

# Maine Yankee

Michael J. Meisner  
President

321 OLD FERRY RD. • WISCASSET, ME 04578-4922

(207) 882-5700  
FAX (207) 882-5884

December 13, 2001  
MN-01-047, MJM-01-009

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Mr. George Pangburn, Director  
Division of Nuclear Materials Safety  
United States Nuclear Regulatory Commission  
475 Allendale Road  
King of Prussia, Pennsylvania 19406-1415

Dear Mr. Pangburn:

On December 3, 2001 you transmitted a letter to Maine Yankee finding that an FSS supervisor was engaged in several examples of willful procedural non-compliance regarding post-survey source checks in August, 2000. You also asked Maine Yankee to decide if a pre-decisional enforcement conference or written response was appropriate.

As you know, the issues you raised were self-identified by Maine Yankee shortly after their occurrence. At that time, Maine Yankee initiated an internal investigation, the results of which suggested that a further investigation be conducted by an external independent investigator. The independent investigation was initiated on 10/4/2000 and completed on 10/19/2000. The independent investigator, who identified clear procedural violations, reached no determination about the willful nature of those violations, suggesting further senior management review. Consequently, on 11/2/2000, the Workers Concerns Program Administrator recommended formation of a Management Review Board.

The Board decided that evidence did not support a conclusion that the FSS supervisor's actions constituted a deliberate violation or careless disregard. The supervisor was unaware of non-compliances occurring prior to his involvement and was trying to troubleshoot to find the cause for unsuccessful source checks. Nonetheless, the Board determined that the supervisor's actions were inconsistent with Maine Yankee expectations for a supervisor, and appropriate corrective actions were recommended and completed by the end of year 2000. The Board issued its formal report on 2/7/2001.

The NRC Office of Investigations (OI) conducted their review well after the fact. As you noted, following the May 8, 2001 inspection report, OI's investigation proceeded, presumably completing only recently – nearly a year and a half following the events of concern.

At this point, we have no disagreement with the facts. They were identified by Maine Yankee and the OI investigation, as best we can determine, uncovered no new information. We believe that you would agree that there was no safety significance to the events and that the corrective actions implemented by Maine Yankee were appropriate to the situation.

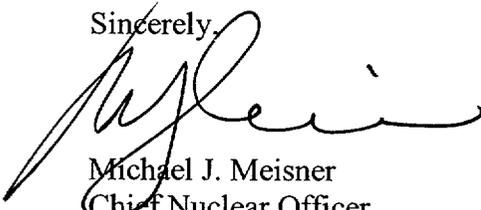
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We only disagree on the interpretation of the facts with regard to willfulness. Maine Yankee's investigations were conducted while the recollection of events was still fresh in the minds of the participants. The OI investigation occurred much later. Because the Maine Yankee investigations were timely and comprehensive, we stand by our determination that no willful violation occurred.

Nonetheless, given the time that has elapsed, the safety significance of the events and the corrective actions that have been implemented, Maine Yankee sees no purpose served for us or the NRC in devoting further extensive resources necessary to prepare for a pre-enforcement conference. As a result, we waive the pre-enforcement conference and submit this written response.

I'd be happy to talk with you further should you have any questions. Please give me a call at (207) 882-5700.

Sincerely,

A handwritten signature in black ink, appearing to read "Meisner", written over the word "Sincerely,".

Michael J. Meisner  
Chief Nuclear Officer

cc: Dr. Ronald Bellamy, USNRC  
Mr. Patrick Dostie, State Nuclear Safety Inspector  
Ms. Paula Craighead, Esq., State of Maine