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Chief, Rules and Directives Branch
Division of Administrative Services
Office of Administration
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

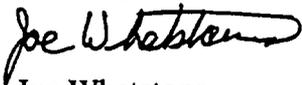
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Reference Federal Register notice:
(Federal Register July 12, 2004, Volume 69, Number 132, Page 41852-41855).

The application by Duke Energy to amend its license in order to test a mixture of plutonium and uranium oxide fuel (MOX) next year should be denied for the following reasons:

- 1) Duke Energy Corporation has paid millions in civil penalties to the Commodity Futures Trading Commission to settle a case involving the reporting of trading information and millions in fines for manipulating the energy market on the west coast. Duke Energy Corporation has not proven to be a trustworthy corporate citizen. Duke Energy Corporation has not earned the right to be responsible for plutonium. Allowing Duke Energy Corporation to test plutonium fuel is a threat to our national security.
- 2) Duke Energy has not addressed the issue of coolant blockage. A loss of coolant accident could lead to an uncontrolled core melt down. The cladding materials, such as the M5 cladding that will be used in the plutonium/MOX lead test assemblies, will form bigger "balloons" than conventional Zircaloy and are likely to have higher blockage ratios according to officials from the French safety authority Institut de Radioprotection et de Sûreté Nucléaire ("IRSN"). IRSN speaks from experience with MOX fuel unlike Duke Energy.
- 3) According to the President of the United States, the world has changed since September 11, 2001. Security requirements for transporting and storing plutonium must be re-evaluated using strict new security criteria before allowing Duke Energy to be trusted with what amounts to our national security.

Sincerely,



Joe Whetstone
10 Hamilton Drive
Bluffton SC 29909-4437
(843) 705-9128
pj3whetstone@hargray.com

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Add - J. Clarke (DLC3)