

The Seacoast Anti-Pollution League

Founded 1969

SAPL

93 HIGH STREET / P.O. BOX 1136

PORTSMOUTH, NH 03802

603-431-5089

February 24, 1997

Honorable Shirley Jackson
Chairwoman
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

Dear Madame Chairwoman:

We are writing on behalf of the Board of Directors and members of the Seacoast Anti-Pollution League in support of the comments and to join in the request for answers contained in a letter to you from Dr. Henry R. Myers of Peaks Island, Maine, dated December 13, 1996.

Dr. Myers raises concerns that the Seacoast Anti-Pollution League deems of utmost importance. SAPL has a very great concern that nuclear plants are being allowed to operate absent a clear finding that the plants are in conformance with their design and licensing bases, and without a finding of substantial compliance with all applicable NRC regulations.

In the specific case of the Maine Yankee Atomic Power Station, SAPL is concerned that Maine Yankee does not comply with the requirements of TMI Action Plan Items II.K.3.30 and II.K.3.31. The post-TMI Action Plan requirements were put into effect because of lessons learned as a result of the Three Mile Island accident, i.e. that large-break loss-of-coolant accident analyses do not necessarily circumscribe the limits of credible design-basis accidents. To borrow a phrase from a Presidential candidate who toured through New Hampshire in the 1980's which, though stated in a differing context, applies here: "There is no education to be had from the second kick of a mule." The lessons provided by the Three Mile Island accident were quite clear and should have been sufficient to jolt the NRC staff into a sense of the gravity of the situation when nuclear plants are operated out of compliance with the requirements developed as a result of that accident. Notwithstanding this noncompliance, as Dr. Myers points out, there has been no analysis that demonstrates that the net effect of the 2440 Mwt limitation imposed in lieu of compliance with Items II.K.3.30 and II.K.3.31 at Maine Yankee is indeed a restriction rather than a relaxation of regulatory requirements. SAPL is deeply concerned by this lack of analysis.

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SAPL is also very concerned about the apparent after-the-fact development of a legal rationale for the continued operation of Maine Yankee. Dr. Myers states that "available evidence indicates the staff did not even consider 10 CFR 50.46(a)(2) until nearly four months after issuance of the January 3 Order". SAPL finds this apparent willingness to relax regulatory requirements without proper prior consideration of the regulatory basis therefor very troubling. We would ask that you let us know whether it is the policy of the Commission to tolerate this type of procedural reversal and, if so, whether it has become common practice by the staff to develop the regulatory rationale for exemptions from regulatory requirements ex post facto.

Sincerely,

Charles Pratt
Charles Pratt
President

Mary Metcalf
Mary Metcalf
Vice President

Jane Doughty
Jane Doughty
Staff

cc: Governor Jeanne Shaheen
Commissioner Kenneth Rogers
Commissioner Greta Dicus
Commissioner Nils Diaz
Commissioner Edward McGaffigan