

From: Paul Narbut / *WMS*
To: M. Wayne Hodges; Robert O'Connell
Date: 8/20/02 4:27PM
Subject: Re: Fwd: Further explanation of dry cask storage allegation

Attached is an evaluation of the recent round of information from the CI.

>>> M. Wayne Hodges 08/20/02 07:29AM >>>

CC: Michael Tokar

C/23

August 20, 2002

Assessment of More Additional Information Provided by Concerned Individual
Allegation NMSS-2002-A-0002

The concerned individual (CI) provided more additional information to Bob O'Connell in a Letter dated August 19, 2002. The CI preceded the letter with a voice mail message left on Bob O'Connell's voice mail. SFPO/TSSI reviewed the information and made the following assessment.

Telephone information

1. The CI repeated the same arguments that he had stated in the past and provided no new information. He repeatedly restated that use-as-is dispositions are a design change and Holtec had not reviewed them. The telephone message timed out before the CI finished his message.

Response: No impact on the inspection findings.

Letter:

The 8/19 letter has two numbered paragraphs. The first paragraph deals with the Holtec issues. The CI changes the focus from his previous allegation that *US Tool and Die was dispositioning nonconformances as use-as-is without Holtec review, to Holtec was dispositioning nonconformance reports for use-as-is with vague statements and accepting them only by engineering judgement.* Also, the CI seems to believe that design changes always involve changes to calculations. Also, the CI says that, in the past, engineering judgement was not accepted by the NRC without proper documentation.

Response to paragraph 1. Holtec nonconformance report (NCR) dispositions were examined at inspections conducted at Holtec in September 2001 and May 2002. The inspectors found that the dispositions were adequately explained although sometimes followup questions were required for a fuller understanding. NRC does not have an absolute requirement for the degree of completeness of explanations of rationale for NCR dispositions. As a general rule, inspectors look to determine if the disposition makes technical sense. If the disposition is technically adequate, the inspectors do not engage the question of the adequacy of the explanation. If the disposition does not appear reasonable, the inspectors explore the rationale more deeply. Licensees and certificate holders are encouraged to record adequate rationale, but there is no NRC requirement to do so for NCRs. Design changes do not always involve changes to calculations. Often design changes are approved based on engineering judgement, and that is an acceptable engineering practice. However, in the cases described by the CI, and examined during the inspections, design changes were not required for the use-as-is dispositions as explained in our earlier responses. Therefore, we conclude no additional inspection is warranted based on the additional supplemental information.

The 8/19 letter paragraph number 2 Describes audits findings involving General Electric Nuclear Energy, Sargent and Lundy, and ComEd.

Disposition: These allegations should be referred to Region III for assessment regarding the presence of any new information

The last paragraph in the 8/19 letter states:

"All the details that I previously provided to you regarding welding and the temperature changes affecting the material yield strength intended to highlight the reasons that the Repair should be treated as design change and the engineers should properly document their review of the changes made to the original design of dry cask storage and avoid making vague engineering judgment statements. Your staff need to answer the above concerns before prematurely conclude that this allegation is closed."

Response: The CI, for the third time, restates his perception of a problem. The CI neither faults, confirms, nor otherwise addresses our previous explanations as to why there is no problem. No new information has been provided. Therefore, no additional SFPO action is warranted.