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

October 11, 1996

Mr. Edward L. Jordan
Team Manager
Maine Yankee Independent Safety Assessment Team
Office for Analysis and Evaluation of Operational Data
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

RE: ISAT Presentation

Dear Mr. Jordan,

I live in Edgecomb, within 2 1/2 miles due East of Maine Yankee. To put that in perspective, downtown Wiscasset is over 4 miles away. Thus, I have a vested interest in the safe operation of Maine Yankee and therefore attended the Independent Safety Assessment Team's (ISAT) presentation on October 10. In retrospect, I must commend you for the dandy dog and pony show it turned out to be.

If you find that the least bit insulting, you might begin to empathize with the growing sense of shock and dismay I experienced last night upon witnessing such a travesty of public participation.

In the present situation where there are the regulators, the regulated, and the public—the public ended up for all intents and purposes being completely shut out. In that respect, last night's sham would have been right at home in Stalinist Russia, but should never ever have happened in an ostensibly democratic society. Granted, soliciting public feedback opens the door to trivial, irrelevant, and even inane comments; nevertheless, should the chance to gather insightful, penetrating, and astute comments be so blithely squandered? This is not simply a matter of more money, experts, or manhours. The ISAT could have spent three times as much money, hired four times as many experts, and worked seven times as long to arrive at their determination—the outcome would still be just as tainted. The determination of Maine Yankee's future demands meaningful public participation. Finally, please keep in mind the public has to live with the consequences of these decisions.

After hearing all the rhetoric about probabilities and risk assessment last

night, a number of questions occurred to me. For example:

Which has a higher chance of happening—a major accident at Maine Yankee or that an interested member of the public might have something useful to add to the safety assessment of Maine Yankee?

How likely is it that such input could be gleaned from a report only available in the local library the day before?¹

How likely is it that such input could be conveyed verbally in two minutes?

What are the chances that someone with something useful to add could not attend the one and only evening open to public scrutiny?

If the answer to the first question is *a major accident is more likely*, then I suppose the subsequent questions are moot. But if that is the case, you should strongly consider amending the ISAT report by adding the words *arrogance* and *hubris* in connection with the ISAT itself! I sincerely hope that is not the case.

If the safety assessment of Maine Yankee had been truly intended to comprehensively examine the “nuts and bolts,” the ISAT would have provided:

- a.) an ample opportunity prior to the presentation of the executive summary for interested members of the public to peruse the ISAT’s findings to date,
- b.) a reasonable time for written testimony to be submitted by interested members of the public to the ISAT,
- c.) a sufficient time for the ISAT to digest the received comments and incorporate those comments into the final report and subsequent executive summary,
- d.) *and then*, a presentation after which the public could ask questions verbally.

Even if the proffered comments were deemed totally without merit, technically—they would still be useful for the ISAT in order to adequately address concerns from members of the public. Wonder of wonders, you just might find that us ign’rant rabble could actually improve your assessment!

¹ As laudable as it is that the ISAT chose to use the internet as a means to provide report copies expeditiously, there are quite likely interested members of the public who do not have access to the Net, but are still quite capable of providing valuable feedback, even if it is via anachronistic pencil and paper.

Having said the above, I do not profess to be one of the members of the public likely to offer discerning feedback (especially given the fact that I have not seen the ISAT report yet). However, after just a cursory examination of last night's materials, several irregularities jumped out. For example, reference was made to the National Regulatory Commission's safety standards: *superior*, *good*, and *acceptable*. (Slide #10 & #11.) Then, without any explanation, standards of *adequate*, *generally in conformance*, and *very good* were thrown in with regard to Maine Yankee. (Slide #13.) Firstly, this is like a school which only uses A, B, and C for grading students (apparently, there are no failing grades). Secondly, all of a sudden the student in question is receiving *zetas*, *omegas*, and *betas* for grades. This is clearly illogical.

Justice requires fair results achieved through a fair process. It is axiomatic that where one or the other is lacking—there is no justice. The determination of Maine Yankee's future is analogous. Leaving aside the issue of whether Maine Yankee is safe to operate, there is no question the ISAT process for arriving at the decision is flawed. Last night's failure to include meaningful public participation is deplorable and ultimately—untenable—by any reasonable standards of fair play. No one benefits when there is the appearance of a stacked deck and when the rules keep changing midstream. To put it in the engineering vernacular, credibility has been compromised. It behooves the ISAT to staunch the loss of credibility before public confidence is further eroded.

Sincerely,



Eric W. Hartmann

CC: Gov. Angus King