclear power plants, and exempt them from specific regulations in order to test MOX plutonium fuel, for the stated intention to use MOX as fuel in these reactors in the future. 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 2001, and renewed my dues paying membership in August 2003.

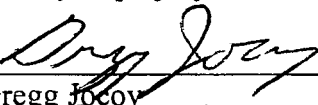
3. I reside at 203 Pond View Lane, Fort Mill, SC 29715 with my wife Nancy Jocoy and daughter Kathleen Jocoy. My home lies within forty miles of the Catawba and McGuire reactors. I believe my life and health are jeopardized by the proposed

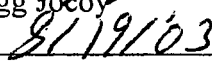
amendments and exemptions from current regulation of the four Duke nuclear power reactors, Catawba 1 and 2 and McGuire 1 and 2 in order to test MOX plutonium fuel. I am also concerned for the safety and health of my immediate family and much of my extended family, who either live with me or nearby. Our safety and health would be adversely impacted by potential for increased radioactive releases from changes in operations, wastes generated, and any accident which becomes more likely with changes in reactor operations. Our air, drinking water, bodies and property are all at risk. Further, my livelihood would be irreparably damaged in the event of a nuclear accident or other event which resulted in contamination in this region.

4. I am concerned about future shipments of plutonium fuel on the roads near my home. Events both accidental and malicious that might be associated with the transportation of unirradiated weapons grade plutonium in fuel through our community and storage on the reactor site place me and my family at greater risk than we are today. I believe that exposure to radiation and vehicle exhaust from these shipments would 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.



Gregg Jocoy


Date

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plutonium fuel assemblies)
_____)

DECLARATION OF W. GRAY NEWMAN Jr.

Comes now W. Gray Newman Jr., 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 amend the operating license of the Catawba Units 1 and 2 and McGuire Units 1 and 2 nuclear power plants, and exempt them from specific regulations in order to test MOX plutonium fuel, for the stated intention to use MOX as fuel in these reactors in the future. More specifically, I authorize Mary Olson, a staff member of NIRS, or anyone else NIRS designates, to represent me and my interests.

2. Since August 2003, I have been a dues paying member of NIRS.

3. I reside at 6701 Lynmont Dr. Charlotte, NC 28212, with my wife Thea R. Mayne and daughter, Merilee Ann Newman. My home lies within forty miles of the Catawba and McGuire reactors. I believe my life and health are jeopardized by the proposed amendments and exemptions from current regulation of the four Duke nuclear

power reactors, Catawba 1 and 2 and McGuire 1 and 2 in order to test MOX plutonium fuel. I am also concerned for the safety and health of my immediate family who live with me. Our safety and health would be adversely impacted by potential or increased radioactive releases from changes in operations, wastes generated, and any accident which becomes more likely with changes in reactor operations. Our air, drinking water, bodies and property are all at risk. My drinking water is especially vulnerable, as Mecklenburg County draws a majority of its water from the lake immediately downstream from the McGuire plant, and it would be irreparably contaminated in the event of a nuclear accident or other event which resulted in contamination in this region.

4. I am concerned about future shipments of plutonium fuel on the roads near my home and office. My home is a mile from US 74 and my office is less than a quarter of a mile from Interstate 77 and five miles from Interstate 85. Events both accidental and malicious that might be associated with the transportation of unirradiated weapons grade plutonium in fuel through our community and storage on the reactor site place me and my family at greater risk than we are today. 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.

W. Grey Neuman, Jr.
(name)
8/13/03
Date

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Rockville, Maryland
Postal Address: Washington, DC 20555**

In the Matter of)

Duke Energy Corporation)
McGuire Units 1 and 2, and)
Catawba, Units 1 and 2)

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

Regarding Proposed Amendment of)
License Nos. NPF-9, NPF-17, NPF-35,)
and NPF-52 and exemptions from)
selected regulations in order to test MOX)
plutonium fuel assemblies)
_____)

DECLARATION OF NANCY JOCOY

Comes now Nancy Jocoy, 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 amend the operating license of the Catawba Units 1 and 2 and McGuire Units 1 and 2 nuclear power plants, and exempt them from specific regulations in order to test MOX plutonium fuel, for the stated intention to use MOX as fuel in these reactors in the future. More specifically, I authorize Mary Olson, a staff member of NIRS, or anyone else NIRS designates, to represent me and my interests.

2. Since August 2003, I have been a dues paying member of NIRS.


3. I reside at 203 Pond View Lane, Fort Mill SC 29715 with William Gregg Jocoy, my husband Kathleen Anne Jocoy, my youngest daughter; we are regularly visited by my daughter Erin Jocoy Baker, her husband, Sean Baker and their daughter, Sydney Lynn Baker.. My home lies within ten miles of the Catawba and fifty miles of

the McGuire reactors. I believe my life and health are jeopardized by the proposed amendments and exemptions from current regulation of the four Duke nuclear power reactors, Catawba 1 and 2 and McGuire 1 and 2 in order to test MOX plutonium fuel. 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 potential for increased radioactive releases from changes in operations, wastes generated, and any accident which becomes more likely with changes in reactor operations. Our air, drinking water, bodies and property are all at risk. and would be irreparably damaged in the event of a nuclear accident or other event which resulted in contamination in this region.

