

P.O. Box 88
Peaks Island, ME 04108
October 14, 1996

Hon. Shirley Jackson
Chairwoman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Madame Chairwoman:

On October 7, I sent you a letter relating to the question of whether Maine Yankee was in substantial compliance with Commission regulations. In an October 7 letter, from you to Maine Yankee President Charles Frizzle, you stated:

Overall performance at Maine Yankee was considered adequate for operation.

In stating this conclusion, your letter did not indicate explicitly that the Commission (or staff) had found Maine Yankee to be in substantial compliance with the Commission's regulations. The distinction between "adequate for operation" and "substantial compliance with regulations" is not nitpicking, as NRC staff implied at the October 10 Wiscasset public meeting. "Compliance with regulations" implies the degree of safety that the NRC has long claimed as the sine qua non for permitting reactor operations. "Adequate for operation" is a lesser standard, how much less we do not know.

We can be sure, however, that the language in your October 7 letter to Mr. Frizzle was chosen with care. While conclusory sentences necessarily leave room for interpretation, this one is notable for its vagueness, particularly its omission of an explicit statement with respect to compliance. If "substantial compliance with regulations" best characterizes Maine Yankee's current status, it is reasonable to infer that you would have used this term in place of the ambiguous "adequate for operation." The use of "adequate for operation" thus creates an inference that, in fact, Maine Yankee is not in substantial compliance with regulations.

In light of long-standing deficiencies that have come to light at Maine Yankee in recent months, it is important that the Commission either (1) state explicitly that the Commission believes that the plant complies with regulations or (2) explain why plant safety is "adequate" notwithstanding noncompliance. If the Commission takes the latter tack, it is important that the Commission provide the legal rationale for a regulatory path that appears to circumvent the road that the agency is required by law to follow.

October 14, 1996

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