

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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August 9, 2001

David P. Boergers, Secretary
Federal Energy Regulatory Commission
888 First Street, NE., Washington, DC 20426

Re: Motion to Intervene In the Matter of Duke Nuclear LLC
Docket No. EF00-2012-001, Docket No. EL01-101-000, et al.
U.S. Department of Energy, et al.; Electric Rate and Corporate Regulation Filings July 13, 2001
Pursuant to Federal Register notice July 19, 2001 (Volume 66, Number 139) Page 37664-37667

Dear Mr. Boergers:

On behalf of the Blue Ridge Environmental Defense League, Inc. (BREDL), I file this motion to intervene in the request by Duke Energy Corporation d/b/a Duke Power (Duke Power) for a declaratory order which would relieve them of liability from the day to day operations of Duke Energy Nuclear LLC (Duke Nuclear). BREDL hereby moves to become a party to this proceeding because there are significant liability issues that may not be heard otherwise.

We ask that the Federal Energy Regulatory Commission deny Duke Power's request to limit the corporation's liability which results from day to day operations at its nuclear electric stations.

Duke Power operates four reactors McGuire 1 & 2 and Catawba 1 & 2 which are currently under contract with the United States Department of Energy to provide "irradiation services" for dismantled weapons-grade plutonium. The new fuel, a mixed oxide of plutonium and uranium, is untested in American commercial reactors. The lead fuel test assembly is scheduled to be loaded in 2003, and full 1/3 core loading of plutonium fuel is to begin in 2007. The four reactors at Catawba and McGuire utilize an ice condenser containment system which has been cited for deficiencies numerous times by the U.S Nuclear Regulatory Commission.

Duke Power is part of an international consortium (Duke Power , COGEMA Stone and Webster) which is under contract with Department of Energy (No. DE-AC 2-99 CH10888) to perform services including the use of the Catawba and McGuire plants as "mission reactors." The issuance of the contract by the DOE reflects a final federal decision.

BREDL is party to other federal proceedings with regard to the manufacture and irradiation of plutonium fuel. According to information and belief, plutonium fuel will increase the risks to public health and safety from day to day operations at these reactor sites. Duke Power's liability is increased by this risk. The increased hazard in the event of a reactor or waste accident is documented in the work of Dr. Edwin Lyman and others. The Department of Energy's Final Plutonium Disposition Environmental Impact Statement indicates that use of plutonium fuel would substantially increase the number of fatal cancers from such an accident.

BREDL has substantial membership in the affected areas near McGuire and Catawba. In

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addition, many of our members are also members of rural electric membership cooperatives which form the NC Electric Membership Corporation (NCEMC). As a member of Blue Ridge Electric Membership Cooperative, I intervene on behalf of coop members who, as part of NCEMC own a majority interest in Catawba 2. The liability question for NCEMC and the several cooperatives and their members must be adequately addressed by FERC with due process before any decision to approve Duke Power's request.

Please note that we have attempted to reach the phone number listed in the Federal Register Notice without request. Our filing is submitted on August 9, 2001 at 11:43 PM EDT.

Respectfully submitted,

Louis A. Zeller
FERCmotion9aug01