

From: <OShirani@aol.com>
 To: <LRGEISUPdate@nrc.gov>, <WFS1@nrc.gov>
 Date: Mon, Jul 14, 2003 6:11 PM
 Subject: My comments to NRC's Plant Life Extension Team, July 10, 2003

6/10/03

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Dear NRC Plant Life Extension and License Renewal Team:

I raised some questions at your public meeting on July 10, 2003 regarding your plans for Exelon's nuclear plant life extension and license renewal. Attached, please find my comments for NRC to deny any plant life extension and license renewal of Exelon Plants due to existing inadequate processes and willful quality assurance program violations. In fact, I have raised an operability issue on all existing Exelon plants affected by Power Uprate project. In the year 2001 and 2002 there has been at least two accidents at Exelon Quad Cities and Byron Nuclear Stations due to Power-Uprate project.

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 LeMay

Thanks for the opportunity to hear my viewpoints.

Oscar Shirani
 Tel: 630-790-9650 (Home)
 Cell: 630-745-0381

CC: <dlochbaum@ucsusa.org>, <lisa_gue@citizen.org>, <kevin@igc.org>, <kevin@nirs.org>, <pgunter@nirs.org>, <cjconn@uic.edu>, <coreyjc@flash.net>, <jschmitt@enteract.com>, <ksalehi@msn.com>, <JASavageHonest@cs.com>, <APickel@aol.com>, <Mitra_biglari@hotmail.com>, <slindber@titan.lvu.edu>, <ebrackett@wtw.com>, <neis@forward.net>, <Crinklenose@aol.com>, <rbl@nrc.gov>, <aalinaghian@butlermfg.com>, <MKeshani@aol.com>, <hedayatshirani@msn.com>, <mdshirani@yahoo.com>, <grove@lasvegassun.com>, <jennifer.Morrow@dowjones.com>, <fahys@sltrib.com>, <sreddy@kciconsultants.com>

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Att = B. Zakeman (BXZ)

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NRC should deny any plant life extension and license renewal to Exelon nuclear plants.

Oscar Shirani's Questions/Comments to NRC's Team at the Public Hearing on the License Renewal on July 10, 2003.

Question:

What assurance is NRC providing to the public for the Plant Life Extension and License Renewal for the Exelon/ComEd's nuclear plants? One of the elements of the License Renewal is the NRC's assurance that the existing systems, components, processes, quality assurance program at Exelon have been adequately controlled to provide full confidence to public for their safety.

My answer is none, because:

Many of the Shirani's published NUPIC and ComEd audit reports and allegations to NRC reflected the fact that Exelon had: 1. Numerous **falsified** quality Assurance documents, 2. History of violations against codes and standards, 3. Chilled environment for employees who brought up safety issues (Ref: NRC October 4, 2002 Letter to Exelon), 4. Quality Assurance function in the hands of production, 5. Hiding and switching 10CFR Part 21 concerns from regulators and public, etc. These reflect the Exelon's inadequate control on its existing quality assurance program requirements and processes in design, manufacturing, and inspection both internally and externally (lack of control of its safety related suppliers) as explained in Part I and 2 of this report:

Part 1:

1. **ComEd/Exelon lifted the Stop Work Order (SWO) against General Electric Nuclear Energy (GENE), San Jose, CA on November 19, 1997 without verifying and providing any timely follow-up of any of the GENE's corrective action. (Refer to the definitions of 10CFR50 Appendix B criteria VII, XVI, and XVIII below).**

SWO was issued as a result of Shirani's August 1997 Audit of GENE as mandated under the NRC Confirmatory Letter and 10CFR50.54(f) to ComEd on November 12, 1996. ComEd violated all the provisions of the SWO as confirmed by Messrs.: Kombiz Salehi and David Helwig on December 17-19, 2002 at Shirani's DOL

Hearing with the Administrative Law judge (ALJ). ComEd, then hired the same General Manager of GENE (David Helwig) who was responsible for the cited failures immediately (within a month, December 1997). See Part 2 of this report for retaliation of Helwig against Shirani and all his supportive managers.

2. Shirani was not allowed to freely and without ComEd's Licensing watchdogs discuss any details of the GENE 1997 findings with NUPIC and NRC.

