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1952 Palisades Dr.

Appleton, WI 54915

Secretary, US NRC

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Comment on proposed rule to Expand applicability of regulations to Holders of, and applicants for, Certificates of Compliance and their contractors and subcontractors - 10 CFR Part 72

This amendment is long overdue and should have been put in place before any generic certification was allowed. It could have prevented a great many problems with the VSC-24 and NuHoms casks. It will finally clarify the expectations placed on persons designing and building spent fuel storage casks, that they have to do quality work up to nuclear standards. QA is of utmost importance to the future safety of dry cask storage. A design is no good on paper if documents and regulation are not followed and enforced. Records must be kept in order. Documents must be kept current to meet what is "really happening" in fabrication and handling. Certificate holders and applicants who fail to comply, should be subject to criminal penalties. All persons associated with QA need to be held responsible.

Ⓐ I think the NRC has to address two situations very carefully. One is the exemption process when casks are fabricated before certified. It needs to be made clear that all regulations apply and can be enforced in this case. If a vendor makes more casks (even parts) than allowed by an exemption, he should be fined. MSB#4, the one with faulty welds at Palisades was a "nonconformance" in this situation and it could very well be that this

problem can use a subset of the situation.

the second situation is when a licensee requests

a change in a certificate holder design or fabrication

of a subcontractor or contractor. Who is responsible

for the change? Who takes the blame if it isn't

evaluated or documented correctly? Who gets blamed?

This has been a problem with generic codes being

changed for site-specific needs.

Also who is responsible for firing QA? This must

be finally very clear as nobody can say "they got it

the back or say "they didn't tell us" or "we didn't

know" Who is responsible?

Also how are materials purchased to be examined

up to QA standards? Do it up to contractor to check

QA of material provider? Can a licensee allow other materials?

And it also must be made clear that

licensees are responsible to notify vendors just as soon

as they recognize to notify other licensees, when

a problem or concern arises with code already in

use or being used. A chain of communication

should be clarified and enforceable. This can

be a big safety factor if information is not circulated

to all concerned.

I'm not quite sure when to transfer code, or

to management, or how to fit into "systems" associated

with the criteria. For example a change can be

quite specific to certain design or an MTC (for USC-24 case) or may be

safety component of the system. The second transport

device for nuclear code is the responsibility of system for

example?

(B)

Col - SA II  
Chase

and Jim wondering about such parts of a case like the concrete VCC extra shell for the VSC-24 case which is built to the certificate holder design, but by a subcontractor under the license supervisor at the plant. If the license says to the subcontractor or contractor, "make this change for us", then who is responsible if the change is a problem for the certificate holder original design as a whole? Does the workman say he has to get written permission from the certificate holder first, or what? (Say it after the building procedure must follow design needs if for example then design is not what you want)

The major thing is "Change processes" and who is responsible for allowing them and receiving them and inspecting them. The certificate holder gets his design certified, but then in fabrication, contractor, subcontractor or licensee want change in material, fabrication, or handling. Who needs to get permission from whom? Should it be in writing and kept on file? When does NRC need to be notified? How? In writing? This business of doing acceptance of a change by phone should not be allowed, and employees need to know that if they have a concern in this area, they should go to the NRC. You can recall cases not built correctly, but you can't recall loaded nuclear codes.

I don't like the term "licensee and certificate holder are simultaneously" responsible for QA assurance via oversight of contractor and subcontractor. There needs to be a clear cut line of responsibility here. What actually is the licensee liable for? The authority should be clearly delineated.

All QA programs are set forth in written procedures.

Then distribution of current QA programs need to be specified. After ~~entire~~ documents have been a program. The most current SAR, with all amendments, and the most current CFC, with all amendments, should be distributed to all involved with the cook. They can you answer this? Documents need to be referenced always by the date of the document — not, for example, "the" SAR.

Criteria as to a time limit in which changes need to be put in documents, and in which the current need document need to be distributed needs to be set.

There should be a definite time limit for approval of a program also. If a licensee, for example, calls a vendor and says "we are looking at this understanding program and we see the next hole we are going to be too small — then what procedure is to be followed? What time limit? Other notified? etc. On what if a subcontractor goes to the licensee and says we can't do it this way the drawing shows, can't we do it another way — can the licensee say it's OK or what? There have been programs with such changes when the whole cook system has not been taken into account. If you change even a little thing, it can affect the whole — a licensee has to look at total effect on the system. Should he always get the OK from the vendor? If so, then who is responsible for the change if it causes an explosion or something? It's seen a lot of concerns about this sort

of situation in negotiability or liability for change.

I think unannounced inspection and audit in a definite time certain should be required.

