

RAS 12444

From: Oscar Shirani <obshirani@yahoo.com>
To: <hearingdocket@nrc.gov>
Date: Mon, Oct 30, 2006 11:18 AM
Subject: Exelon's Clinton Early Site permit EIS

Please see my comments in Attached Word Document for the NRC Public Hearing regarding Exelon's New Nuclear Reactors held in November 2006.

Oscar Shirani, Nuclear Whistle Blower

We have the perfect Group for you. Check out the handy changes to Yahoo! Groups.

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Hello NRC Representative;

I would like you to read the following comments on my behalf without any alterations for the public benefit: (I also would like to alert NEIS or other Safety advocate groups to ensure that my comments are read without any alterations.

I am Oscar Shirani, a Nuclear Whistle Blower against Exelon and against NRC's negligence to resolve my technical issues.

I had exposed the NRC's meaningless audits in many of my audit reports and specifically in 1997 against GE and 2000 against Holtec International.

In 1997, I was working for ComEd as a lead auditor of its vendor General Electric Nuclear Energy (GENE), San Jose, CA. This audit was conducted three months after the NRC's audit of GENE, in which NRC fully endorsed the Quality Assurance Program and Design Control processes of GENE for the Boiling Water Reactors (BWRs).

But, my audit resulted in a Stop Work Order with an identification of 22 major Audit Findings (Deficiencies) in Design of BWRs and the Quality Assurance Program Breakdown of GENE. This audit report was comprised of 199 pages and found that GENE's QA Program had not been effective and the structural integrity of the Systems, Structures, and Components (SSCs) of the BWRs were indeterminate.

The ComEd management under much pressure from its own top management and GENE changed the tone of the findings and massaged the words not to alert the NRC about its adverse impact for potential shut down of its existing troubled BWR stations (Dresden, Quad Cities, and LaSalle County Nuclear Stations).

ComEd changed the 22 findings into 12 and those managers who approved my Stop Work Order were fired a few months later with the arrival of David Helwig, the GENE Manager into ComEd. Helwig was fighting with me at the Exit meetings in GENE. My Quality Assurance Group of Suppliers was then transferred by Helwig and Kingley to the **production department which is against the law** (10CFR50 App. B, Criterion I), but NRC approved this change against its own regulations. **QA Function was no longer independent from production and the QA Auditors were no longer allowed to issue such stop work orders with the presence of the new bosses like Helwig and Kingsley and with the absence of sleepy regulators like NRC.**

This is the indication that ComEd and GENE would go that far to ensure that major players who brought safety concerns and their supportive managers not to have any place in the nuclear industry. NRC who was aware of the Stop Work Order did nothing to GENE and ComEd. All these issues were revealed by me and Mr. Kombiz Salehi, former NRC and ComEd Manager to the NRC.

In Dec. 4, 2002, NRC wrote to Shirani: "we **substantiated** that a stop work issued by Exelon's QA program to GE-NE was lifted based on a vendor's promises rather than verification that the underlying problems had been corrected. We reviewed this concern to determine what corrective actions, if any, the licensee was required to implement. We determined that **Due to the age of the concerns,** we limited our review to the current program requirements since any problems would be resolved to the current requirement (i.e. 2002). **The current procedures do not require verification that the corrective action has been implemented prior to lifting a stop work order"**.

NRC is blessing the Exelon's willful violation of the code of federal regulation by its new procedures. (10CFR50 App. B Criteria XVI and XVIII require "Corrective Action and Re-Audit" to be performed to ensure that the non-conforming conditions had been effectively implemented to prevent recurrence).

Shirani was not allowed for two years to perform any corrective action or re-audit, but ComEd lifted the stop work order by GENE's promises in less than 3 months and hired Helwig to stop Shirani and four of his supportive managers who all got fired.

NRC regulations indicate that any alterations of the nuclear audit reports and materials are against the law and those who commit such actions are subject to criminal prosecution. But when did NRC ever implement these written rules?

NRC was not interested to protect the safety advocates and in fact helped ComEd and Exelon to get rid of people like Salehi and I among others.

How does NRC allow nuclear Mafias like Exelon/ComEd to continue running these plants now for another 20 years and to allow the same company to build other reactors? Shame on NRC that did not learn anything from nuclear disasters like Chernobyl, Three Mile Island, and Davis Besse, Nuclear Power Plant in Ohio.

Regarding Shirani's August 4, 2000 Nuclear Audit Report of Holtec International Spent Fuel Dry Cask Storage issues:

How did NRC substantiate my allegations against Holtec and made such a conclusion that issues were resolved only by paper work? Welding flaws are contributing to the already existing design flaws discovered at Holtec manufacturing processes and QA program. My allegation revealed that

Holtec QA Program were not and still are not in compliance with the codes of federal regulations and the NRC's accepted standards. My repeated audits and Tony Frazier's Quality Control Inspections revealed the loss of design change control process for 100s of nonconforming conditions that were dispositioned by Holtec as Use-As-Is and Repair without any design change control processes as required by 10CFR50 App. B and ASME NQA-1 Supp. 3-S. The loss of design control process was coupled with many welding flaws discovered by Tony Frazier. Subsequently, Tony also was terminated by Exelon one month after this audit. I was transferred out of nuclear department by Exelon's CFO, Ruth Ann Gillis 7 days after I told Dr. Landsman about the dry cask issues in front of 100 utility members.

Dr. Ross Landsman and Oscar Shirani both believe that the Holtec's Nuclear spent Fuel Dry Cask are nothing except garbage cans with design flaws, welding flaws, and manufacturing flaws and dangerous to public safety in our backyards.

INPO report of August 21, 2002 revealed that within the past three years, three of the Exelon nuclear plants' (Dresden, Quad, and Byron) components have failed/broken into pieces due unanalyzed conditions that forced the shutdown of the reactors. NRC allow them to bring the units back on line the same way at it intends to bring the Davis Besse's plants back on line.

In 1992-1994 time frames, many structural steel members and connection plates at Dresden and Quad Cities could not qualify for another additional 500 pounds prior to power uprate. How does NRC provide any confidence to our public that those members and connections could take additional stresses due to 20% power uprate? How does NRC provide confidence to our public that these rusted nuclear plants infrastructure could have another 20 years of plant life extension, despite the fact that we know utilities are performing less and less modifications to the plants' components and have granted permission from NRC to do 24 month cycle outages vs. 18 months originally licensed.

Exelon falsified My NUPIC Audit of US T&D results and QA Records on August 4, 2000, (Refer to Exelon Exhibit 46, page 4 at Shirani's DOL hearing and compare with the Exelon Exhibit 38 at the same date with 9 findings). NRC blessed the Exelon's falsification of QA record as a supervisory discretion as stated by Mr. Jim Heller, Senior Allegation Coordinator at NRC Region III on the phone call to Shirani in September 2003, but it did not put it in writing to further embarrass themselves on public records. This is a criminal act by both NRC and Exelon, but who is the enforcer of the law to implement the provisions of 10CFR50.5 and 50.7? These are my reasons for my request for a congressional hearing by senate oversight committee or whoever has control over NRC.

Why doesn't NRC hold a public hearing with the presence of media to prove Dr. Ross Landsman and me wrong? Why does NRC just ignore these issues?

Dr. Landsman from NRC stated: I wanted the NRC to go there and do an inspection. I went to **my people in Washington and tried to get them to do something, but they didn't do anything, either.** Holtec had an approved QA program from the NRC. They were supposed to watch U.S. Tool and Die to make sure they made the cask according to the specs that the NRC approved. And according to this audit, they were not.

Oscar Shirani