

From: ) 7C
To: <rl6@nrc.gov>
Date: 8/19/02 6:47PM
Subject: Further explanation of dry cask storage allegation

Mr. O'Connell;
Per our telephone conversation this morning and according to my long telephone message to you last week and per your request, I am providing additional explanation regarding my allegation on the dry cask storage issue by the enclosed file.

Thanks, Oscar Shirani

CC: <jkh@nrc.gov>, <ewb@nrc.gov>, <mwh@nrc.gov>

D/A

August 19, 2002



United States Nuclear Regulatory Commission
Mr. Robert O'Connell
Senior Allegation Coordinator
Washington, DC 20555

Subject: Another explanation for my allegation regarding Dry Cask Storage Design Control Issues

Dear Mr. O'Connell;

This is my fourth or fifth letter of explanation regarding one of my nine allegations submitted to USNRC Region III and NRR in Washington, D.C. This allegation deals with the dry cask storage design control processes, which was failed by Holtec International and ComEd/Exelon.

1. Holtec International received many field changes affecting design (SMDRs) from the nonconformance reports generated by Exelon and Southern Nuclear Company's Resident Inspectors, Messrs. Tony Frazier and Paul Haines and other UST&D's Quality Control personnel.

I, as a quality assurance person responsible for the dry cask storage oversight activities, was the recipient of these bi-weekly reports from the above gentlemen.

They were reporting to me over the phone and upon my visits to UST&D fabrication sites that Holtec International was making vague statements on the disposition of the nonconformance reports for Use-As-Is and Repair disposition and accepting them only by engineering judgment on the nonconformance reports.

As we discussed this issue in length many times over the phone and my various correspondences to you, these dispositions are considered design changes per the requirements of 10CFR50 Appendix B, Section 3 and all the associated standards endorsed by the above code through NUREGs such as ANSI/ASME N45.2.11 "Design Control" and ASME/ANSI NQA-1-1989 Mandatory Supplement 3S "Design Control".

The design changes to the original calculations should be treated like the original calculations and the same review and approval processes shall be applied. Engineering judgment was not accepted by the NRC in the past without proper documentation. Actually, this area was highly emphasized by the past technical experts and inspectors by NRC. Has these rules changed by the USNRC staff? I don't have any NUREGs in my possession to advocate that USNRC has changed its rules. Did your staff (that prematurely closed this issue as "substantiated, but no safety issues were found") investigated or reviewed any design changes made by Holtec International to the original calculations as a result of all the accumulated effects of Repair and Use-As-Is Dispositions? Was your staff convinced that engineering judgments made by Holtec International sufficient without

any documentation of design changes? This issue was not addressed by your staff. I don't believe that your staff understood the intent of my allegation. Hence, the design control process has failed for the dry cask storage containers designed by Holtec and fabricated by UST&D.

2. As a result of my design audit findings to various Architect Engineering firms and the General Electric Nuclear Energy (GENE) Design Audit that resulted in the issuance of a Stop Work Order to GENE, I issued a Level 1 Finding against ComEd Nuclear Engineering (Corporate and all Sites) in early 1998 time frame as an owners and the licensee for the violation of Criterion 7 "Control of Purchased Items, Component, and Services" of 10CFR50 Appendix B and ComEd Quality Assurance Manual and associated procedures.

ComEd did not have any procedure to adequately implement the stated Criterion 7 and reviewing of the design contractor's services such as design documents/calculations. That was why ComEd missed many design errors in the past made by Sargent & Lundy at many sites including the wrong pump curve at the Dresden Nuclear Station Units 2 & 3 ISI inspections in 1997 by NRC and the design control failure by GE Nuclear Energy (GENE), San Jose, CA which was resulted in the aforementioned Stop Work Order against GENE in August 1997, etc.

ComEd's Mr. Kombiz Salehi became in charge to put a corrective action for my Level 1 finding against ComEd Engineering and all nuclear sites and his group generated a ComEd Procedure (I believe, it was TID-MS-13, but now it might have changed to another name).

ComEd committed to review the design calculations generated by its contractors for safety related and important to safety applications. In my bi-weekly meetings at Dresden Nuclear Station Unit 1, I repeatedly emphasized to Messrs. Paul planning (Director of dry cask storage, dcs), Nathan Leach (Manager of dcs), and Bernard Christel (Engineering Manager of dcs) to ensure that the ComEd engineering review of the design calculations made by all the design contractors such as Holtec International are properly documented. I also brought it to the attention of Mr. Robber Speak, quality coordinator at Dresden Unit 1 to watch their progress and assure an adequate oversight of these activities. Mr. Speak did not know what to do, because he was not a technically oriented quality assurance person. Mr. Christel or his colleagues were only emphasizing to meet their schedule. Documentation of the review of the design calculations made by ComEd's Engineering Contractors for the dry cask storage project did not exist. ComEd did not document their review of Holtec international or any other design contractors for the dry cask storage project. ComEd did not ask Holtec to submit any design changes made to the original calculations for ComEd's review and to document their review to meet the TID-MS-13 procedural requirements.

All the details that I previously provided to you regarding welding and the temperature changes affecting the material yield strength intended to highlight the reasons that the Repair should be treated as design change and the engineers should properly document their review of the changes made to the original design of dry cask storage and avoid making vague engineering judgment statements. Your staff need to answer the above concerns before prematurely conclude that this allegation is closed.

Thanks. Oscar Shirani

P.S. Mr. Heller, please provide a copy of this letter to NRC Region III staff, Messrs. Bruce Jorgensen, R. Landsman, and Scott Langan.

CC: Mr. E. William Brach, NRR(ewb@nrc.gov)
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Mr. Michael McDermott, Oscar Shirani's Attorney