

From: James Heller
To: Allegations Region III, Allegations; Hills, Dave; Lougheed, Patricia
Date: Mon, Oct 14, 2002 9:27 AM
Subject: question about closure information for 02-a-005 concern 4 and 12

I was writing the status letter for 02-A-005 and attempted to find accession number ML01070541. The writeup stated that the NRC reviewed and accepted Revision 67a of the Exelon Quality Assurance Manual in March 2001. This ascension number was referenced in DRS's closure information for concern 4. I searched ADAMS and was able to ascension number ML021070541 which was a request by Exelon for a QA amendment dated April 2002. This request included reference to revision 67a. I was not able to find NRR review/approval requested revisions that occurred in 2001 as referenced in the closure memo.

DRS's recommendation was to tell the CI to contact NRR if the CI has any questions. In order to use this approach I need the tell the formal mechanism to appeal the revision. For example if the change has been place in the public domain with a request for public comments then we would provide this information to the CI. If DRS cannot provide the appeal mechanism then we are obligated to provide the CI an answer which may mean that we obtain NRR's review via a TIA.

2. While Auditing the files I noted that concern 12 was assigned to DRS.

You are concerned that the Exelon Quality Assurance Program requirements were violated, in that, Exelon did not perform "owner's reviews" of all design analyses provided by architect/engineers, NSSS vendors, etc. These ongoing reviews were required to address a 1998 Level 1 audit finding, which related to "control of purchased items, components, and services." This issue would also apply to the documents sent in by Holtec that dispositioned discrepancies for the dry-cask-storage project.

The 4/8/02 ARB asked for example from DRS so that the concern could be forwarded to the licensee. I reviewed the communications from DRS to EICS and it is not clear that the examples were provided to DRS and that any action was taken to evaluated the concern. The 7/1/02 documented that this action had not been done. I am not sure what the division wants to do to resolve this concern. On possibility is to reference concern 8 which stated

You are concerned about the inadequate QA/QC oversight by the spent fuel storage cask design organization over the spent fuel storage cask fabricator and that this inadequate oversight has resulted in indeterminate quality and the structural integrity of the casks. You stated that the fabricator's disposition of nonconformance condition as "use-as-is," "rework," and "repair" was a violation of the QA program for design control as specified in 10 CFR 71 and 10 CFR 72. You stated that "use-as-is" and "repair" dispositions are design changes and should be evaluated and documented by engineering analysis. In addition, the fabricator dispositioned many nonconformance conditions under its QA Program without the design organization's consent.

If we want to close 12 to 8 you will need to review NMSS evaluation to detemiend if the issue was captured. For you convince I have attached NMSS's. Before you asked this concern was assigned to DRS by Pederson when she was the DNMS division director

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