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HARMON, CURRAN, SPIELBERG & EISENBERG, LLP

1726 M Street, NW, Suite 600 Washington, DC 20036

(202) 328-3500 (202) 328-6918 fax

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April 5, 2005 (11:37am)

Samuel W. Bodman, Secretary
U.S. Department of Energy
Forrestal Building, Room 6B222
1000 Independence Avenue S.W.
Washington, D.C. 20585

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Dear Mr. Bodman,

As you are no doubt aware, the U.S. Department of Energy ("DOE") recently shipped four plutonium mixed oxide ("MOX") fuel assemblies from Europe to the United States via PNTL transport boat. The fuel assemblies, which are expected to arrive at the Charleston Naval Weapons Center sometime in early April, are to be sent to Duke Energy Corporation's ("Duke's") Catawba nuclear power plant for testing.

Duke may not accept the plutonium fuel assemblies, however, unless and until it has a valid license amendment from the U.S. Nuclear Regulatory Commission ("NRC"). While the NRC's Atomic Safety and Licensing Board ("ASLB") approved the issuance of Duke's license amendment on March 10, 2005, the ASLB put certain conditions on the license amendment that must be fulfilled before Duke can accept the plutonium MOX fuel. The ASLB deemed fulfillment of the conditions to be necessary to ensure that Duke's security measures for the plutonium MOX fuel will be adequate to protect the public. (Because the ASLB's decision contains safeguards information, I am not at liberty to describe the conditions in this letter.)

On behalf of the Blue Ridge Environmental Defense League ("BREDL"), I am writing to request that you take all measures necessary to ensure that the four plutonium MOX fuel assemblies are not sent to the Catawba nuclear plant until Duke has fulfilled the license conditions to the satisfaction of the ASLB. It would not only be unlawful for Duke to receive the plutonium MOX fuel before it has fulfilled the conditions and received approval from the ASLB, but it would pose an unacceptable danger to public security.

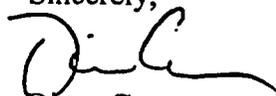
Please provide written confirmation that you have taken the requisite measures.

Thank you very much.

HARMON, CURRAN, SPIELBERG & EISENBERG, LLP

Samuel W. Bodman
March 30, 2005
Page 2

Sincerely,



Diane Curran
Counsel to BREDL

Cc: Nils J. Diaz, Chairman, NRC
ASLB Service List