

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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April 6, 2005

The Honorable Mark Sanford
Office of the Governor
PO Box 11829
Columbia, SC 29211
Fax 803-734-9413

Dear Governor Sanford:

On behalf of the Blue Ridge Environmental Defense League and our members in South Carolina, I write to request your help with an urgent matter. As you know, plutonium fuel manufactured overseas is now heading for the port of Charleston and will arrive any day. Its ultimate destination is a nuclear power plant operated by Duke Power in York County. The pressing issues are Duke's exemption from federal regulations which protect the nuclear fuel from theft and U. S. Department of Energy's rush to import the fuel before recent security requirements can be met.

We request that you:

- 1) Oppose the shipment of plutonium fuel before the requirements of the Nuclear Regulatory Commission's order of March 10th are fully implemented. We ask that you notify the Department of Energy and Duke Power that the stipulations spelled out by the Atomic Safety and Licensing Board must be carried out before shipments proceed. The Department of Energy must not ship nor Duke accept plutonium fuel until South Carolinians can be assured of absolute security.
- 2) Direct state agencies in your administration to commence an independent study of the security measures needed to protect fissile materials shipped across the state. The analysis should address multiple concerns involving the imminent plutonium fuel shipments from France and the much larger full-core fuel deliveries from the proposed Savannah River Site plutonium fuel factory. The inquiry should seek the expertise of the relevant state agencies including the Emergency Management Division, the Department of Health and Environmental Control, the Law Enforcement Division, the Counter Terrorism Coordinating Council and the Department of Public Safety.

As you know, the U. S. Department of Energy is pressing forward with the plan to import roughly 80 kilograms of plutonium, enough for 10 to 20 nuclear bombs. Under contract with the Department of Energy, Duke is to test fuel made from weapons-grade plutonium mixed with uranium for the purpose of generating electricity at the Catawba nuclear station. Catawba would be the first commercial nuclear plant in the United States, indeed the first in the world, to use weapons-grade plutonium fuel.

BREDL has challenged Duke's application for an exemption from Nuclear Regulatory Commission security regulations, rules which increased the level of protection required to defend against the more aggressive assaults predicted after the terrorist attacks of September 11, 2001.

Despite our opposition, on March 10th the U. S. Nuclear Regulatory Commission's Atomic Safety and Licensing Board approved the license amendment to test four plutonium fuel assemblies at Catawba. But the agency issued the license with conditions which must be implemented *before* Duke can accept the plutonium fuel. I have attached our March 29th letter to the Secretary of Energy from the League's attorney Diane Curran which states that it would be unlawful for Duke to receive the plutonium fuel before it has fulfilled the conditions and received approval from the Atomic Safety and Licensing Board. To date, we have received no response from the Secretary. We believe that Duke Energy and the Department of Energy have failed to take all reasonable security measures.

Governor, we cannot pretend that the terrible events of September 11, 2001 never occurred. Plutonium-fueled nuclear power plants present new dangers. Therefore, we ask that you use all the resources at your disposal to protect the people of South Carolina from a catastrophe involving the pending shipment of plutonium.

There is much at stake. We must remain "Prepared in mind and resources."

Respectfully,

Louis A. Zeller

Attachment

BY HAND DELIVERY

March 29, 2005

Samuel W. Bodman, Secretary
US Department of Energy
Forrestal Building, Room 6B222
1000 Independence Ave., SW
Washington, DC 20585

Dear Mr. Bodman:

As you are no doubt aware, the US Department of Energy 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 Shipyard sometime in early April, are to be sent to Duke Energy Corporation's Catawba nuclear power plant for testing.

Duke cannot accept the plutonium fuel assemblies, however, unless and until it has a valid license amendment from the US Nuclear Regulatory Commission. While the NRC's Atomic Safety and Licensing Board 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, 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.

Sincerely,

Diane Curran
Counsel to BREDL

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