

50-309



UNITED STATES  
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

February 28, 1997

Mr. Paul M. Blanch  
135 Hyde Road  
West Hartford, CT. 06117

Dear Mr. Blanch:

I am responding to your letter of January 8, 1997, in which you forwarded concerns raised in your E-Mail of November 20, 1996, regarding the Maine Yankee plant and the NRC's Independent Safety Assessment Team (ISAT) findings. You also requested an opportunity to participate in the Commission meeting of February 4, 1997 regarding Maine Yankee's response to the ISAT findings.

On January 23, 1997, the Office of the Secretary of the Commission responded to your request for participation in the Commission meeting and informed you that your comments would be addressed under separate correspondence.

In reviewing your letter, we note that in your cover letter you conclude .... "that the plant has not been verified to be in compliance 'with Commission regulations' therefore the minimum safety requirements have not been satisfied." As the Commission has noted,

while it is true that compliance with all NRC regulations provides reasonable assurance of adequate protection of the public health and safety, the converse is not correct, that failure to comply with one regulation or another is an indication of the absence of adequate protection, at least in a situation where the Commission has reviewed the noncompliance and found that it does not pose an "undue risk" to the public health and safety.

Ohio Citizens for Responsible Energy, Inc.; Denial of Petition for Rulemaking, 53 Fed. Reg. 41178 (October 20, 1988), quoting Specific Exemptions; Clarification of Standards, 50 Fed. Reg. 50764 at 50768 (Dec. 12, 1985). In this case, the staff has determined that the overall performance of Maine Yankee was adequate for operation at 2440 Mwt, taking into consideration the nature and scope of the problems identified by the ISAT and the immediate corrective actions taken by the licensee. This finding was predicated on an assessment of the licensee's conformance with the Commission's regulations, license conditions (including technical specifications), and Orders; and the ability of the licensee's programs to assure safe operation of Maine Yankee. The staff's findings reflect the judgment, based on information available to the staff at that time, that operation in accordance with the current license restrictions and authorizations can be conducted with reasonable assurance of adequate protection of the public health and safety, the fundamental safety standard under the Atomic Energy Act, and that such operation would not pose an undue risk.

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PDR ADCK 05000309  
H PDR

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Regarding the concerns raised in the enclosure to your letter and E-Mail of November 20, 1996, the staff has responded in separate correspondence dated February 18, 1997. Of note are additional concerns identified recently regarding equipment qualification. As you are aware, prior to the ISAT exit from the site and restart of the plant in the Summer of 1996, equipment qualification submergence concerns were identified. The licensee took prompt corrective action to address the staff's concerns.

As a follow-on activity the licensee committed, as part of its corrective actions, to perform a verification of its analysis of water level inside the containment following a design basis event. The staff was informed in December 1996 that the subsequent analysis revealed a change in water level such that 14 additional instruments could also be submerged. The licensee will address this matter prior to restart. Equipment qualification is one of several items identified by the ISAT that will be the subject of an enforcement conference, open for public observation, to be conducted near the plant site on March 11, 1997.

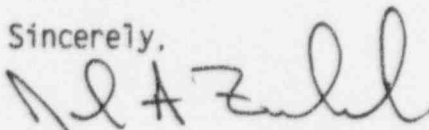
As you are aware, Maine Yankee was shut down in early December upon discovery of cable separation concerns. On December 18, 1996, the NRC issued a Confirmatory Action Letter (CAL) to the licensee to provide assurance that cable separation and logic testing issues were resolved prior to restart. Further inspections and licensing activities have revealed additional technical concerns in the electrical area. These recently identified concerns have been incorporated into a supplement to the CAL that was issued on January 30, 1997. The issues addressed in the CAL and its supplement will be the subject of a public meeting between the licensee and the staff prior to plant restart.

The NRC will decide prior to restart whether the licensee's corrective actions provide reasonable assurance that the plant will be operated in a manner that will provide adequate protection of public health and safety and not pose an undue risk.

Your concerns regarding the NRC staff's performance are being forwarded to the Office of the Inspector General.

I trust the above is responsive to your concerns.

Sincerely,



John A. Zwolinski, Deputy Director  
Division of Reactor Projects I/II  
Office of Nuclear Reactor Regulation

FILENAME - A:\GT970037 \*see previous concurrence

OFFICE	PM:DRPE*	DD:DRPE*	D:DRPE*	AEOD*	ADPR*
NAME	DDorman	Zwolinski	SVarga	FCongel	Zimmerman
DATE	2/5/97	2/5/97	2/5/97	2/7/97	2/7/97
COPY	Yes/No	Yes/No	Yes/No	Yes/No	Yes/No
OFFICE	D:NRR*	EDO	OCM		
NAME	FMiraglia	HThompson	SJackson		
DATE	2/10/97	2/18/97	2/26/97		
COPY	Yes/No	Yes/No	Yes/No	Yes/No	

OGC\*

RWeisman (no legal objection, with noted comments)  
2/18/97

Original signed by J. Zwolinski

Distribution:

Docket File (50-309 w/original incoming)

PUBLIC (w/incoming)

SECY GT #970037

EDO Reading

H. Thompson

S. Collins

J. Blaha

F. Miraglia

A. Thadani

R. Zimmerman

B. Sheron

T. Martin

W. Travers

K. Bohrer (GT 970037)

PDI-3 Plant (w/incoming)

S. Varga

J. Zwolinski

M. Boyle (email MLB4)

J. Moore, OGC

OPA

OCA

C. Norsworthy

OGC

*Zwolinski*  
**ACTION**

EDO Principal Correspondence Control

FROM: Paul M. Blanch  
DUE: 01/31/97  
EDO CONTROL: G970037  
DOC DT: 01/08/97  
FINAL REPLY:

TO: Andrew Bates, SECY

FOR SIGNATURE OF : \*\* PRI \*\*  
Miraglia  
CRC NO: 97-0048

DESC: MAINE YANKEE SAFETY ISSUES  
ROUTING:  
Thompson  
Jordan  
Norry  
Blaha  
Ross, AEOD  
Miller, RI

DATE: 01/17/97  
ASSIGNED TO: NRR  
CONTACT: Miraglia

SPECIAL INSTRUCTIONS OR REMARKS:  
REF: G960889 (AEOD)  
Put EDO and Chairman on for concurrence.  
Chairman's Office to review response prior to  
dispatch.

NRR RECEIVED: JANUARY 17, 1997  
NRR ACTION: DRPE:VARGA  
NRR ROUTING: MIRAGLIA  
THADANI  
ZIMMERMAN  
SHERON  
MARTIN  
TRAVERS  
BOHRER

**ACTION**  
DUE TO NRR DIRECTOR'S OFFICE  
BY *Jan 28, '97*

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-97-0048 LOGGING DATE: Jan 14 97  
ACTION OFFICE: EDO/SECY  
AUTHOR: PAUL BLANCH  
AFFILIATION: CONNECTICUT  
ADDRESSEE: ANDREW BATES  
LETTER DATE: Jan 8 96 FILE CODE: IDR-5 MAINE YANKEE  
SUBJECT: COMMISSION MEETING ON MAINE YANKEE  
ACTION: Direct Reply  
DISTRIBUTION: CHAIRMAN, COMRS, SECY, OGC  
SPECIAL HANDLING: SECY TO ACK  
CONSTITUENT:  
NOTES: SECY WILL HANDLE COMMISSION MEETING CHAIRMAN SHOULD  
REVIEW RESPONSE PRIOR TO DISPATCH  
DATE DUE: ~~Jan 31 97~~  
SIGNATURE: O. 2/3/97 DATE SIGNED:  
AFFILIATION: