

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND LICENSING BOARD

In the Matter of

DUKE ENERGY CORPORATION

Docket No's. 50-413-OLA,
50-414-OLA

(McGuire Nuclear Station, Units 1 and 2,
Catawba Nuclear Station, Units 1 and 2)

**DECLARATION OF DR. EDWIN S. LYMAN
IN SUPPORT OF BREDL CONTENTIONS 10 THROUGH 13**

Under penalty of perjury, Edwin S. Lyman declares as follows:

1. My name is Edwin S. Lyman. I am a Senior Staff Scientist at the Union of Concerned Scientists.
2. On October 21, 2003, I submitted a declaration in this proceeding which set forth my professional qualifications in this matter.
3. I am familiar with the licensing-related filings and correspondence that have been submitted by Duke Energy Corporation in support of its application for a license amendment to use lead test assemblies of mixed oxide fuel at the Catawba nuclear power plant. I am also familiar with the environmental impact statements and other analyses prepared by the U.S. Department of Energy ("DOE") with respect to disposition of plutonium and other weapons-grade fissile materials. In addition, I am familiar with regulations and guidance of the U.S. Nuclear Regulatory Commission ("NRC") and the DOE governing plutonium processing facilities. I am also familiar with the requirements of the National Environmental Policy Act.
4. I assisted BREDL with the preparation of Contentions 10 through 13, regarding deficiencies in Duke's license amendment application and the DOE's environmental analyses. The factual assertions in those contentions are true and correct to the best of my knowledge and belief, and the opinions expressed therein are based on my best professional judgment.
5. If any of BREDL's contentions, including 10 through 13, are admitted, I plan to submit expert testimony regarding those contentions.

Edwin S. Lyman, Ph.D.

December 2, 2003