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

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USNRC

March 19, 1997

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SECRETARY

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

Ms. Fawn Shillinglaw  
1952 Palisades Drive  
Appleton, WI 54915

Dear Ms. Shillinglaw:

This is to acknowledge receipt of your letter dated March 7, 1997 to Chairman Shirley Ann Jackson regarding your concerns about the further use of VSC-24 casks at the Palisades plant without appropriate "unloading" experience and safety evaluation. Your letter also requests Commission review of Director's Decision DD-97-05, issued by the Director of the Office of Nuclear Reactor Regulation on March 4, 1997.

A copy of your letter has been provided to the NRC staff for a response to your concerns about further use of VSC-24 casks at Palisades.

With regard to your request for Commission review of DD-97-05, I must deny your request in accordance with the Commission's regulations which state that no petition or other request for Commission review of a Director's Decision will be entertained by the Commission. As I explained in my February 28, 1997 letter to you regarding your similar request for review of DD-97-01, NRC regulations provide that, within 25 days after the date of the Director's Decision, the Commission may, on its own motion, review that decision, in whole or in part, to determine if the deciding official, in this case the Director of the Office of Nuclear Reactor Regulation, has abused his discretion. Review of Director's Decisions addressing matters raised under 10 CFR 2.206 is at the discretion of the Commission. No individual has the right to such a review.

I will inform you whether the Commission determines to undertake a formal review of this Director's Decision on its own motion.

Sincerely,

John C. Hoyle

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P.S. When, how, and by whom, is 1st VSC-24 loaded  
to be checked according to Certificate criteria?

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March 7, 1997

1952 Palisades St.

Appleton, WI

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Dear Shirley Jackson, Chair US NRC,

I request that you motion the Commission to institute a review of the Director's decision (DD-97-05) of March 4, 1997 on my petition of Nov 17, 1995 which requested that 1ASB#4 at Palisades (with weld flaws) be unloaded before any more VSC-24 casks were loaded, and that the experience be evaluated for potential safety improvements.

The proof is in the pudding. Until that cask is unloaded, the only proof that it can be safely done, that the public has to depend on, is some documents. I believe in learning from experience. I believe in the real thing. Until an actual loaded VSC-24 is safely unloaded, don't expect public trust and confidence in this cask design. How you could even expect it, after all the problems with this cask, is hard for me to understand.

Mr. Collis's decision comes way too late. Casks have already been loaded at Pt. Beach and ANO. This decision should certainly have been made before that was allowed. To make the decision now, on paper, is long after the utilities were given the decision to go ahead and load. Why?

In the first place, Palisades (p. 3 of decision) said they would unload the defective cask in several months after problems were discovered in July 1994. It is now March 1997! Now they say they will wait for a

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it. That will take several years from now I am told. The original reason for announcing to the public that they would unload it was that they wanted the public to be assured it was safe, as I understood it.

Apparently that was all "bluff" at the time. Actually they had no adequate unloading procedure in place.

The fact that casks already fabricated for Palisades and ANO have 2 big problems in unloading makes me now even more concerned about unloading promises, than I was when NRC decided to make my letter a petition in 1995.

- ① The coating problem remains, as these casks have carbon-zinc, and procedures to prevent flammable hydrogen formed from exploding will have to be done carefully. ② The cask shield lids have too small a vent hole and a larger one has to be cut into those lids during unloading. To have to deal with both of these problems (plus weld flaws in MSB#4), and anything else unexpected which shows up, will take time. Time is of the utmost importance in unloading. This dependence on a piece of paper saying you can do this, is not good enough. Too many mistakes have been made already to go on saying no human error, or other flaws in the design, will not show up. A dry run - your so called preoperative testing - proves nothing. The Point Beach explosion made that clear.

The decision (p.11) is based on "reasonable assurance" of the ability to unload safely and that "no adequate basis exists" that it can be done.

A coating that causes explosions is an adequate basis. A vent hole that is too small is an adequate basis. Weld flaws (that you can't really prove the size of) are an adequate basis. Unloading procedures that were called too simplistic is an adequate basis. Quality assurance problems at the vendor and utilities is an adequate basis. Inadequate reviews of changes to the design is an adequate basis. Any body who has followed the history of the development and use of the VSC-24, has to be aware of the many problems. When it was just in proposed rulemaking, we called for a demonstration and an adequate unloading procedure. If that had been demanded by NRC then, a lot of staff time and government money could have been saved.

In other industries products have to be actually tested over and over again, yet here in the nuclear industry, casks holding some of the most dangerous material on earth does not have to be actually tested. This just makes no sense to me, and I was really shocked when I realized that fact.

I remember full well, when I first listened to the NERS tape of the meeting (open to public) with Palisades and NRC on problems with unload MSB#4. The Palisades man was talking about

problems getting the skins out, and cutting and cooling equipment, etc. NBC was asking questions about checking all the "what ifs". The man said in a bragging tone — "That's my job. That's what I'm good at, so I remember it. The NBC was saying PCI may be good at cutting, but they may not be 4 parts at cooling — etc. The whole meeting left me with a feeling of false confidence on every body's part. It was obvious things were a mess. The same was true when all the fabrication problems at subcontractors of Seena were revealed. The same was true when 72.48 was used and #9 had to be added to the Nations certificate. One problem after another. The more documents I studied over the years, the more I was astonished at the way dry cash storage was being handled by every body concerned vendors, utilities, and NBC. I could hardly believe that this was the inefficient way things were done.

I just don't know. I sit here in the quiet of the early morning hours, and drink my cocoa, and watch the snow coming down, and just wonder.... Who is reading this & wonder? What good does it do? To me, right now, it's like a bluff. I think of a bunch of kids in my neighborhood when I was small. We were down on the river on the ice. We were all eyes. The little kid dared a larger one to jump over a hole in the ice. Every body thought she could do it. She was older, bigger, and a good

Suppose she wanted to. The kids kept egging her on till she made the leap. She fell in. Luckily the water there was only a few feet deep, but it was bitter cold. I remember rushing her up the hill and home — all of us scared and worried. We knew we were in trouble with our moms and we were worried she would get sick after being so wet and cold. The kids called a bluff. (Maybe she really could have done it, maybe she slipped. Maybe practice over that amount of space, on dry ground, would have given her a longer leap. I don't know.) The point is, that saying you can do something, does not prove you can do it. In dealing with nuclear waste I have a hard time believing your saying you can open a VSC-24 cask — until you safely, actually, do so. I don't think that's a lot to ask for public trust and confidence in future loading of this cask. I find Mr. Collins' decision inadequate, and very untimely, and not prudent for public and worker safety.

I know this is wasted paper on my part, but my heart tells me that my mind demands more proof to really believe you know all the problems, and their solution, in unloading. If more unexpected problems arise, time may be the main factor. You all can keep boasting you know how to do it, but until you actually do it, I see no adequate basis to believe it.

Sincerely,

Faen Shillinglaw