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Date: 11/20/96 1:47pm  
Subject: Maine Yankee Meeting

John:

Just thought you may want my comments on the ISAT report even though = the NRC got a copy at the meeting last night. Dave Lochbaum and Dr. = Myers were also on the panel. I would like a formal response to the = issues addressed below.

11/17/96

#### COMMENTS ON MAINE YANKEE ISAT REPORT DATED OCTOBER 7, 1996

In her letter dated October 7, 1996 Dr. Jackson stated in her letter = to Mr. Charles D. Frizzle =B3The purpose of the ISA was to determine = whether Maine Yankee was in conformity with its design and licensing = bases;=B2 Dr. Jackson completely avoided addressing this objective. = The simple answer is that the plant is not in compliance with =B3its = design and licensing bases.=B2 This conclusion is supported by the = content of the very ISAT report attached to this letter.

It appears the tone of the report is different from anything I have = ever seen come out of the NRC. They refuse to even attempt to = directly address the issue of compliance with the regulations and use = words such as: =B3These tests may have shown some degree of = cavitation and an uncertain, but likely very small, margin. These = limiting conditions would exist only in the low probability event of = a large break LOCA.=B2

What does this actually mean? To me it means that both the NRC and = the licensee don=B9t know if the ECCS system will operate even at = 2440 Mwt. They state that these systems will not likely function at = 2700 MW but they fail to address the issue if they will operate at = 2440MW. This appears to be intentional deception of the general = public and the State of Maine.

Throughout the document they use the words: =B3These limiting = conditions would exist only in the low probability event of a large = break LOCA.=B2 A large break LOCA is part of the design basis and = the ECCS systems must function for this design basis event. This is = like saying I don=B9t need seat belts, air bags or brakes because the = probability of needing them is very low.

On page =B3v=B2 the NRC states: =B2Maine Yankee was in general = conformance with its licensing-basis although SIGNIFICANT ITEMS OF = NON-CONFORMANCE WERE IDENTIFIED [emphasis added].=B2 Translated this = means the licensee is not in compliance with the requirements.

On page =B3vii=B2 the NRC states: =B3there is a lack of a questioning = culture which has resulted in the failure to identify or promptly = correct significant problems in areas perceived by management to be = of low safety significance.=B2 What are these significant problems = and why does the NRC allow them to operate?

On page 19 of the report the NRC states: "The ISA team reviewed this information and concluded that these heat exchangers could be considered operable at the higher thermal values resulting from plant operation at 2700 Mwt." B2

The NRC has no authority to determine if a component is operable. The licensee has a formal process outlined in Generic Letter 91-18 and if the operability of a system, structure or component (SSC-B9s) is in question, the licensee MUST make a formal determination of operability. The NRC did this in the past and got burned and admitted to me they do not have is authority. This issue was discussed in an NRC Inspector General-B9s report transmitted to me on July 11, 1994.

At the top of page 20 the NRC again conducts operability determinations in violation of their own statutory authority.

On page 21 they state: "B3WO 96-01785-00, completed August 9, 1996, (SCCW), did not demonstrate whether these valves would perform their safety related function." B2 Why is the plant operating if it can't be shown that safety systems are operable?

Page 23 "The ISA team did not consider the licensee's position that the 345 kV system back-feed operation, completed within six hours, was an acceptable basis for compliance with the FSAR and Maine Yankee Design Criterion 39." B2 This is an open acknowledgment that the plant is not in compliance with the design basis therefore not in compliance with the regulations.

Page 29 "The ISA team found that the licensee was not meeting 10 CFR 50.49 requirements in that there were certain electrical components that were not qualified for their expected environment following a design basis event." B2 With this one statement the NRC admits the plant is in violation of the regulations.

Page 30: "B3a walkdown on July 24, 1996, of reactor containment that revealed 30 components outside of Maine Yankee's design basis." B2

These are only examples but the very clear message is that the plant is not in compliance with the design basis and not in compliance with the regulations and the NRC lets them continue to operate.

In my opinion, given the fact that a token audit uncovered many areas of non-compliance, Maine Yankee should not be operating this plant until they complete a review as required by last week-B9s 50.54 f letter from the NRC. They are breaking the law and the NRC is helping them.

I could continue and cite many other examples but it is very clear to me that the NRC did not want to ask the difficult questions because the knew the correct answer would result in a plant shutdown for not being in compliance with the regulations.

I have recently reviewed the NRC report on Connecticut Yankee. Comparing the two reports, the information contained in the MY report is

every bit as condemning as the CY report. Some of the same = deficiencies, such as the NPSH for the containment recirculation = pumps, were identified at both plants. The difference is the =  
=B3spin=B2 put on the MY report.

From my perspective, the NRC is again covering their own incompetence = and embarrassment created by UCS=B9s disclosure of falsified LOCA = codes and the NRC=B9s Inspector General=B9s Event Inquiry dated May =  
8, 1996. Maine Yankee, with all the deficiencies identified in the =  
ISAT report, should conduct a complete design review before the plant = is allowed to continue operation. It is clear from this report, the = plant in non-compliance with both the design and licensing bases. The = conclusion of =B3[C]onsidered adequate for operation=B2 is totally = unsupported by any objective evidence and is contradicted by the = report itself.

Sincerely,

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