

P.O. Box 88
Peaks Island, ME 04108
August 10, 1996

Hon. Shirley Jackson
Chairwoman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dear Madame Chairwoman:

I am writing to acknowledge receipt of a July 30, 1996 letter from Mr. Hoyle acknowledging receipt of my July 15, 1996 letter to you concerning Maine Yankee.

In his July 30 letter Mr. Hoyle states: "The Commission is looking into this matter and will respond to you soon." I infer from Mr. Hoyle's statement that the Commission is looking into questions raised in my July 15 and previous letters in which I sought information pertaining to the Commission's position with respect to Maine Yankee's noncompliance with Small Break Loss of Coolant Accident (SBLOCA) requirements and related questions. In these letters I sought, in particular, the Commission's position with respect to the regulatory basis cited by NRC staff several months after issuance of the January 3, 1996 Order that allowed Maine Yankee to operate in circumstances where the plant did not comply with SBLOCA requirements specified in TMI Action Plan Items II.K.30 and II.K.3.31.

Documents provided by NRC staff (which may or may not reflect the view of a Commission majority) cite 10 CFR 50.46(a)(2) as the regulation that enables the staff to allow Maine Yankee to operate although the plant does not comply with said TMI Action Items. In its consideration of the matter, I urge the Commission to note that the first public document citing the 50.46(a)(2) rationale was put forth in late April, nearly four months after issuance of the January 3 Order.

I urge also that the Commission review the analysis that is the basis for the staff conclusion that, with the 90% power restriction, Maine Yankee complies with various provisions of 10 CFR 50.46, notwithstanding noncompliance with TMI Action Items II.K.3.30 and II.K.3.31. The inference from the staff's action is that there exists somewhere an analysis demonstrating that compliance with 10 CFR 50.46 and related requirements can be achieved without compliance with these TMI Action Items. Yet, I am unaware of any analysis, conducted after the coming into effect of requirements of these TMI Action Items, that shows that the 90% restriction alleviates the need to comply with II.K.3.30 and II.K.3.31. I.e., what facet of the review leading to the imposition of II.K.3.30 and II.K.3.31 shows that the analysis required by these provisions is necessary when Maine Yankee operates at 2700 MWt but not necessary when Maine Yankee operates at 90% of this level?

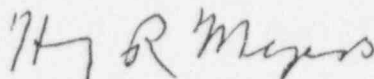
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Thank you for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "H R Myers". The signature is written in a cursive, somewhat stylized script.

Henry R. Myers

cc: Senator Cohen
Senator Snowe
Senator Lieberman
Senator Biden
Congressman Dingell
Congressman Markey

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