ComEd told Shirani that those issues are related only to ComEd and GENE. GENE had instructed ComEd that its proprietary design information could not be revealed to others, otherwise GENE would sue ComEd. NUPIC was entitled to receive these details, because GENE QA Program was uniformly applied to all customers, but NUPIC did not receive this audit report. NRC has not shown any evidence of its investigation and involvement on its public documents or anywhere else. NRC has refused to talk to Shirani's witnesses and only relied on the ComEd's falsified documents. Shirani brought 9 allegations to NRC on November 2001. ComEd's action is a willful and deliberate violation of 10CFR50 Appendix B, Criteria III (design control), VII (Control of items, components, and Services), XVI (Corrective Action), and XVIII (Audits). NRC's action and method of investigation for Shirani's allegations and audit issues and their absence in the whole process from 1997-2001 is considered a **REDUCTION IN COMMITMENT TO PUBLIC SAFETY.**

3. ComEd and its new GENE hired Manager, Helwig and his boss who hired him (Oliver Kingsley) removed the Supplier Evaluation Services' (SES) Group that Shirani worked from the independent Quality Assurance (QA) Function to a production department (Supply) on Jan. 1998.

Shirani's boss, Bastyr admitted this fact at the court trial on 12/19/2002 and said: "we used to be a company who separated Church from the State.....". ComEd has provided false documents to NRC that this SES transfer from QA is justified and occurred on June 1999. NRC has accepted the ComEd's action based on the Entergy Plant, Waterford 3 (one nuclear plant among 103 that NRC had previously accepted in 1998. On what basis did NRC approve that? NRC did not even investigate that SES was physically reporting to Supply organization in Jan 1998 and not June 1999. One of my Exhibits at court clearly shows that my job description on Jan 1998 was changed from Quality Assurance Administrator and the new job was at the

Supply, CTEAM facility reporting to Supply (a production department).

ComEd and NRC's action are considered a deliberate violation of Criterion I of 10CFR50 App. B (See definitions, below). This is not a claim by a face value. I have so many evidence of the Exelon/ComEd's willful and deliberate violations of these criteria to ensure that the production is not delayed (this is admitted by Shirani's boss, Russell Bastyr at the DOL Hearing with the Administrative Law judge (ALJ) on 12/19/2002).

4. ComEd/Exelon, CEO of Nuclear Operation, Mr. Oliver Kingsley's record for disrespect to safety is well known. Refer to Mr. Overall's case at Tennessee Valley Authority (TVA) in 1995. He was removed from nuclear by Kingsley to a service organization and terminated a few months later. Kingsley repeated the same crime against me.
5. ComEd's Kingsley also punished the Byron Station Employee Concern Group who indicated "there is a chilled environment at Exelon for raising safety concerns and people are afraid to loose their job for raising safety concerns". Refer to NRC published October 4, 2002 report that ComEd/Exelon agreed with the willful violation, but NRC did not fine Exelon.
6. Ms. Cindy Sauer and her daughter Sara spoke at this conference. Ms. Sauer revealed the willful violations by Exelon for environmental issues. The Exelon's record of falsification is known worldwide.
7. Many of the safety related analysis and design failure by GENE was hidden from the rest of the NUPIC Utility Members and from the Shirani's Audit Report on September 1997 and June 1999.

This included some revised calculations that were requested from GENE within 24 hours upon Shirani's return to Illinois from San Jose, CA on August 25, 1997. One example among the 54 cited calculations showed that the cited calculation resulted in the increase in the pressure/temperature of the affected nuclear reactor component. The increased pressure/temperature had reduced the allowable margins and the actual pressure was showing that it was only 0.53 pounds per square inch less than the allowable design stress values (saved by the bell) during 1997 that the power-uprate had not been started yet.

ComEd purposely did not investigate this issue immediately and generically during August 1997 for all other calculations. ComEd only chose a couple of calculations that one of the Sargent & Lundy's Manager, Tom Barringer in one of the meetings recognized and recommended that it should be immediately evaluated. ComEd lifting of SWO was baseless and disrespect to the codes of federal regulations written to provide public safety. These results were never published and Shirani was not allowed to include them in his follow-up audit (June 1999) that occurred 2 years later. Criteria XVI and XVIII require PROMPT corrective action and SHALL follow-up audit for verification of findings. NRC has been absolutely absent for all these GENE issues (from 1997 up to 2002) despite their knowledge of the SWO against GENE for the first time ever. Why?

