



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

December 18, 1995

Terry J. Lodge, Esq.  
618 N. Michigan Street, Suite 201  
Toledo, Ohio 43624

Dear Mr. Lodge:

I am responding to your letter of December 5, 1995, written on behalf of the Toledo Coalition for Safe Energy and several of its members. In it, you raise concerns about the safety of the VECTRA NUHOMS cask, and in particular about the thickness of the welds for that cask. You further suggest that as a legal matter, the NRC was required to conduct a "rulemaking or other public proceeding" before allowing VECTRA to deliver NUHOMS dry storage canisters to the site of the Davis-Besse Nuclear Power Station. I understand your position to be that a reduction in the thickness of the cask welds constitutes a safety-related change mandating "an NRC rulemaking and/or license modification adjudicatory hearing." Your letter requests that there be no loading of the casks at Davis-Besse until (a) such a proceeding has been conducted, and (b) a "written, approved and field tested procedure" is in place for unloading the casks in both "urgent and non-urgent circumstances."

The NRC is treating your request as a petition for enforcement action under 10 CFR §2.206. Because your letter of December 5 asks for immediate relief, i.e., a halt to any loading of the casks at Davis-Besse, it is necessary for me to give you an immediate response to that portion of your request. It is my judgment that there is no imminent risk to health, safety and the environment such as to warrant the emergency relief that you seek.

The technical issues relating to weld thickness have been receiving extremely close scrutiny from NRC. They were the subject of a Confirmatory Action Letter to the vendor, issued on July 7, 1995, to which the vendor responded in letters dated September 5, 20, and 22, and October 2 and 3, 1995. The NRC has observed selected portions of the preoperational testing activities and has reviewed associated test procedures and results. The licensee's procedures for unloading the casks (one of the issues identified in your letter) are undergoing final licensee review at this time, their use having been demonstrated during the recently completed dry run. We anticipate that final acceptable procedures will be in place in a day or two. The NRC has not

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yet issued a final decision on the licensee's request for a schedular exemption, although the matter is currently under active consideration and may be acted on shortly. I therefore find no basis to grant the emergency relief that you request.

The legal and technical issues that you raise will be addressed in accordance with 10 CFR §2.206, and a response will be provided within a reasonable time. Also before the agency at this time is a November 14, 1995, letter from Ms. Charlene F. Johnston, on behalf of the Toledo Coalition for Safe Energy, raising a number of similar and related issues.

As the NRC continues to consider your request, if at any time it determines that your technical and/or legal concerns indicate the need for enforcement action, such action will be forthcoming.

Sincerely,

Original /s/ by

Carl J. Paperiello  
Director, Office of Nuclear  
Materials Safety and Safeguards

cc: Ms. Charlene F. Johnston

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