I really do wish that NRC would not allow exemptions to fabricate before a cash is certified. You did it with the USC-24 and it caused problems and

now you are doing it with the TN-32. Once a utility prep to have a cash built, they are going to do

every thing possible to use the thing "as is". This is just plain wrong. The rule was made not to fabricate

refer certification for a good reason — it makes cash not built to the best specification. I can hardly

believe NRC would then refuse me of a cash already built — some "administrative collection" or loophole

will be found and the cash will be used. Why allow this situation to be a possibility at all? Don't

allow fabrication before a design is certified. Please you still talk about "compatibility with transportation and ultimate disposition" but I don't see the logging.

As we so often see the DOE talking about a 21 month change-out cash, why are we allowing 24 assemblies in

strong cash? Don't this make a problem for any day transfer system or the pot in the future? Don't worry

thinking of every possible "stapling" after and integration needs to be done now. Any excess handling needs

to be avoided if possible.

How does a certificate holder prove his record cash will last another 30 years? NRC should start

thinking of criteria for this now as this should not be done in haste when cash are near replacement

dates and vendor licenses need to know what to  
 get paid. If a cash is not approved, who is responsible  
 to put the fee in new code of order design, or that  
 part? If a vendor is long gone, and has promised his cash  
 will last 50 years, it will make an difference at the  
 end of cash life. The license will be responsible to  
 pay for new code and transfer of the fee and money  
 even a new paid etc. I just don't see how this  
 will work if the application for approval is only  
 30 days prior to cash expiration. That seems too  
 short a time. We must allow for thinking of the  
 future concerns.

I think the term "design deficiency" needs to  
 be carefully defined if a certificate holder is required  
 to report to the NRC about it. And how are others to be  
 notified about it? If a holder sees gas valves in their  
 cash water, who should they notify - State? Then  
 who should they notify - Pt. Beach and ANO? And who  
 should notify the NRC? Who should notify future license  
 with cash in violation? And how should the problem be addressed  
 in the documents? In what time frame?

Change process and time criteria and commitments  
 need to be  
 specific in of main concern. The document need to be  
 kept current, I still don't see how the generic SPA really  
 works well when so many site-specific changes are made.  
 You certify a design and then let everything change it.  
 This cause problems. I still think if each license  
 dealt with its own site-specific cash SPA and had to  
 communicate with the vendor and contractor and  
 subcontractors on their own design, things

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would work a lot better. Trying to certify a general design for every hole and then redesign things to suit individual needs doesn't work as well as if the cost were designed for a specific utility in the lot plan, with the order working closely with the utility, to create the best cost for us at that site. The design would be better as a whole concept. Just for example, Palestine having certain paint criteria for their pool — different pool temperatures and criteria at Ft. Belknap — etc. Each plant is different.

Is it only the VSC-24 that seems to require so many site-specific changes? Or other designs more generic? How "generic" does a cash need to be to get certified? That is something that deserves some thought. . . . I really think it does.

I guess also some thought has to be given to integrity and honesty on the part of a certificate holder, at what point can the NRC just say — "weir had enough." If a certificate holder is repeatedly found guilty of negligence and even actually lying etc., at what point can the NRC say — "you are taking way too much of our imagination time, way too much of the public's money, and we are no longer going to deal with you in the nuclear industry — you cause too many wiles." When can you say that? You ought to be able to do that I would think. Health facilities can be shut down, etc. — so should others that cause government agency problem after problem. It is not up to the NRC to "baby sit" a cash holder that can't do business up to nuclear standards repeatedly. I really think some part of this amendment

needs to address this. To big utilities, you have  
aren't really much, they cover environment in the  
industry and environment to reform, however.  
And they need the code to keep going! A worker  
can declare bankruptcy, or sell to somebody else who  
promises to "be better" on what ever. I don't know, I think  
that it seems great the NEC should be able to throw  
out a certificate and refuse to spend any more time  
trying to keep a worker in a business they don't know  
how to run. After all, use of the public pay for all this  
straight that shouldn't really be necessary if things  
were done right in the first place. The price of the  
VSC-24 can't get to be ridiculous, it is only because of  
the demand for a cheap car that things still get made.  
Well, will see what happens under BNF ownership now.  
A new car should certainly be required soon. SAC  
got out of dealing with that now. That's all I know, is  
that if SAC were a car dealer, recall alone would  
have probably put them out of business long ago.  
Stamps, how much we "put up with" in the numbers  
industry because of lack of government in all this.  
Well, enough, as I said at the beginning, this is  
all long overdue. The NEC, workers, and utilities are  
learning so we go along - and so is the public. We  
learn from our mistakes, I just hope that learning  
from experience, like that at First Peak, doesn't  
happen again. That certainly struck public  
confidence in what you all are doing together. Fries  
need to be given but not NEC needs to be strict on this  
for public safety. Thank you, Jason Stillington