8. In my December 3, 2001 report to NRC, I had made 9 allegations and NRC has not understood them or did they do anything about it. (NRC's Jim Heller claimed that some of these allegations are old issues including my 10CFR Part 21 against Zion).

ComEd did perjury and did not include my concerns as a technical expert in its Zion Station Audit Report. I have the documentation that ComEd had confirmed that it would investigate my 10CFR Part 21 concern, but it did not. ComEd has deliberately switched this 10CFR Part 21 with another 10CFR Part 21 that I had resolved for a completely different subject. NRC at its desktop review did not even request for my audit portion and objective evidence to find out about ComEd's perjury. NRC responded to me that this case is too vague and closed the issue without asking me for further details.

9. I called NRC's Senior Inspector for my allegations, Mr. Jim Heller on September 2, 2002 to provide him additional information. Mr. Heller informed me "you do not need to come to NRC any more and the inspector has finished its investigation and there is no need for further field work".

Why did NRC stop me to provide them with additional information that I am entitled to? I told Mr. Heller that I disagreed with the NRC's premature closure of my allegations. NRC's response is a cut and paste of Exelon's response to all my allegations. I don't know what is the NRC's method of investigation. If NRC's method of inspection/audits were effective, then their audits/inspections would have been more meaningful like Shirani's audits of GENE, Holtec, US Tool & Die, etc.

10. The GENE analyses were found by Shirani's audit team as a complete failure of GENE Quality Assurance Program. Shirani's audit identified that GENE QA Program was a significant break down for the design control for safety related nuclear component and services.

All these analysis were performed in 1995 - 1997 by GENE and prior to the Power-Uprate Project at ComEd. **What is the impact of these failures on the reactor components affected by the Power-Uprate?** Shirani says, we (NRC, ComEd/Exelon, and public) **don't know and that is the basis for his operability concern.**

11. Shirani raised an **OPERABILITY CONCERN** to the Office of Inspector General, **Mr. George Mulley in March 2003** regarding the impact of Power-Uprate and lack of the inspections/audits by ComEd, GENE, and NRC for an **important and complex project like Power-Uprate** as required per 10CFR50 App. B Criterion VII.

Shirani was threatened by ComEd's Dale St. Claire and Bastyr not to look at the Power-Uprate in his GENE May 1999 Audit Follow-up of his August 1997 Audit issues. Shirani's boss, Bastyr admitted this fact at the DOL Hearing with the Administrative Law judge (ALJ) on 12/19/2002. He said that Shirani's follow-up audit would have "delayed the LaSalle County Nuclear power plant's outage schedule".

12. Where is the NRC's inspection of Exelon/ComEd and GENE Power-Uprate since 1998 up to now? Answer: **Nowhere or prove me wrong.**

I know for fact that Exelon has not performed any Power-Uprate audit of GENE design control processes (confirmed by Shirani's boss, Bastyr at his deposition on 11/4/2002 and DOL Hearing with the Administrative Law judge (ALJ) on 12/19/2002). See the definition of Criterion VII of 10CFR50 Appendix B at the bottom.

13. NRC had called ComEd several times on September 1997, but had failed to perform any follow-up of the GENE issues and there is no documentation of this fact on any of the NRC's public documents.

14. NRC has failed to perform a rigor audit and inspection of the nuclear utilities and suppliers for many years and solely relies on the utilities to do that.

NRC was very active in the old days (Sherry Jackson's time frame) and effectively documented their meaningful inspection of suppliers in the NUREG 0040. Look at it now with seizure of this activity by NRC. NRC has dropped the ball to protect Nuclear Utilities and their suppliers and not the public. These NRC's lack of activities, inadequate expertise, and oversight only invite another Chernobyl, Three Mile Island, and latest Davis Besse's disasters. **Existing processes, control, and inspection by NRC is absolute reduction in commitment to the public safety.**

15. Shirani's audits are good evidence of the NRC's failure in its only paper work inspection audits. Shirani issued SWO and 21 (consolidated by ComEd to 13) findings to GENE on August 1997 and NRC's previous months of audit/inspections of the GENE QA program had found nothing. Shirani's Audit of Holtec/US Tool & Die/Omni resulted in more than 20 findings. NRC's previous months of audit/inspections of these suppliers found nothing and actually NRC endorsed their QA Program as "meeting all the regulatory requirements". (Refer to Shirani's August 4, 2000 NUPIC Audit of US Tool & Die quoting the NRC's statements).

