



UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20555-0001

November 15, 1996

50-309

Mr. Eric W. Hartmann  
RR 1, Box 2960  
Edgecomb, ME 04556

Dear Mr. Hartmann:

I am concerned that the Independent Safety Assessment (ISA) failed to meet your expectations as expressed in your October 11 letter. I was interested in your suggestions for improving the process for obtaining public input.

As you are aware, Chairman Jackson requested the ISA in response to findings of an NRC Office of Inspector General Investigation, and to concerns raised by the Governor of Maine. The findings raised issues not only regarding NRC confidence in the Maine Yankee plant, but also public confidence in both Maine Yankee and the NRC.

The dominant planning features of the safety assessment were scope and depth, timeliness, and State participation. I expected that the extensive State participation through three team members, two process reviewers, a five member citizens group and periodic briefings with the Governor would provide a measure of confidence to the public about the credibility and technical strength of the team and the findings. The scope and depth of the review by an independent highly qualified team were designed to resolve through actual findings, uncertainties about safety of operations at Maine Yankee and where appropriate, to identify corrective measures that could be implemented in NRC oversight to improve NRC ability to detect problems.

The technical and regulatory review, as provided by the independent safety assessment (ISA) had the goal of determining whether there was adequate assurance of safety of operations. This review was, of necessity, separated from any consideration of political or economic considerations by the State, utility, or the public. Deliberations by the ISA were based on the technical findings of fact. The draft report was not provided for licensee, other NRC, State, or public comment before issuance based on NRC policy regarding predecisional findings.

Perhaps there was a misunderstanding about the "public participation" part of the meeting. My object in that meeting was to respond to questions and comments in order to improve public understanding of what was done, what the team found, the root causes of problems and the safety significance of the findings. I did not mean to imply that this meeting represented public participation in the Independent Safety Assessment process. I understand your comment that you would like more public participation and I plan to address it in two ways. First, with regard to future similar team assessments I have included, in the lessons learned, consideration of a public participation meeting at the beginning of the review to explain and discuss the objectives and scope, and make provision in the schedule for a

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longer time interval from issuance of the report to the public meeting to facilitate more informed discussion at the end of the review. Second, your comments are relevant to one of the Direction Setting Issues from the NRC Strategic Assessment and Rebaselining Initiative, "Public Communication Initiatives." I have enclosed a copy for your information, and I have forwarded your letter to the sponsor of the paper for consideration with other comments on this issue. I believe your comment on logic irregularities in safety standards is based on NRC use of terminology. The team used terminology from existing NRC guidance to convey relative performance of various functional areas of Maine Yankee such as maintenance or operations. Statements in the report about overall performance were made to sum up the performance of the functions, in terms the NRC currently uses.

An overall "adequate" in the NRC regulatory jargon means that there is general conformance with the regulations and that the plant is being operated safely. A plant found less than adequate must be shutdown. Perhaps we should have spent more time in defining our terminology during the meeting.

I remain confident that the ISAT process for assessing safety is a valid technical process. It is clear from your comments that a "citizen's group" does not speak for all citizens and that in the future the process should provide for early public input from any member of the public wishing to comment. Thus, your suggestions for improving public communications will be factored into our future considerations for improving public processes. Thank you for your concerned statements.

Sincerely,

Original Signed by:  
E. L. Jordan

Edward L. Jordan, Director  
Office for Analysis and Evaluation  
of Operational Data

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