

October 24, 1996

50-309

Mr. G. D. Whittier, Vice President
Licensing and Engineering
Maine Yankee Atomic Power Company
329 Bath Road
Brunswick, ME 04011

Dear Mr. Whittier:

On October 7, 1996, the Maine Yankee Independent Safety Assessment (ISA) Team Report was issued. During the preparation of this report, the team requested a document titled, "Maine Yankee Atomic Power Company's (MAYPCo) SAO Position Status Summaries," subsequently referred to as the "SAO Position Report." Your letter of September 5, 1996, (enclosed) forwarded Revision 1 of this document. This letter also stipulated 8 caveats regarding this document. Items 1 through 7 essentially stated your position regarding the status of statements made within the "SAO Position Report" and we have no disagreement with this position. However, after careful review and in light of the importance of this document in the preparation of the ISA report, we do not agree with your position stated in item 8 and the attached affidavit that the information provided is commercially confidential. We do not agree that you have provided sufficient argument or evidence to withhold said document from public disclosure. Consequently, the "SAO Position Report, Revision 1" will be placed in the Public Document Room 30 days from the date of this letter, unless we receive adequate justification from you in affidavit form pursuant to 10 CFR2.790 to withhold said document from public disclosure.

Please refer all questions or correspondence to Mr. William J. Olmstead, Associate General Counsel for Licensing and Regulation. Mr. Olmstead may be contacted by phone at (301)415-1740.

Sincerely,

Original Signed by:
E. L. Jordan

Ellis W. Merschoff, Team Leader
Maine Yankee Independent Safety
Assessment Team

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Enclosures: As stated
cc: See next page

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Mr. G. D. Whittier

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License No. DPR-36

Docket No. 50-309

September 5, 1996

MN-96-132

GDW-96-66

Ellis W. Merschoff, Team Leader
Independent Safety Assessment Team
United States Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Safety Assessment Observation (SAO) Status Summary Document

Recently, we discussed with you, a document titled, "Maine Yankee Atomic Power Company's (MYAPCo) SAO Position Status Summaries," (subsequently referred to as the "SAO Position Report"). This document contains MYAPCo's preliminary positions on all currently active SAOs. You requested that we formally provide the NRC with this document to allow the NRC to consider its information during preparation of the Independent Safety Assessment Team (ISAT) inspection report. Consistent with your request, Revision 1 of the subject document is attached. We should note, however, that certain caveats are appropriate regarding this document.

1. The SAO Position Report only addresses "active" SAOs. An active SAO is defined by MYAPCo as an SAO that has not been canceled or is not considered a positive comment by the NRC/ISAT.
2. The SAO Position Report is preliminary, in that stated "causes" are preliminary and in many circumstances may not represent the root cause. Root cause determinations are being developed, as appropriate.
3. The SAO Position Report "Key Initial Corrective Actions," "Key Long-Term Corrective Actions," and "Key Responsive Actions" may be revised as deemed appropriate.
4. Every attempt has been made to ensure consistency with positions provided in responses to Requests For Information (RFIs). If you identify any remaining inconsistencies, please let us know.

5. Factual agreement with the NRC's SAO should not be interpreted by the NRC as agreement that the SAO represents a deficiency or a safety significant issue.
6. Agreement with an SAO should not be interpreted by the NRC as agreement to change the Maine Yankee licensing or design basis.
7. The SAO Position Report text is by definition, in summary form. It is not intended to represent the complete MYAPCo position, and may (in isolated cases) require subsequent revision to better ensure accurate interpretation of the information. In addition, MYAPCo has attempted to accurately capture the NRC's concern in the SAO Issue Summaries. However, if any of these summaries do not address the NRC's issue, please contact Steve Nichols (207-882-6321) as soon as possible. We make this request to better ensure that MYAPCo is focusing on the correct NRC concerns and to better ensure that MYAPCo will be prepared to address issues, as necessary, during the October 10, 1996 exit meeting.
8. As indicated in the accompanying affidavit, MYAPCo considers this document to be commercially confidential and preliminary/draft. As such, MYAPCo respectfully requests that the document not be provided to the public in its present form. If the NRC disagrees with MYAPCo's request to withhold the SAO Position Report from public disclosure, we request that MYAPCo be provided at least a thirty day notice that release to the public is anticipated and also be provided with an opportunity to address this matter further with the NRC. We anticipate finalizing this document shortly after we receive the NRC's ISAT inspection report. MYAPCo presently does not have concerns with release of the final version of this document to the public, once issued.

If you have any questions regarding the SAO Position Report, please contact Bob Blackmore or Steve Nichols at (207) 882-6321.

Sincerely,



G. D. Whittier
Maine Yankee Atomic Power Company
Vice-President, Licensing and Engineering

Attachments: Affidavit Pursuant To 10 C.F.R. 2.790
SAO Position Status Summaries, Revision 1.

AFFIDAVIT PURSUANT TO 10 CFR 2.790

I, G. Douglas Whittier, depose and say that I am an Officer, Vice President, Licensing and Engineering, of Maine Yankee Atomic Power Company, ("MYAPCo") duly authorized to make this affidavit, and have reviewed or caused to have reviewed the information which is identified as proprietary and/or draft and is referenced in the paragraph immediately below. I am submitting this affidavit in conformance with the provisions of 10 CFR 2.790 of the Commission's regulations and in conjunction with the application of Maine Yankee Atomic Power Company for withholding this information.

The information for which proprietary treatment is sought is contained in a document titled, "Maine Yankee SAO Position Status Summaries," Revision 1, September 5, 1996. This document has been appropriately designated as proprietary.

I have personal knowledge of the criteria and procedures utilized by Maine Yankee in designating information as a trade secret, privileged, or as confidential commercial or financial information.

Pursuant to the provisions of paragraph (b) (4) of Section 2.790 of the Commission's regulations, the following is furnished for consideration by the Commission in determining whether the information sought to be withheld from public disclosure, included in the above referenced document, should be withheld:

1. The information sought to be withheld from public disclosure, is owned and has been held in confidence by MYAPCo.
2. The information is in draft/preliminary form and is of a type customarily held in confidence by MYAPCo and not customarily disclosed to the public.
3. The information is being transmitted to the Commission in confidence under the provisions of 10 CFR 2.790 with the understanding that it is to be received in confidence by the Commission.
4. The information, to the best of my knowledge and belief, is not available in public sources, and any disclosure to third parties has been made pursuant to regulatory provisions or proprietary agreements which provide for maintenance of the information in confidence.