



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20585-0001

January 14, 1998

DCS
PDR

Ms. Mary Ann Lynch
Vice President, Law and
Government Affairs
Maine Yankee Atomic Power Co.
P.O. Box 408
Wiscasset, Maine 04578

SUBJECT: MAINE YANKEE ATOMIC POWER COMPANY REQUEST FOR RELEASE OF
OFFICE OF INVESTIGATION REPORT NOS. 1-95-050, 1-96-025, AND
1-96-043

Dear Ms. Lynch:

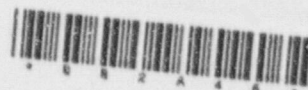
I am responding to your December 31, 1997, letter, in which you request that Maine Yankee Atomic Power Company (MYAPCo) be provided with copies of the NRC's Office of Investigations (OI) Report Nos. 1-95-050, 1-96-025 and 1-96-043. The referenced reports are related to the apparent violations transmitted to MYAPCo in the NRC's letter of December 19, 1997. MYAPCo's previous request for OI Report Nos. 1-95-050 and 1-96-025 (FOIA/PA 97-394) was denied by our letter dated October 27, 1997.

In your December 31, 1997, letter, you request the three referenced OI reports so that MYAPCo may understand and evaluate the bases for the apparent violations, and may fully and fairly respond thereto. You state that considerations of fundamental fairness make FOIA Exemption 7(A) no longer applicable given the current procedural status, that releasing the reports to MYAPCo at this time would cause no prejudice to the NRC, and that not releasing the reports to MYAPCo prior to a predecisional enforcement conference concerning the apparent violations would prejudice MYAPCo. You also state that our December 19, 1997, letter and its enclosures do not identify the actions or omissions constituting careless disregard or willful conduct associated with the apparent violations. Your request is denied, as explained below.

In view of the current status of the enforcement process concerning the apparent violations, FOIA Exemption 7(A) still applies. Moreover, a purpose of the predecisional enforcement conference, among others, is to provide the licensee the opportunity to present its version of the facts to the NRC before it determines what, if any, action is warranted. Our December 19, 1997, letter and its enclosures provide the factual basis for the apparent violations. As a result, MYAPCo will have the opportunity to present its views and its conclusions as to whether the apparent violations occurred and whether certain apparent violations involved willfulness. NRC policy is that OI reports underlying pending enforcement actions not be released prior to taking enforcement action. If and when enforcement action is proposed, MYAPCo may then renew its request for the underlying OI reports. At that time, the reports, subject to redaction, will be provided to you and placed in the PDR. In our view, MYAPCo is not prejudiced by denial of its request for access to the OI reports prior to the predecisional enforcement conference.

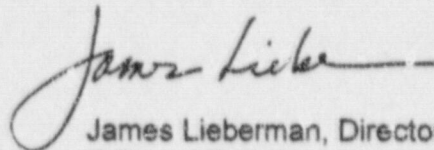
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The NRC requests that if MYAPCo still intends to request a predecisional enforcement conference, it be promptly scheduled with Region I personnel, as instructed in our December 19, 1997, letter.

Sincerely,

A handwritten signature in cursive script, reading "James Lieberman", followed by a horizontal line.

James Lieberman, Director
Office of Enforcement

cc:

D. Davis, President, Yankee Atomic Electric Company (YAEC)
M. Meisner, Vice President, Licensing and Regulatory Compliance, MYAPCo
R. Fraser, Director of Engineering
P. Anderson, Project Manager, YAEC
W. Odell, Director of Operations
M. Ferri, Director of Decommissioning
T. Dignan, Jr., Esquire, Ropes and Gray
P. Dostie, State of Maine Nuclear Safety Inspector
U. Vanags, State of Maine Nuclear Safety Advisor
C. Brinkman, Combustion Engineering, Inc.
First Selectmen of Wiscasset
R. Shadis, Friends of the Coast

Maine Yankee Atomic Power Company

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