

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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ACTION OFFICE: EDO

To: Weber, NMSS

AUTHOR: Sandra Gavutis

AFFILIATION: MA

ADDRESSEE: Michael Weber

SUBJECT: C-10 foundation request

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AO

ACTION: Appropriate

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LETTER DATE: 03/27/2008

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C-10 Envisions A Clean, Safe, Sustainable,
Non-nuclear Energy Future

March 27, 2008

Michael F. Weber, Director
Office of Nuclear Material Safety and Safeguards
Nuclear Regulatory Commission
1 White Flint North
11555 Rockville Pike
Rochville, Maryland 20852

Dear Mr. Weber;

On behalf of the C-10 Foundation, I am responding to your letter of March 4, 2008 stating that the C-10 Foundation request, that an NRC audit be accomplished to verify that Transnuclear's NUHOMS HD 32PT casks are properly qualified for use and the NRC TN quality assurance program has been adhered for Seabrook casks, is unnecessary. This is not an acceptable response.

Your reasons justifying "no action required" on our request, as our federal regulating agency, is totally unacceptable to us. Our request has simply asked you to enforce your own regulations; to do your job under the requirement of federal law. You stated in your response to the C-10 Foundation, that Transnuclear's repeated instances over a five years interval of undocumented temporary weld attachments (TWAs) have not been linked to a common root cause; and therefore, not a legitimate concern for investigation. This is an absurd defense as Transnuclear's violations at both fabrication facilities at Kobe Steel, Ltd (KSL) and at Hitachi Zosen Mechanical Corporation (HMC), who are the manufacturers of Seabrook's spent fuel dry casks, have been multiple and consistently repeated. These repeated and varied quality assurance violations are failures to conform to fabrication activities and the requirements under 10 CFR Parts 21 and 72. Transnuclear has failed repeatedly to compile with required federal

regulations, and you have repeatedly accepted Transnuclear's "corrective action" plans, which have consistently demonstrated their failure to compile with NRC code. These industry violations of code concern highly radioactive spent fuel; a primary responsibility of your agency to assure their containment through code compliance.

The NRC has allowed Transnuclear to contract with fabricators who are not ASME certified. You have stated in the NUHOMS Technical Specifications, and I quote "As the fabricator is not ASME certified, material certification to NG/NF-2130 is not possible. Material traceability and certification are maintained by TN's NRC approved Q/A program" You have allowed Transnuclear an "alternative to ASME codes and standards" and then further allowed them to compile "to the maximum extent practical". From our perspective, as Transnuclear's fabricators have clearly had repeated violations of code, these regulatory allowances carry additional industry and regulatory burden to assure that these alternative methods and programs are accurately performed. Transnuclear has had their "corrective action" responses accepted by the NRC repeatedly, yet the violations continue.

Your statement that HMC, the fabricator of Seabrook's casks, has not had the most recent violations is incorrect. In March 2006, you cited HMC for violations in "procedures requiring thickness inspection of temporary attachment weld removal areas and recording of the thickness were not followed". At the time of the inspection a significant amount of work was in progress at HMC including canisters for St Lucie, Turkey Point, Seabrook, Limerick, Palisades, and Monticello. Transnuclear's response to that violation came from Transnuclear's Stephen C White, Director of Corporate Quality Assurance. In his letter, submitted to the NRC, Mr. White states that they were dealing with several revisions of procedures. He states, for some projects" HMC did not have a formal procedure for control of TAWS and their removal (ie. TAW maps were not utilized). They were using a Revision 1 which was in effect at that time, and I quote "there was no Center Fixture actually used, only tabs around the perimeter of the plate were checked off".

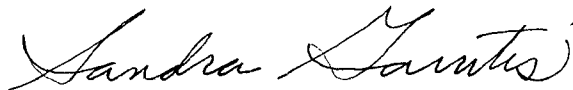
Our review of correspondence between the NRC and Transnuclear regarding violations and "corrective action" plans reflect confusion, at best, over procedures and revisions that require that the Q/A program be revisited

thoroughly. The number of Transnuclear's revisions of Q/A procedure's, the industry's repeated need for "corrective actions" and the repeated NRC violations over years has lead us to our request for a NRC careful review of all documentation concerning NRC approved TN Q/A, and Seabrook casks by the fabricator (HMC) Transnuclear, FPL and the NRC before they are loaded at the site.

Without Q/A and the visual examination, significant deficiencies or any deficiencies that would impair the performance of the casks to contain highly radioactive spent fuel over time well beyond the casks certification of 20 years **is indeterminable**.


Our request must be honored and acted on before Seabrook loads its spent fuel into HMC fabricated casks from Transnuclear. We repeat our request for action.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Gavutis".

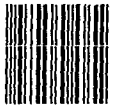
Sandra Gavutis
Executive Director
C-10 Foundation
44 Merrimac St
Newburyport, Ma.01950

cc. Dale Klein, Chairman, Nuclear Regulator Commission
Congressman John F. Tierney
Congresswoman Carlo Shea-Porter
Representative Michael Costello

 C-10 Foundation
44 Merrimac Street
Newburyport, MA 01950



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