

P.O. Box 88
Peaks Island, ME 04108
September 4, 1996

Hon. Shirley Jackson
Chairwoman
U.S. Nuclear Regulatory Commission
Washington, D.C. 205550-0001

Dear Madame Chairwoman:

I am writing again in reference to previous requests that the Commission address questions raised most recently in my August 14 letter 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 for 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.

My August 14 letter stated the basis for my opinion that Mr. Russell's August 12 letter did not address my point, reiterated in several letters, that the NRC has waived compliance with TMI Action Items II.K.3.30 and II.K.3.31 without, as far as I know, having performed an analysis (A) that was conducted after the coming into effect of requirements of these TMI Action Items and (B) that shows that the 90% restriction alleviates the need to comply with II.K.3.30 and II.K.3.31.

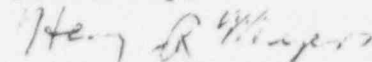
Furthermore, it is now apparent that the degradation in safety, vis-a-vis the level implicit in full compliance with Commission regulations, exceeds that resulting from noncompliance with TMI Action Items II.K.30 and II.K.3.31. Matters that have come to light in 1996 (e.g. the Motor Operated Valve issue addressed in Inspection Report 50-309/96-05, missing pressure relief valves in the primary component cooling water system, environmental qualification of steam generator water level instrumentation cables, the Inspector General's report indicating lax oversight by an NRC inspector, the severed wire in high pressure injection pump circuitry, and the potential steam generator overflow item discussed in the September 2, 1996 INSIDE NRC) indicate that prior to discovery of these items the probability of a severe accident could well have been substantially in excess of that implicit in compliance with regulations. Moreover, the existence of problems of the type identified this year (some of which have not been fully corrected) means there is a significant likelihood of there being as-yet undiscovered hardware and procedural problems having safety significance.

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I again urge that the Commission address the matter raised in my August 14, 1996 letter. In addition, in light of the totality of matters that have surfaced in 1996, I urge that the Commission address directly the question of whether at Maine Yankee the level of compliance with regulatory requirements has diminished to the point where protection of the public safety cannot be assured in the manner required by the Atomic Energy Act.

Thank you for your attention to this matter.

Sincerely,


Henry R. Myers

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