



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

Seabrook Station  
Docket # 50-443

December 22, 2008

United States Nuclear Regulatory Commission  
ATTN: Document Control Desk,  
Washington, D.C. 20555-0001

**Subject: Contesting NCV 07200063/2008001-002, Failure to Conduct an Adequate Dry Run.**

The C-10 Research and Education Foundation is contesting the NRC decision that a severity Level IV violation of NRC requirement was dispositioned as a Non-Cited Violation consistent with Section VI.A.1 of the NRC Enforcement Policy at the Seabrook nuclear power plant during their first spent fuel transfer to dry cask NUHOM –HD System storage casks. NRC inspectors determined that this violation was a Severity Level IV violation consistent with Supplement I.D.3 of the NRC's Enforcement Policy properly but then somewhere within the NRC agency, that staff determination was overruled. This NRC Non-cited violation must be determined to be a Cited violation as there were "actual consequences" to a worker who was unduly exposed to increased radiation levels secondary to a willful act. In this case, only after the increased exposure to the worker did the utility decide to conform to the pre-operational procedure and regulatory requirements under the Certificate of Certification (CoC) requirements. The intended purpose of the NRC mandated dry run is to make sure that the workers are trained and to prove the procedure.

The violation was ultimately determined by the NRC to not have been willful. In legal terms willful is defined as deliberate. Florida Power and Light, the owners of Seabrook, knowingly changed both their per-operational procedure and personnel from the pre-operational cask welding demonstration to the actual DSC processing.

- The introduction of the shield bell that was not present during the pre-operational welding trial run at the actual DSC processing was a deliberate action. The shield bell interfered with the operation of the AWS welding system during the actual transfer.
- The welder used in the actual DSC processing was not ASME Code qualified nor had he participated in the pre-operational NRC mandated dry run. This was in the full knowledge of Seabrook owners and the contractor.

- **The welder used in the actual DSC processing did not have a proper “tailgate” briefing from supervisors on the pre-operational procedure or he would have initiated STAR ( Stop, Think, Act and Review) until procedures and training were provided to match what he was to do. He would have questioned the task he was about to undertake if he had been properly briefed on the procedures that were done on the trial-run pre-operational demonstration. Not doing an adequate “tailgate” briefing with him, the utility failed to train workers on procedure. The worker was not qualified and both the utility and the contractor knew he was not and he failed to be able to do the welding properly and the shield bell not in the pre-operational demonstration exacerbated the situation.**

**The result was a worker who was not properly trained or qualified was exposed to an increase in radiation during the procedure. No fault of his own. He was knowingly placed in the situation with the gamble that a qualified welder could constantly advise him from a safe distance within an adequate time-frame to prevent the worker actually doing the welding from increased radiation dose exposure. The procedure failed and the non-ASME Code qualified welder could not do the required welding adequately and was exposed to an increased radiation dose needlessly. The seal on that cask endured several repairs and the seal closure process was not followed under the NUHOMS- HD CoC and therefore compromised.**

**After this failure, Seabrook owners got the trained welders present for the pre-operational demonstration back on the job but as the trial run procedure was not followed with those qualified workers , it resulted in increased radiation exposure to the worker actually doing the task, inadequate cask closure, and safety was jeopardized for another two days in the scramble to correct this situation. Knowingly and deliberately the contractor and the owners of Seabrook scheduled unqualified workers and it appears attempted to compensate with the introduction of the shield bell and remote support for the welding procedure. They “winged it” and failed.**

**Seabrook’s owners must be cited consistent with Supplement I.D.3. of the NRC’s Enforcement Policy. We do not believe that there was malicious intention on the part of the Seabrook owners or contractor. However, in legal terms, there were willful acts which were clearly deliberate ones that resulted in violations of regulations, actual consequences to a worker in exposing him to undo risk and increased radiation exposure.**

**The NRC bases the significance of a violation on: the actual safety consequences, potential safety consequences (including the consideration of risk information), the potential for impacting the NRC’s ability to perform its regulatory function, and the**

**willful aspects of the violation. In our opinion, all of these were clearly present in this violation.**

**Please give this your serious consideration.**

Sincerely,

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

**Sandra Gavutis  
Executive Director,  
The C-10 Research and Education Foundation  
44 Merrimac St  
Newburyport, Ma. 01950**

**cc. Samuel J. Collins, Regional Administrator, Region 1  
Cynthia A Carpenter, Director, Office of Enforcement  
Bill Raymond, NRC Inspector, Seabrook Station**