



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

June 20, 1997

Mr. Henry R. Myers  
Post Office Box 88  
Peaks Island, ME 04108

Dear Mr. Myers:

On April 18, 1997, you wrote a letter to Chairman Jackson on topics relating to the Maine Yankee facility and other industry issues. Your letter has been referred to me for reply.

You questioned whether documents had been located that were associated with the 1978 resolution of cable separation concerns raised by Mr. Atherton. The staff is again reviewing these concerns to ensure that they were addressed. We are not aware of any inability to locate the documents needed for this review.

You also repeated your contention that the NRC acted inappropriately in allowing Maine Yankee to operate under the conditions imposed by the January 3, 1996 Order. We have addressed this issue in several previous letters to you, and our position is unchanged. You stated that you found our responses to your previous letters "conclusory," and "inadequately documented." To the contrary, our responses have provided detailed answers and supporting documents for your use.

We also note that each NRC Commissioner has the freedom to express individual views on any given topic. As for your observations regarding Commissioner Diaz's specific remarks at the April 1997 Regulatory Information Conference: the Commission has stated clearly that licensees bear the primary responsibility for ensuring safe operation of their facilities, and that compliance with NRC requirements, including regulations and license conditions, is fundamental to giving the NRC confidence that safety is being maintained. The Commission is in full agreement on that premise. However, when evaluating the overall performance of a facility in terms of its justification for continued operation, or the need for prompt remedial action (including shutdown), the Commission's decisions are not based upon a "substantial compliance" standard. Rather, such decisions are based on a determination as to whether operation of the facility poses undue risk to public health and safety. Where needed to ensure adequate protection of public health and safety, the NRC may demand immediate licensee action, including shutdown.

DFC 1/1

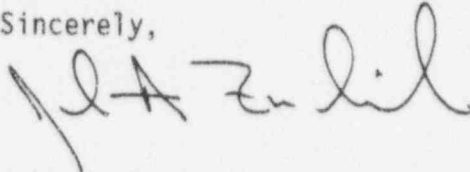
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Furthermore, the NRC must continuously assess the efficacy of its requirements in light of operating experience and the results of risk-informed safety assessments. Where requirements exist that have no safety benefit, the NRC can and should take action to modify or remove such requirements from the regulations. Since some requirements are more important to safety than others, the Commission continues to support the use of risk-informed approaches when considering changes to NRC regulations, as well as when applying NRC resources to oversight of licensed activities.

Sincerely,

A handwritten signature in dark ink, appearing to read 'John A. Zwolinski', written in a cursive style.

John A. Zwolinski, Deputy Director  
Division of Reactor Projects  
Office Of Nuclear Reactor Regulation

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UNITED STATES  
NUCLEAR REGULATORY COMMISSION  
WASHINGTON, D.C. 20565-0001

Mr. Henry R. Myers  
Post Office Box 88  
Peaks Island, ME 04108

Dear Mr. Myers:

Your letter of April 18, 1997, to Chairman Jackson regarding the Maine Yankee facility has been referred to me for reply. The Chairman has asked me to respond to the technical and procedural aspects of your letter. I will not be responding to your views regarding Commissioner Diaz.

In your letter, you question whether documents associated with resolution in 1978 of cable issues raised by Mr. Atherton have been located. Mr. Atherton's concerns in connection with Maine Yankee cable separation issues are being reviewed by the staff again to ensure that they were addressed. We are not aware of any inability to locate the documents necessary for this review.

You also stated your belief that the NRC staff is in error in holding to the position that it acted appropriately when it allowed Maine Yankee to operate under the conditions imposed by the January 3, 1996 Order. We have previously addressed this issue in several letters to you and our position has not changed. You went on to state that our responses to your previous letters were "conclusory" and contained inadequately documented statements. To the contrary, our responses have provided detailed answers and supporting documents for your use.

Sincerely,

*This is copy of the final  
Concurrence page. It was inadvertently  
passed out, and sent to dispatch.  
Changes were subsequently made  
per SECY.*

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

Distribution: See next page

DOCUMENT NAME: G:\G970294.MYK

\*See previous concurrences

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NAME	RCroteau*		BClayton*		JZwolinski	SVarga*	RZimmerman	JLyons*
DATE	04/30/97		04/30/97		6/24/97	05/0/97	05/06/97	05/01/97
OFFICE	SPLB		NRR		OGC*	EDO	TECH ED	OCM
NAME	SWest*		SCollins*			LJCallan	*	SJackson
DATE	05/01/97		05/6/97		4/30/97	05/1/97	05/1/97	06/1/97

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

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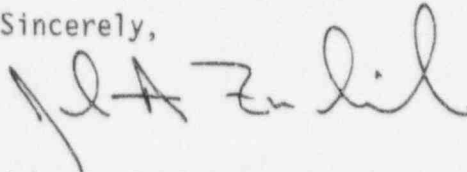
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DATE	04/30/97		04/30/97		6/22/97	05/0/97	05/06/97	05/01/97
OFFICE	SPLB		NRR		OGC*	EDO	TECH ED	OCM
NAME	SWest*		SCollins*			LJCallan	*	SJackson
DATE	05/01/97		05/6/97		4/30/97	05/2/97	05/1/97	05/1/97

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Sincerely,

A handwritten signature in dark ink, appearing to read 'J. A. Zwolinski', written in a cursive style.

John A. Zwolinski, Deputy Director  
Division of Reactor Projects  
Office Of Nuclear Reactor Regulation

*John* **ACTION**  
Rev. 4/24/97

EDO Principal Correspondence Control

FROM:

DUE: 05/08/97

EDO CONTROL: G970294

DOC DT: 04/18/97

FINAL REPLY:

Henry R. Myers  
Peaks Island, Maine

TO:

Chairman Jackson

FOR SIGNATURE OF :

\*\* GRN \*\*

CRC NO: 97-0373

Zwolinski

DESC:

CONCERNS THE INABILITY TO FIND DOCUMENTS  
DEMONSTRATING RESOLUTION OF CABLE ISSUES - MAINE  
YANKEE

ROUTING:

Callan  
Jordan  
Thompson  
Norry  
Blaha  
Burns  
Miller, RI  
Cyr, OGC

DATE: 04/23/97

ASSIGNED TO:

CONTACT:

NRR

Gollins

SPECIAL INSTRUCTIONS OR REMARKS: PUT EDO AND CHAIRMAN ON FOR CONCURRENCE

NRR RECEIVED:

APRIL 23, 1997

NRR ACTION:

DRPE:VARGA

ROUTING:

COLLINS  
MIRAGLIA  
THADANI  
ZIMMERMAN  
MARTIN  
TRAVERS  
BCHRR

**ACTION**  
DUE TO NRR DIRECTOR'S OFFICE  
BY *[Signature]* 5, 1997



OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-97-0373                      LOGGING DATE: Apr 23 97  
ACTION OFFICE: EDO  
AUTHOR: HENRY MYERS  
AFFILIATION: MAINE  
ADDRESSEE: CHAIRMAN JACKSON  
LETTER DATE: Apr 18 97                      FILE CODE:  
SUBJECT: CONCERNS THE INABILITY TO FIND DOCUMENTS  
          DEMONSTRATING RESOLUTION OF CABLE ISSUES  
ACTION: Direct Reply  
DISTRIBUTION:  
SPECIAL HANDLING:  
CONSTITUENT:  
NOTES: OCM NO. 8216.    SECY TO ACK.  
DATE DUE: May 8 97  
SIGNATURE:                                      DATE SIGNED:  
AFFILIATION: