

FRIENDS of the COAST

OPPOSING NUCLEAR POLLUTION

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December 26, 1996

US Nuclear Regulatory Commission
Chairman Shirley A. Jackson
Mail Stop O-16 G15
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Dear Chairman Jackson,

We received notice from NRC by copy-letter dated, December 12, 1996 that Maine Yankee Atomic Power Company has been scheduled to participate in a Commission meeting scheduled at headquarters for January 9, 1997. The purpose of this participation, according to the letter, signed by James M. Taylor, is to brief the Commission on the licensee's response to the recently completed NRC Independent Safety Assessment (ISA).

We ask that **Friends of the Coast - Opposing Nuclear Pollution** also be allowed time to make a brief presentation, of approximately thirty minutes, to the Commission at this meeting. Our purpose would be to provide an informed citizen response to the ISA process and report. **Friends of the Coast** is a non-profit education and advocacy organization incorporated in the State of Maine. The large majority of our four hundred-plus members reside within a ten-mile radius of Maine Yankee Atomic Power Station (MYAPS) and, therefore, have a vested interest and standing in matters regarding nuclear safety at this facility.

We are proud to say that many of our members have educated themselves regarding MYAPS and have taken action on questions of regulatory interest. In mid-1995, **Friends of the Coast** had, based on public documents, plant history, and the collected anecdotal accounts of plant workers, publicly identified basic problems at MYAPS as resulting from an unwillingness on the part of owners to commit sufficient funds to stay ahead of safety-related issues. These observations were later echoed by the "root-cause" analysis of MY's Cultural Assessment Team report, and more directly, a year later, by the ISA.

At an October 18 Commission briefing, ISA team members correctly characterized public comments at the ISA Exit meeting, held in Wiscasset, Maine on October 10, as largely rhetorical and broadly eclectic. We believe a shortage of informed dialogue was the result of a faulted process; one in which the interested public had little or no access to the ISAT Report until just a few hours before the meeting and therefore no time to prepare substantive questions.

We were also deeply concerned that the ISA results had become politicized by bombastic statements from our Governor's office regarding the depth, scope, and conclusions of the ISA Report before the public and the media had an opportunity to assay its contents. There were no corrective or qualifying statements from the ISA team or NRC.

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The Governor's select citizen's panel made no public statement, published no findings and in no way engaged the media or their fellow Maine citizens to inform them on any aspects of the ISA.* Friends of the Coast, therefore, immediately announced a citizen's review of the ISA to be publicly discussed on November 19th and invited input from all interested parties.

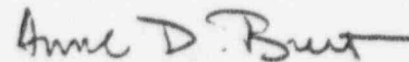
Confirming NRC's stated policy of Responsiveness to the Public, we made it a point to invite representation at the November 19 meeting from NRC Commissioners and Staff. The staff did send an observer from Region I who was, however, uninformed on ISA issues and declined to actually participate.

We were gratified to have present staff representatives of each member of Maine's Congressional delegation. This gesture of Congressional interest has stimulated ongoing and productive dialogue between our organization and our Congressional offices which we believe will ultimately lead to our participation in relevant oversight hearings.

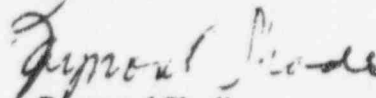
However we remain concerned with what appears to be a hasty and lockstep ISA process, response, and resolution. We believe a key elements are missing in assessing and responding to safety questions at MYAPS; among them, significant and meaningful public input. We believe that given but a brief window on the commission's January 9 agenda, Friends of the Coast can make that constructive contribution.

This letter is forwarded by electronic facsimile and by mail. The mailed copy is accompanied by an attached copy of, "Written Comments - A Citizen Review of the 1996 Independent Safety Assessment of Maine Yankee Atomic Power Station", a compilation by Friends of the Coast which we hope you will find stimulating and informative.

Thank you for your kind attention.