4. I am concerned about future shipments of plutonium fuel on the roads near my home. Events both accidental and malicious that might be associated with the transportation of unirradiated weapons grade plutonium in fuel through our community and storage on the reactor site place me and my family at greater risk than we are today. 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.


(name)
081803
Date

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION**

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

In the Matter of)	
)	
Duke Energy Corporation)	
McGuire Units 1 and 2, and)	
Catawba, Units 1 and 2)	Docket Nos. 50-369, 370, 413
)	and 414
Regarding Proposed Amendment of)	
License Nos. NPF-9, NPF-17, NPF-35,)	
and NPF-52 and exemptions from)	
selected regulations in order to test MOX)	
plutonium fuel assemblies)	
)	

DECLARATION OF DR. LEWIS E. PATRIE

Comes now Dr. Lewis E. Patrie, 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 amend the operating license of the Catawba Units 1 and 2 and McGuire Units 1 and 2 nuclear power plants, and exempt them from specific regulations in order to test MOX plutonium fuel, for the stated intention to use MOX as fuel in these reactors in the future. More specifically, I authorize Mary Olson, a staff member of NIRS, or anyone else NIRS designates, to represent me and my interests.

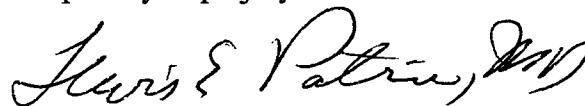
2. Since September 2000, I have been a dues paying member of NIRS.

3. I reside at 99 Eastmoor, Asheville, North Carolina 28805 with my wife Jeanne Patrie, and my children and grandchildren when they come to visit. My home lies within 3 miles of Interstate 40, where it is possible that irradiated MOX fuel from McGuire reactors would be transported en route to Oak Ridge National Lab. I believe my life and

health are jeopardized by the proposed amendments and exemptions from current regulation of the four Duke nuclear power reactors, Catawba 1 and 2 and McGuire 1 and 2 in order to test MOX plutonium fuel. I am also concerned for the safety and health of members of my immediate family who also live in the region and travel I-40. Our safety and health would be adversely impacted by potential for radioactive releases from any accident or incident involving the irradiated MOX fuel. Our air, drinking water, bodies and property are all at risk and would be irreparably damaged in the event of a transportation accident or other event, which resulted in contamination in this region. I believe that exposure to radiation and vehicle exhaust from these shipments could injure my health. I am additionally concerned for my friends and neighbors whose health and safety are also at risk.

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.

A handwritten signature in cursive script, reading "Lewis E. Patrie", followed by a horizontal line.

Dr. Lewis E. Patrie

8-24-03

Date

**UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
Secretary
Rulemakings and Adjudications Staff
U.S. Nuclear Regulatory Commission
Rockville, Maryland
Postal Address: Washington, DC 20555**

In the Matter of)

Duke Energy Corporation)
McGuire Units 1 and 2, and)
Catawba, Units 1 and 2)

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

Regarding Proposed Amendment of)
License Nos. NPF-9, NPF-17, NPF-35,)
and NPF-52 and exemptions from)
selected regulations in order to test MOX)
plutonium fuel assemblies)
_____)

DECLARATION OF KATE BONISKE

Comes now Kate Boniske, 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 amend the operating license of the Catawba Units 1 and 2 and McGuire Units 1 and 2 nuclear power plants, and exempt them from specific regulations in order to test MOX plutonium fuel, for the stated intention to use MOX as fuel in these reactors in the future. 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 115 Alba Ridge Road, Asheville, North Carolina 28704 with my with my husband H.M. Boniske, and my children and grandchildren when they come to visit. My home lies within 3 miles of Interstate 26 and 5 miles of Interstate 40, where it is possible that irradiated MOX fuel from the Catawba and McGuire reactors would be

transported en route to Oak Ridge National Lab. I believe my life and health are jeopardized by the proposed amendments and exemptions from current regulation of the four Duke nuclear power reactors, Catawba 1 and 2 and McGuire 1 and 2 in order to test MOX plutonium fuel. I am also concerned for the safety and health of members of my immediate family who also live in the region and travel I-40. Our safety and health would be adversely impacted by potential for radioactive releases from any accident or incident involving the irradiated MOX fuel. Our air, drinking water, bodies and property are all at risk and would be irreparably damaged in the event of a transportation accident or other event, which resulted in contamination in this region. 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.

Kate Boniske
Kate Boniske
8/24/03
Date