16. NRC is not proactive and is not timely for follow-up of issues/concerns. NRC barely reacts to respond to the known allegations.

NRC's Mr. Heller admitted to Shirani on December 2001 that NRC does not have adequate resources and expertise. Most of Shirani's allegations were divided between Region III and NRR and none of his 10CFR part 21 concerns were addressed by of these regions. The results of NRC investigation were the desktop review of ComEd/Exelon's lies and falsification of Records. Shirani has the proof of these falsification of records. Dr. Landsman of NRC testified to one of them related to the spent nuclear fuel dry cask on Shirani's DOL Hearing with the Administrative Law judge (ALJ) on 12/17/2002.

17. NRC started its desktop review and investigation of many of the Shirani's November 2001 allegations more than a year later. NRC regulations require the resolution of technical issues within 180 days.

Conclusion:

NRC inspectors reviewing and investigating Shirani's allegations are not familiar with all the applicable rules, codes, and regulation of 10CFR50 Appendix B

(Quality Assurance Requirements of Nuclear Power Plants and in processing plants), ANSI N45.2, ASME NQA-1, etc.

Shirani is requesting an OIG investigation and/or a congressional hearing that public would be given an opportunity to hear Shirani's objective evidence of all his nuclear safety related audits that highlighted the ComEd and NRC's failure and quality assurance breakdown.

Shirani is asking NRC not to grant extension to any of the Exelon's nuclear plants. NRC shall immediately start the review, inspection of all nuclear reactors and associated components affected by the Power-Uprate at Exelon, GENE, and others. NRC shall make this as a Potential 10CFR Part 21 for the rest of nuclear utilities to ensure public safety. NRC shall utilize Shirani and other independent experts from nuclear industry to assist them with this very crucial task. Upon the final resolution of all these inspections and activities, then NRC could be in a better position to review the license renewal and applications by Exelon and others.

Part 2

Summary of the events to what extent Exelon will go to achieve their financial goals by punishing the nuclear whistle blower, Oscar Shirani for maintaining his ethics and integrity.

1. From Item 1 of Part 1:

Helwig was the man who disputed all the Shirani's 21 findings against GENE design control program at the GENE's exit meeting on August 22, 1997. Helwig and ComEd immediately joined hands to put water on the fire that Shirani had ignited and had all NUPIC Utility members were nervous about the news of SWO for the first time against GENE, the largest supplier of Boiling Water Reactors (BWR) in the world. As GENE QA Manager stated: "Shirani's audit has created a chaos in nuclear industry". Helwig manipulated the future QA Program at ComEd from 1998. Shirani was refused for almost 2 years not to perform any follow-up audit of GENE, despite the 180 days period for resolution of any findings. All the dampers that Exelon put on Shirani's audit issues were engineered to mislead the NRC and public to maintain its license for three of the ComEd's plants which were under the NRC's watch list.

2. From Item 2 of Part 1:

The new ComEd Manager (Helwig), became the second man in the ComEd's nuclear command, punished all the managers who had any involvement with the SWO.

4. From Item 4 of Part 1:

I will not let him to ruin people's lives any more by the power of the public who will know these evidences and seek Exelon Executives' punishment by law. Shirani was demoted in Jan. 2000 without his knowledge and Exelon could not prove that by all their documents (see Exelon Exhibit RX-20 that has not mentioned anything related to Shirani's level 9 grade salary as of 1/1996 that was supposed to be an F on 1/2000 and E4 on 10/2000). NRC did not investigate this fact at all. I had an Exelon Human Resource (HR) employee as a witness who showed this fact to me in his HR computer record in March 2001.

I have kept his voice on my tape record. NRC has not talked to him in its investigation nor did they talk to my other witnesses for my other allegations such as Roger Sproule, Walter Hahn, Kombiz Salehi, William Betourne, and ignored Dr. Landsman's testimony, etc.