Anne D. Burt
Corresponding Secretary
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Raymond Shadis
Information Coordinator
207 - 882 - 7801

CC.List Attached:

* This statement remains true as of the date of this letter. As of the beginning of December, at least one panel member admitted not having read the ISAT report. Inclusion of a 'dummy' panel and exclusion of informed and interested citizens is damaging, we believe, to the credibility of the State of Maine and the NRC. This may be, in part, remedied by the inclusion of Friends of the Coast and other interested voices in the January 9 Commission meeting.

COPIES:

NRC Commissioners Kenneth C. Rogers, Greta J. Dicus, Nils J. Diaz, Edward McGaffigan, Jr.

Cliff Garvey, Office of Senator-elect Susan Collins

Mark Sullivan, Office of Representative-elect Tom Allen

Darrell Fort, Office of Representative John Baldacci

John Cummings, Office of Senator Olympia Snowe

Jeff Duncan, Office of Representative Edward J. Markey

Stephen Ward, Maine Public Advocate's Office

Jeffrey Pidot, Maine Attorney General's Office

David Stellfox, *Inside NRC, Nucleonics Week*, McGraw-Hill

Scott Allen, *Boston Globe*

Ross Kerber, *Wall Street Journal*

Agis Salpukas, *New York Times*

Michael Remez, *Hartford Courant*

Susan Rayfield, *Portland Press Herald, Maine Sunday Telegram*

Maine Local and Broadcast Media

11/20/96

Maine Yankee, NRC criticized by citizen's review panel

By Dan Bustard

The Nuclear Regulatory Commission is deceiving the public about the safety of Maine Yankee, a citizen's review panel concluded in a report released at a public meeting Tuesday night.

Some at the meeting called for a congressional oversight hearing on Maine Yankee, while others urged more involvement at the local level. Regardless, a panel of nuclear engineers and others experienced in dealing with NRC concluded the Wiscasset nuclear power plant is not in conformance with federal regulations.

"The only difference between Millstone and Maine Yankee is that Millstone was on the cover of *Time* and Maine Yankee was not," said Union of Concerned Scientists senior nuclear safety engineer David Lochbaum, referring to shutdowns at Connecticut nuclear power plants over safety-related problems.

The panel was put together by the Friends of the Coast Opposing Nuclear Pollution, with support from the Vermont-based New England Coalition on Nuclear Pollution, to review the Independent Safety Assessment performed at Maine Yankee by NRC.

The public meeting, held in the cafeteria of Wiscasset Middle School, was well attended, and people who spoke or asked questions raised their concerns about the plant and a feeling of helplessness about changing the situation.

State nuclear safety advisor Uldis Vanags, who attended the meeting, said the state will look at the full report prepared by the panel. "It's good to be questioning," Vanags said. "It keeps everyone on their toes. But I already have some of the answers to their concerns because I was a member of the ISA team and have the background."

Kris Christine of Alna asked "how can we protect ourselves?" after numerous letters to federal, state and elected officials failed to create the stronger scrutiny of Maine Yankee she and others seek.

In reviewing the ISA report, former Northeast Utilities engineer Paul Blanch said "the main point of

an (independent assessment) is to see if Maine Yankee is in compliance. If you look at the report, the answer is obviously no."

The report points out problems with two safety systems used for cooling purposes in the case of an emergency. Blanch noted the ISA team pointed out those two systems could not be proven reliable at full power (Maine Yankee is operating at 90 percent) but does not address their operation at the current power level.

"What the NRC is saying is we don't know if the emergency core cooling system will work. That is incredible," said Blanch, comparing it to allowing a car to be used not knowing if the brakes, air bags and seat belts work.

According to an executive summary of the critique, "citizen reviewers are almost unanimously disturbed with the repeated occurrences, through the ISAT report, of the inspection team raising issues which are of safety significance or demonstrate the safety regulations are being violated and then dismissing the issues with casual set asides and vague language."

Several speakers said if Maine Yankee's emergency systems had been tested over the past 17 years, since NRC allowed the plant to operate above 2440 megawatts thermal, they probably would have failed.

Pointing criticism directly at NRC, Blanch said Maine Yankee management is not the current area for blame. "Management is like children. They will get away with everything they can get away with. The root cause of the problem is NRC," he said.

Vermont attorney Jonathan Block, who represents both groups who worked to form the panel, urged citizen involvement at the local level. Henry Myers, a former staff member of the congressional

committee that oversees NRC, called for congressional oversight hearings as the only way for compliance and safety concerns to be addressed out in the open.

A closer look at citizen panel critique of Maine Yankee report

By Dan Bustard

When the independent safety assessment of Maine Yankee was completed by the Nuclear Regulatory Commission earlier this year, a report produced by the assessment team became the center of ongoing events surrounding the Wiscasset nuclear power plant.

The ISA team described Maine Yankee as being adequately operated, while pointing out areas of concern that will have to be addressed. Plant officials have pledged \$10 million to addressing those concerns, with their response to the report due on Dec. 10.

The report spurred Friends of the Coast Opposing Nuclear Pollution to form a citizen review panel of nuclear engineers and others heavily involved in the nuclear industry. Their own assessment of the ISA team report was far more critical of Maine Yankee and NRC, as reported here last week.

The panel featured a pair of whistleblowers, former Northeast Utilities engineer Paul Blanch and David Lochbaum, senior nuclear safety engineer with the Union of Concerned Scientists (UCS).

Northeast Utilities owns 20 percent of Maine Yankee, while UCS received the now famous anonymous letter that created heavy scrutiny on Maine Yankee from NRC. The letter alleged falsified computer data was used to justify 1989 NRC approval of a power upgrade from 2,630 to 2,700 megawatts thermal. NRC has limited Maine Yankee to 2440 megawatts thermal or 90 percent in light of the allegations but is allowing the plant to operate.

Lochbaum said the ISA team did

what they were sent to do, as they have no ranking below adequate. UCS is pushing for Maine Yankee to be shut down and fined for operating since 1978 above 2,440 megawatts thermal.

Strong words

Lochbaum's review of the ISA report is harsh. Both he and Blanch noted the team looked at four of the up to 40 systems within the plant. "There were only four systems looked at. We don't know what else is out there," Lochbaum said at last week's public meeting.

After his review of the report, Lochbaum wrote "not once in this 75 page report does the ISA team discuss the safety implications of Maine Yankee operating above the 2,440 megawatt thermal power level which the team specifies as the maximum justifiable design condition, even though the facility routinely operate at power levels between 2,440 and 2,700 Mwt for 17 1/2 years between June 1978 and January 1996. The NRC must address the safety implications of

Maine Yankee operating between June 1978 and January 1996 at power levels in excess of 2,440 Mwt."

Blanch, Lochbaum, nuclear systems engineer Robert Fitzgerald of Appleton, former congressional staffer Henry Myers and Friends of the Coast attorney Jonathan Block each provided written comments, as did area residents.

Blanch described the ISA review as a "token audit." He believes since the assessment "uncovered many areas of non-compliance, Maine Yankee should not be operating this plant until they complete a review... They are breaking the law and the NRC is helping them."

Blanch went on to say "it is very clear to me that the NRC did not want to ask the difficult questions because they knew the correct answer would result in a plant shutdown for not being in compliance with regulations."

Fitzgerald, who worked on nuclear power plants in Seabrook, N.H. and Point Lepreau, New Brunswick, wrote in his comments "there is

significant doubt in my mind if the NRC has, in this instance, given a review which addresses problems with regard to safety issues in favor of the citizen at large. They have given a utility wide margin to correct problems after the fact without penalty.

"I would like to see the enforcement branch of the NRC respond to the irregularities brought up by this inspection. If (Maine Yankee) cannot police themselves, then maybe we need to conduct these reviews on a regular schedule. Then, the public should be presented the findings in clear language."

Myers, a staff member of the congressional committee with primary oversight of NRC from

1976-81, wrote "in my opinion, the absence of a certification of compliance means that the level of safety at Maine Yankee is indeterminate; i.e. the risk of a severe accident may or may not be significantly less than the maximum that would exist were the plan to be in substantial compliance with safety regulations."

