

P.O. Box 88
Pleasant Island, ME 04108
October 7, 1996

Hon. Shirley Jackson
Chairwoman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20585-0001

Dear Madame Chairwoman:

In letters to you dated September 13 and September 16, 1996, I referred to noncomplying conditions discovered in recent months at Maine Yankee. These conditions, in addition to noncompliance with TMI Action Items II.K.3.30 and II.K.3.31, raise questions as to whether, overall, Maine Yankee is in substantial compliance with Commission regulations which are supposed to assure that the radiological risk to the public health and safety remains within bounds established by the Commission.

In particular, does the Commission, in the course of its current consideration of Maine Yankee intend, to require the licensee to certify that the Maine Yankee nuclear powerplant is currently in substantial compliance with NRC regulations? If the Commission does not intend to require such a certification from the Maine Yankee licensee, will the Commission or NRC staff state that Maine Yankee has been found to be in substantial compliance with regulations?

In the absence of a certification that Maine Yankee is in substantial compliance with regulations, statements to the effect that Maine Yankee is "safe" do not mean the radiological risk associated with Maine Yankee is within bounds established by the Commission. In the absence of a certification of compliance with regulations, the term "safe" means whatever the speaker intends, a meaning which may or may not be that intended by the authors of the Atomic Energy Act (and amendments thereto) and by the body of Commission actions expressed in regulations, regulatory guides, other Commission documents, and statements by Commissioners and senior NRC staff.

In view of the number and character of noncomplying conditions at Maine Yankee, in light of the historic failure of NRC staff to enforce significant regulations, and in consideration of Mr. Sears' contention that the licensee lied to him and of the recent suspension of the NRC's Maine Yankee project manager, sustenance of the Commission's credibility requires, at a minimum, that the Commission take whatever action is necessary to obtain from the Maine Yankee licensee an affirmation of compliance with regulations similar to the affirmation required prior to issuance of an Operating License.

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