Exelon Senior Officer, Ms. Ruth Ann Gillis who became Shirani's mentor in the spring of 2000 was the best link for Exelon's conspiracy's execution. She persuaded Shirani on December 7, 2000 to move out of nuclear. She convinced Shirani that he had condemned nuclear for its diversity issues when he was the President of Asian American employee and it's best for Oscar to get out of nuclear otherwise he would be on line of fire. This occurred on December 7, 2000, only 7 days later when Shirani revealed all the spent nuclear fuel dry cask storage findings to a NRC agent, Dr. Ross Landsman in an open forum on November 30, 2000. Exelon planned a conspiracy and moved Shirani to finance and 9 months later eliminated his position and asked him to reapply for his position on October 2001 when the merger was already consummated a year earlier October 20, 2000.

Ms. Gillis at her deposition on 11/1/2002 admitted that she never provided Shirani with any job description and qualification on December 7, 2000 until 9 months later, fall of 2001. She said at the DOL Hearing with the Administrative Law judge (ALJ) on December 2002 that her action was of a "kind event and she could do that, because she is an officer of the company". 9 months later Shirani's job was eliminated and the same job level (E4) required 8-15 years of financial experience and accounting degrees and certificates that it was impossible for Shirani to meet. Prior to this so-called merger reorganization, Exelon Officers, Eliecer Palacios, Assir Dassilva, and Martha Garza on October 10, 2000 paged Shirani as urgent to lull him to apply for the job, otherwise he would loose his job.

They assured Shirani that Gillis' job offer of December 7, 2000 as E4 level is guaranteed position and not to apply for higher E5 positions. Shirani at first had desire to apply for higher E5 position, but he did not and listened to these people and applied only for his own E4 position. They told him not to be scared of the stated job descriptions and requirements. Shirani called Ms. Gillis several times, but he heard nothing from her. Refer to DOL Hearing with the Administrative Law judge (ALJ), Page 599 that Palacios admitted this fact that level E4 was O.K for Shirani to apply. He made many attempts to lie like other 7 Exelon Officers under oath, but he could not deny the security of E4 position for Shirani.

NRC has not talked to any of my witnesses and mainly cut and pasted the lies of Exelon's theory. NRC has stated: "Shirani applied for a higher position of Principal Manager and not the position that he was currently occupying, Senior Auditor" and was subsequently disqualified. NRC has ignored to investigate all the retaliation and the Exelon's motives to get Shirani out. Shirani had provided enough evidence to NRC that he was subjected to many retaliations at Exelon nuclear even before he was transferred to finance. My court Exhibits showed that I was never a Senior Auditor at finance as claimed by NRC. The position offered to me by Gillis was Principal Auditor Level E4 same as E4 position of Principal Manager and I was told that the E4 was a secure position.

Shirani could not meet any of the qualification requirements of even lower positions that were described in Exelon's description of jobs on October 2001. Why Shirani with only engineering degrees and expertise was lulled to a finance position with the accounting department? Can a Heart Surgeon be a Shuttle Mechanic? There were 7700 nuclear positions/employees at Exelon. Shirani had asked Ms. Gillis and Frank Clark on August 2000 for a position that he could best serve the company, because at nuclear, Mr. Helwig had retaliated against him and he would go nowhere in nuclear. NRC and DOL/ALJ has completely ignored the testimony of Mr. Walter Hahn, one of the Exelon's previous directors that testified at my court on 12/18/2002 that his boss, Tom Joyce (direct report to Helwig) had instructed all the supply managers in 1999 that Shirani would never be promoted. Exelon modified Shirani's position (E4) to a manager position in October 2001 and replaced it back to its original description on January 2002 when Shirani was terminated. NRC is refusing to investigate Exelon's motives against Shirani and his strange transfer to finance despite the fact that Shirani had requested from Oliver Kingsley in writing on July 2001 e-mail from finance to return back to either nuclear engineering, supply, and quality assurance to better serve the company. Exelon had told Shirani that his position in SES had been eliminated. Why Shirani could not join other 7700 nuclear employees and was only rejected to the SES Group of 7 people, the same organization that wanted him out so dearly. Why NRC is looking other way?