Others who submitted written comments on the ISA report were Friends of the Coast member Ray Shadis of Edgcomb, Mike McConnell of Boothbay, Eric Hartmann of Edgcomb, David Hall of Bath, H.G. Brack of the Center for Biological Monitoring in Halls Cove and Kris and Peter Christine of Alna.

LINCOLN COUNTY NEWS
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DAMARISCOTTA/NEWCASTLE
MAINE.

PAGE ONE & FIFTEEN

Critics hit 'failure' of Yankee overseers

BY GREGORY KESICH
Times Record Staff

WISCASSET — Maine Yankee is not in compliance with federal regulations, and has the same types of safety problems that have led to plant shutdowns in other states, according to a panel of nuclear experts who critiqued a recent report on the plant's safety.

The panel was assembled for a public meeting Tuesday night by Friends of the Coast Opposing Nuclear Pollution, an anti-Maine Yankee organization. It included three nuclear engineers who are critical of the way the Nuclear Regulatory Commission goes about protecting the public safety.

Last month, a 75-page report by the NRC's Independent Safety Assessment Team said there were significant weaknesses with Maine Yankee's safety systems, but overall the plant was adequate. Two days after the report was released, the team held a public meeting in Wiscasset to present its findings and collect public comment.

Ray Shadis, of Friends of the Coast, said opponents were not given enough time to digest the findings and provide a meaningful response and that's why the group organized Tuesday's meeting. In addition to a tape recording of the meeting, the group is forwarding a 50-page compilation of written responses to the ISA report to the NRC.

Paul Blanch, a former nuclear engineer with Northern Utilities who became an outspoken critic of his company and the NRC's safety practices, cited nine quotations from the NRC's report that pointed to areas in which the plant was not in conformance with the agency's rules.

Quoting from the report, Blanch said, "Maine Yankee was in general compliance with its licensing-basis although significant items of non-conformance were identified." Translated, this means the licensee is not in compliance with the requirements ... They are breaking the law and the NRC is helping them," Blanch said.

David Lochbaum, the senior nuclear expert on the staff of the Union of Concerned Scientists, said there were three critical safety problems which were identified in the NRC's report which are still unresolved.

Lochbaum said the ISA team found that normal power supplies are unreliable, emergency power systems could be overloaded and cooling water for safety equipment is insufficient. Because of these and other problems the plant may not have been

able to respond to an emergency and might have had a core meltdown.

Lochbaum compared the ISA's finding to the much more publicized investigations of the three Millstone reactors in Connecticut, which were shut down for investigation this year. "Time Magazine is partly to blame. If they had done a cover story on Maine Yankee instead of Millstone, then we would have had the kind of investigation they had at Millstone," Lochbaum said. "The nuclear industry is not taking safety regulations seriously enough, and neither is the NRC."

Lochbaum also called into question Gov. Angus King's characterization of the ISA as a "top-to-bottom, nuts-and-bolts"

review that was one of the most thorough evaluations ever done of a nuclear power plant.

Lochbaum said the NRC looked at four out of the plant's 40 systems and found problems with each of them. But instead of probing further, the ISA team declared the plant to be adequate and stopped its work, Lochbaum said.

A third nuclear engineer, Robert Fitzgerald of Appleton, who is a veteran of both the Navy's nuclear program and private industry, also said in his review of the report he found a significant number of instances where the plant was operating outside the NRC's regulations. Fitzgerald said there were problems in the equipment that is used to provide air and coolant to the reactor during an accident, the emergency power sources needed to run safety systems during plant shutdowns,

and 30 reactor containment component problems which were identified in 1980 and still have not been fixed.

The panelists saved most of their harshest criticism for the NRC and not the operators of Maine Yankee. "Management is just like your children," Blanch said. "They will do anything the parents let them get away with. The root cause of the problem is the failure of the NRC to enforce its own regulations."

Lochbaum said, "It is pure luck that there have been no serious accidents at the plant, and it is unconscionable for the NRC to rely upon luck as a substitute for compliance with federally mandated safety regulations."

No representative of Maine Yankee attended the meeting. The plant has until Dec. 10 to respond to the ISA report.