Shearon Harris

PUBLIC CITIZEN
NORTH CAROLINA WASTE AWARENESS AND REDUCTION NETWORK

August 6, 2003

The Honorable Roy Cooper
NC Office of the Attorney General
P.O. Box 629
Raleigh, NC 27602-0629

Dear Attorney General Cooper:

As public interest organizations concerned with issues of nuclear safety, on behalf of our combined memberships in North Carolina, we are writing to bring to your attention a concerning incident of radioactive contamination involving a shipment of irradiated nuclear fuel to the Shearon Harris nuclear plant in Apex, N.C.

According to the attached Nuclear Regulatory Commission (NRC) event notice, on July 29, 2003, a shipment of irradiated nuclear fuel arrived at Shearon Harris with surface contamination levels nearly double allowable levels, in violation of NRC and Department of Transportation regulations. As you know, Progress Energy's nuclear shipments are a subject of widespread public concern to residents of North Carolina, particularly given the current state of heightened national security alert. The recent incident at a minimum raises urgent public health concerns and also suggests a troubling breakdown in Progress Energy's safety protocols.

Yet the incident appears to be inappropriately shrouded in secrecy; very little information has been publicly released by either Progress Energy or the NRC. Therefore, we respectfully request that you initiate a thorough investigation of this incident and its health, safety and security implications. Specifically, we urge you to investigate the following issues:

1. ***Where did the contaminated shipment originate? How did the contamination result? Why was this not detected at the point of origin?***
   Presumably this shipment originated at Progress Energy's Brunswick or Robinson nuclear plants. It is likely that the cask was contaminated during loading operations at the plant of origin, when irradiated fuel was being transferred from a fuel pool into the cask. Progress Energy's fuel loading/transfer protocol should ensure that any residual contamination is removed from the surface of the cask. The company should not be shipping nuclear waste through North Carolina in containers that exceed "allowable" contamination levels.

Placed in Commission Reader per OCA.....8/6

CC John Cook
Rob Lewis
Larry Cooper

2. *What route did the contaminated cask travel and where, if at all, did it stop? At what points did workers and/or the public come in contact with this shipment and what are the possible health implications connected to the resulting exposures?*
This shipment likely passed through many communities en route to Shearon Harris, where contamination was finally detected and reported. Contamination levels at the point of origin and during transport may have been even higher than the final measurements reported to the NRC. Railroad and utility workers who had contact with this shipment at the point of origin, en route and at Shearon Harris may not have been adequately protected or notified.

3. *How many other contaminated shipments have there been?*
Given that Progress Energy failed to detect contamination on this shipment at the point of origin, how many other contaminated shipments are slipping through the company's detection system? According to the World Information Service on Energy, an investigation into a similar instance of contamination detected on a shipment of irradiated fuel at a French nuclear reprocessing plant in December 1997 led to the alarming discovery that 35% of the shipments made by the French utility to the reprocessing facility in that year were contaminated at above legal limits. In response, nuclear shipments in much of Western Europe were suspended.

4. *To what extent is this indicative of a general breakdown in Progress' safety protocols? What other safety problems are going unchecked?*
In addition to transporting high-level nuclear waste, Progress Energy operates three reactors in North Carolina, as well as the Robinson plant in South Carolina, and one of the largest nuclear waste storage facilities in the U.S. (at Shearon Harris). The recent contamination incident suggests a breakdown in the company's safety protocols that may influence other aspects of its operations.

5. *By what authority is the NRC withholding information about this incident?*
There is no obvious basis for the claim, asserted in the initial event report, that 10CFR21 prohibits disclosure of "further information over non-secure communications." Our requests to the NRC Operations Center have not yielded any additional information. The public has a right to know in detail about Progress Energy's violations of federal regulations that put our health and safety at risk.

Although Progress Energy apparently plans to phase out nuclear waste shipments in the next two years, ongoing monthly transports to Shearon Harris represent an unacceptable risk, especially pending your investigation into the recent contamination incident. The NRC's secrecy in this matter is another reason why we again urge you to use *your* constitutional and statutory authority to protect the people of North Carolina. High-level nuclear waste shipments and the vulnerabilities of high-density fuel pools

where this waste is stored impose untenable risks on our communities.

We look forward to your response regarding these urgent health and safety concerns.

Sincerely,

Wenonah Hauter
Energy Program Director
Public Citizen
215 Pennsylvania Ave. SE
Washington, DC 20003
(202) 546-4996

Jim Warren
Executive Director
NC WARN
P.O. Box 61051
Durham, NC 27715
(919) 416-5077

cc. *The Hon. John Edwards, U.S. Senator from North Carolina*
The Hon. Elizabeth Dole, U.S. Senator from North Carolina
The Hon. Bob Etheridge, U.S. Congressman from North Carolina's 2nd District
The Hon. Mike McIntyre, U.S. Congressman from North Carolina's 7th District
The Hon. David Price, U.S. Congressman from North Carolina's 4th District
Chatham County Board of Commissioners
Brunswick County Commissioners
Michael J. Ward, Chairman, President & CEO, CSX Corporation
Robert Fronczak, AVP Environment and Hasmat, Association of American Railroads