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FYC 88-009

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# YANKEE ATOMIC ELECTRIC COMPANY



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OFFICE OF THE SECRETARY  
DOCKETING BRANCH

July 12, 1988

Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555

Attention: Docketing and Service Branch

Subject: Comments on Policy Statement, "Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities," (53FR21981).

Dear Sir:

Yankee Atomic Electric Company (YAEC) appreciates the opportunity to comment on the subject policy statement. Yankee Atomic Electric Company owns and operates a nuclear power plant in Rowe, Massachusetts. Our Nuclear Service Division also provides engineering and licensing services for other nuclear power plants in the Northeast, including Vermont Yankee, Maine Yankee and Seabrook.

Yankee Atomic Electric Company endorses the goal of improving NRC communication and cooperation with State governments on issues relating to the regulation of commercial nuclear power plants. We believe that policies which aid qualified State representatives in improving their understanding of the design and operation of such facilities are beneficial to all parties and should be encouraged.

We specifically endorse the second paragraph of the policy statement as providing an appropriate and adequate basis for achieving the desired communication and cooperation. It is our belief that if representatives of the State are kept well-informed of the NRC's activities, provided with opportunities to closely observe the NRC inspection activities, and afforded appropriate channels to raise questions and offer recommendations as proposed in this paragraph, all of the legitimate concerns of a State can be adequately addressed. With this in mind, we are very concerned about those portions of the policy statement which indicate that the NRC will proceed beyond this point and delegate some of its authority to conduct safety inspections to State personnel.

The policy statement specifically mentions the NRC's concern that "independent" State inspection programs could misdirect a licensee's attention in a manner inconsistent with NRC safety requirements, result in the misinterpretation of NRC safety requirements, or give the perception of dual regulation. We believe that delegation of any of the NRC's responsibilities to State personnel would be subject to these same concerns regardless of how the NRC attempted to structure and implement its oversight role.

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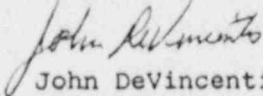
Furthermore, to require the NRC Staff to qualify State inspectors and then assume full responsibility for the inspectors' subsequent activities at a facility seems to us to seriously complicate the regulatory process without providing commensurate benefits.

In the introductory remarks to the policy statement, an allusion is made to States monitoring facilities adjacent to their boundaries. We see no objection to keeping appropriate representatives of "neighboring" States apprised of the regulatory activities at a specific facility. However, we believe that the policy statement should explicitly limit any "on-site" presence of State personnel to representatives of the State in which the facility is located.

Finally, we encourage the authors of the policy statement and subsequent NRC/State implementing agreements to be sensitive to the fact that these NRC/State programs can be a significant expense for the licensee. Examples of anticipated costs include: i) the likely requirement to provide on-site facilities and services for State personnel comparable to those provided to the resident NRC inspectors, ii) the time spent by NRC personnel (and subsequently billed to the licensee) in training, qualifying, managing, and/or communicating with State personnel, and iii) the direct cost of participating State personnel.

In conclusion, we urge the Commission to adopt a final policy statement that precludes delegation and/or duplication of Federal radiological health and safety activities at commercial nuclear power plants. We encourage the Commission to adopt a policy statement that will promote a cost effective contribution to the common goal of protecting the public health and safety.

Very truly yours,

  
John DeVincentis  
Vice President

JDS/amd