

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

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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.

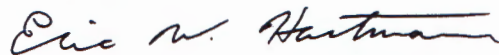
Even if the proffered comments were deemed totally without merit, technically—they would still be useful for the ISAT in order to adequately address concerns from members of the public. Wonder of wonders, you just might find that us ign’rant rabble could actually improve your assessment!

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



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

November 15, 1996

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

Dear Mr. Hartmann:

I am concerned that the Independent Safety Assessment (ISA) failed to meet your expectations as expressed in your October 11 letter. I was interested in your suggestions for improving the process for obtaining public input.

As you are aware, Chairman Jackson requested the ISA in response to findings of an NRC Office of Inspector General Investigation, and to concerns raised by the Governor of Maine. The findings raised issues not only regarding NRC confidence in the Maine Yankee plant, but also public confidence in both Maine Yankee and the NRC.

The dominant planning features of the safety assessment were scope and depth, timeliness, and State participation. I expected that the extensive State participation through three team members, two process reviewers, a five member citizens group and periodic briefings with the Governor would provide a measure of confidence to the public about the credibility and technical strength of the team and the findings. The scope and depth of the review by an independent highly qualified team were designed to resolve through factual findings, uncertainties about safety of operations at Maine Yankee and where appropriate, to identify corrective measures that could be implemented in NRC oversight to improve NRC ability to detect problems.

The technical and regulatory review, as provided by the independent safety assessment (ISA) had the goal of determining whether there was adequate assurance of safety of operations. This review was, of necessity, separated from any consideration of political or economic considerations by the State, utility, or the public. Deliberations by the ISA were based on the technical findings of fact. The draft report was not provided for licensee, other NRC, State, or public comment before issuance based on NRC policy regarding predecisional findings.

Perhaps there was a misunderstanding about the "public participation" part of the meeting. My object in that meeting was to respond to questions and comments in order to improve public understanding of what was done, what the team found, the root causes of problems and the safety significance of the findings. I did not mean to imply that this meeting represented public participation in the Independent Safety Assessment process. I understand your comment that you would like more public participation and I plan to address it in two ways. First, with regard to future similar team assessments I have included, in the lessons learned, consideration of a public participation meeting at the beginning of the review to explain and discuss the objectives and scope, and make provision in the schedule for a

longer time interval from issuance of the report to the public meeting to facilitate more informed discussion at the end of the review. Second, your comments are relevant to one of the Direction Setting Issues from the NRC Strategic Assessment and Rebaselining Initiative, "Public Communication Initiatives." I have enclosed a copy for your information, and I have forwarded your letter to the sponsor of the paper for consideration with other comments on this issue. I believe your comment on logic irregularities in safety standards is based on NRC use of terminology. The team used terminology from existing NRC guidance to convey relative performance of various functional areas of Maine Yankee such as maintenance or operations. Statements in the report about overall performance were made to sum up the performance of the functions, in terms the NRC currently uses.

An overall "adequate" in the NRC regulatory jargon means that there is general conformance with the regulations and that the plant is being operated safely. A plant found less than adequate must be shutdown. Perhaps we should have spent more time in defining our terminology during the meeting.

I remain confident that the ISAT process for assessing safety is a valid technical process. It is clear from your comments that a "citizen's group" does not speak for all citizens and that in the future the process should provide for early public input from any member of the public wishing to comment. Thus, your suggestions for improving public communications will be factored into our future considerations for improving public processes. Thank you for your concerned statements.

Sincerely,

Original Signed by:
E. L. Jordan

Edward L. Jordan, Director
Office for Analysis and Evaluation
of Operational Data

Enclosure: As stated

cc/w enclosure:
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