- Shirani is asking the OIG and United States Congress for the CRIMINAL PROSECUTION of the following individuals for deliberate and willful violation of the NRC's Code of Federal Regulations as amended by 10CFR50.110/111, based on its benefit, cost, schedule and retaliation against many quality assurance defenders including K. Salehi, Lon Waldinger, Ed Netzel, Tony Frazier, and Shirani:

1. David Helwig (President of InfraSource/Exelon)
2. Oliver Kingsley (Exelon Nuclear CEO)
3. Russell Bastyr (Exelon SES Manager)
4. Thomas Joyce (Exelon Director/VP of Supply)
5. Dale St. Claire (Exelon LaSalle Nuclear Manager)
5. Jeff Benjamin (Exelon VP/former QA VP)

The following personnel helped to finalize the Exelon's conspiracy against Shirani and should be reprimanded accordingly to the law:

1. Ruth Ann Gillis (Exelon BSC President/former CFO)
2. John Rowe (Exelon CEO)
3. Martha Garza (Exelon HR Manager)
4. Kevin Yessian (Exelon Supply VP)
5. Ellen Caya (Internal Audit VP)
6. Eliecer Palacios
7. Assir Dasilva

Definitions:

Code of Federal Regulation for Quality Assurance Criteria for nuclear power plants, 10CFR50 Appendix B, Criterion I (Organization):

"The authority and duties of persons and organizations performing activities affecting the safety-related functions of structures, systems, and components shall be clearly established and delineated in writing. The persons and organizations performing quality assurance functions shall have sufficient authority and organizational freedom to identify quality problems; to initiate, recommend, or provide solutions; and to verify implementation of solutions. Such persons and organizations performing quality assurance functions shall report to a management level such that this required authority from cost and schedule when opposed to safety considerations, are provided" and organizational freedom, including sufficient independence

10CFR50 Appendix B, Criterion III (Design Control)

"The licensee shall establish measures to assure that appropriate quality standards are specified and included in design documents and that deviations from such standards are controlled.

The design control measures shall provide for verifying or checking the adequacy of design. Design control measures shall be applied to items such as the following: reactor physics, stress, thermal, hydraulic, and accident analyses; compatibility of materials; accessibility for in-service inspection, maintenance, and repair; and delineation of acceptance criteria for inspections and tests.

Design changes, including field changes, shall be subject to design control measures commensurate with those applied to the original design and be approved by the organization that performed the original design unless the applicant designates another responsible organization"

10CFR50 Appendix B, Criterion VII (Control of Purchased Material, Equipment, and Services):

"Measures shall be established to assure that purchased material, equipment, and services, whether purchased directly or through contractors and subcontractors, conform to the procurement documents. These measures shall include provisions, as appropriate, for source evaluation and selection, objective evidence of quality furnished by the contractor or subcontractor, inspection at the contractor or subcontractor source, and examination of products upon delivery. The effectiveness of the control of quality by contractors and subcontractors shall be assessed by the applicant or designee at intervals consistent with the importance, complexity, and quantity of the product or services."

10CFR50 Appendix B, Criterion XVI (Corrective Action)

“Measures shall be established to assure that conditions adverse to quality, such as failures, malfunctions, deficiencies, deviations, defective material and equipment, and nonconformance are promptly identified and corrected. In the case of significant conditions adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition. The identification of the significant condition adverse to quality, the cause of the condition, and the corrective action taken shall be documented and reported to appropriate levels of management.”

10CFR50 Appendix B, Criterion XVIII (Audits)

“A comprehensive system of planned and periodic audits shall be carried out to verify compliance with all aspects of the quality assurance program and to determine the effectiveness of the program. The audits shall be performed in accordance with the written procedures or checklists by appropriately trained personnel not having direct responsibilities in the areas being audited. Audit results shall be documented and reviewed by management having responsibility in the area audited. Follow-up action, including re-audit of deficient areas, shall be taken where indicated.”

10CFR50.110/111:

“Individuals also are subject to NRC enforcement action. A licensed operator could have his/her license suspended or revoked for the deliberate violation of NRC requirements. Willful violations also expose individuals to possible criminal prosecution.”