

P.O. Box 88  
Peaks Island, ME 04108  
September 13, 1996

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

Dear Madame Chairwoman:

I am writing to request that the Commission, in deciding upon its response to the findings of the Maine Yankee Independent Special Assessment Team (ISAT) and other recent Maine Yankee inquiries, consider whether Maine Yankee management satisfies Commission requirements pertaining to qualifications required of its licensees.

Since 1993, Maine Yankee has operated notwithstanding non-compliance with significant safety regulations. Deficiencies leading to noncompliance include:

- Prior to the shutdown for steam tube inspection and repair, some steam tubes contained cracks having depths in excess of the maximum permitted by NRC regulations.
- Counter to the assumption of senior NRC management that Maine Yankee had satisfied the Commission's Small Break LOCA (SBLOCA) requirements, the licensee failed to comply with post-TMI requirements specified in TMI Action Items II.K.3.30 and II.K.3.31.
- During the period of the ISAT review, significant violations of NRC regulations were identified: the Component Cooling Water System did not include required pressure relief valves; instrumentation cables were found configured in a manner such that their environmental qualification could not be assured; a wire in a safety system control circuit was found to be cut and/or removed with the result that this system was not capable of functioning in the manner required by NRC regulations; under certain conditions, safety-related equipment in the turbine building might not function in the manner intended by NRC regulations as a result of being subjected to environmental conditions for which they had not been qualified.

Maine Yankee management, unaware of some or all these problems until too long after they had developed, did not in a timely manner provide the Commission accurate and complete information with respect to safety-significant aspects of the plant's status. As far as the public safety is concerned, it is not relevant whether management was unaware of the plant's true

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conditions or whether management knowingly submitted false statements to the Commission. In fact, ignorance of the true status of the plant could result in a greater safety hazard than would deliberate misrepresentations. In the latter case, managers, having knowledge of noncomplying conditions, might have performed analyses leading them to conclude that the problems did not result in a significant degradation in safety. On the other hand, the safety degradation resulting from undiscovered noncompliance is necessarily unknown, but possibly of great significance.

In view of the failure of Maine Yankee management to provide accurate and complete information in the manner required by Commission regulations, it is important that the Commission make a finding with regard to whether Maine Yankee management complies with NRC requirements pertaining to management competence and integrity.

I also call your attention to previous requests that the Commission address an issue I raised most recently in my September 4 letter in which I sought information pertaining to the Commission's position with respect to Maine Yankee's noncompliance with SBLOCA requirements and related questions. In this and previous 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. I urge again that the Commission address this matter which I called to your attention on September 4 and in 12 letters I sent to you prior to September 4.

Sincerely,

  
Henry R. Myers

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