



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

December 20, 2018

Electronic Mail To: Mr. Kevin Kamps  
[kevin@beyondnuclear.org](mailto:kevin@beyondnuclear.org)

SUBJECT: CONCERNS REGARDING HOLTEC INTERNATIONAL (ALLEGATION  
NO. NMSS-2018-A-0018)

Dear Mr. Kamps:

The U.S. Nuclear Regulatory Commission (NRC) has completed its follow up in response to the concerns you brought to our attention on July 30, 2018 regarding Holtec International's Consolidated Interim Storage Facility in New Mexico. You were concerned about attempted bribery by the Holtec International CEO, and numerous design and fabrication issues with Holtec casks. The enclosure to this letter restates your concerns and describes the NRC's review and conclusions with regard to each concern.

Thank you for informing us of your concerns. Closure of an allegation does not prevent us from revisiting a concern, especially if we obtain new information. Allegations are an important source of information in support of the NRC's safety mission. We take our safety responsibilities to the public very seriously, and will continue to do so within the bounds of our lawful authority. We feel that our actions in this matter have been responsive to your concerns and plan no further action. If, however, new information is provided that suggests that our conclusions should be altered, we will reevaluate that information to determine if additional evaluation is indicated.

If you believe there was NRC employee misconduct involved in the handling of this allegation, you may contact the NRC Office of the Inspector General (OIG) by any of the following methods:

1. Telephone: 1-800-233-3497 (OIG Hotline Number)
2. Online submission: <http://www.nrc.gov/insp-gen/complaint.html>
3. In Writing: U.S. Nuclear Regulatory Commission  
Office of the Inspector General  
Hotline Program, Mail Stop O5-E13  
11555 Rockville Pike  
Rockville, MD 20852

Should you have any additional questions, or if we can be of further assistance to you, please contact me at 301-287-9423 or Sarenee Hawkins at 301-287-9292, or email us at [HQ\\_Allegations@nrc.gov](mailto:HQ_Allegations@nrc.gov).

Sincerely,

A handwritten signature in blue ink that reads "Dori Willis".

Dori L. Willis, Senior Allegation Coordinator  
Headquarters Allegation Team  
Office of Enforcement

Enclosure: As stated

# **STATEMENT OF CONCERNS**

## **ALLEGATION NO. NMSS-2018-A-0018**

### **CONCERN 1:**

**The CEO of Holtec International attempted to bribe an Exelon quality assurance auditor.**

#### **NRC Response:**

In response to your concern, technical staff in the NRC's Office of Nuclear Materials Safety and Safeguards (NMSS) reviewed the regulations in Part 71, "Packaging And Transportation Of Radioactive Material," and Part 72, "Licensing Requirements For The Independent Storage Of Spent Nuclear Fuel, High-Level Radioactive Waste, And Reactor-Related Greater Than Class C Waste," in order to determine whether NRC regulations address bribery of a licensee employee by a vendor employee. The NRC staff determined that NRC regulations do not specifically address bribery. However, bribery or attempting to bribe a person could directly impact an individual's state of mind while committing another violation against NRC regulations in a deliberate manner. Since you did not provide specific information and/or details pertaining to any activities that would be in violation of NRC regulations, NRC staff determined that we are unable to evaluate this concern.

Additionally, based on the information that you have provided, the recipient of the attempted bribe is deceased and therefore, not available to provide any additional information regarding the attempted bribe.

### **CONCERN 2:**

**A former lead quality assurance (QA) auditor for Exelon identified numerous "major design and fabrication issues" during a QA inspection of Holtec International (the cask designer) and its subcontractors.**

#### **NRC Response:**

In order to review your concern, NMSS staff reviewed all reports of NRC inspections at the Holtec facility from 2000 to 2004 that assessed Holtec's Quality Assurance activities related to the design and fabrication of NRC licensed dry fuel storage systems. In addition, NMSS staff reviewed other NRC files that discussed these concerns. Overall, NRC staff determined through the review of the aforementioned documents that your concerns were assessed during the previous inspection activities. Although in some cases the documentation was not specific to the exact concern, all general topic areas were shown to have been reviewed by the NRC. The NRC determined that your concerns did not provide any new information which would prompt the NRC to take any additional actions. Therefore, the NRC was not able to substantiate that any of the "major design and fabrication issues" that were identified during the 1999 – 2000 QA inspection of Holtec International were not already identified and addressed by Holtec International.

**ENCLOSURE**