

50-309



UNITED STATES
NUCLEAR REGULATORY COMMISSION

WASHINGTON, D.C. 20555-0001

September 25, 1997

Mr. Stanley R. Tupper
Tupper & Tupper Law Offices
102 Townsend Avenue
Post Office Box 430
Boothbay Harbor, ME 04538

Dear Mr. Tupper:

Your letter of August 20, 1997, to Chairman Jackson has been referred to me for reply. In your letter, you expressed concern about the standards to which Maine Yankee Atomic Power Company will be held during decommissioning of the Maine Yankee Atomic Power Station. The NRC staff intends to take appropriate actions throughout the decommissioning process to provide assurance that the licensee's activities are conducted in accordance with applicable regulatory requirements and with due consideration to adequate protection of public health and safety. In the immediate future, the staff will maintain an on-site inspection presence. Throughout the decommissioning process, the staff will conduct on-site inspection of major decommissioning activities. In addition, headquarters project management staff dedicated to Maine Yankee will continue to follow licensee activities throughout the decommissioning process.

You expressed concern regarding the conclusions of the Independent Safety Assessment (ISA) of Maine Yankee conducted by the NRC in 1996 in light of the problems identified at the plant in December 1996 and subsequently. Certain issues identified by the ISA were addressed by the licensee during the facility shutdown from July 20 through September 2, 1996. When the licensee started up the reactor on September 2, the staff had determined that the ISA issues had been addressed sufficiently to provide assurance that operation of the facility would pose no undue risk to public health and safety. When additional issues arose in December 1996, the staff took prompt action to ensure that they would be appropriately addressed before restart.

You raised the issue of the 1978 report of Mr. Peter Atherton, a former NRC inspector. The staff's handling of this matter has been referred to the NRC Office of the Inspector General, as concerns were raised that the staff's actions may have been inappropriate. In addition, the staff is reassessing the issues raised by the former NRC inspector, the resolution of those issues by the staff and licensee at that time, and the potential implications of those issues for the plant in its current condition. The staff is also considering possible generic implications of these concerns. The staff's resolution will be made publicly available.

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Mr. Stanley R. Tupper

- 2 -

In closing let me again assure you that the NRC staff will provide appropriate oversight for the Maine Yankee decommissioning to provide reasonable assurance of regulatory compliance and adequate protection of public health and safety. I appreciate your sharing your views, and trust that you will find this letter responsive to them.

Sincerely,

Original signed by
Michael L. Boyle for

Bruce A. Boger, Director
Division of Reactor Projects - 1/11
Office of Nuclear Reactor Regulation

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Docket File (50-309 w/orig inc)

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B. Sheron

H. Miller, RI

K. Cyr, OGC

J. Roe

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PDI-3 RF (w/inc)

NRR Mailroom (EDO#G970636 w/inc) (012-G-18)

B. Boger

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SECY #CRC-97-0884

N. Olson

C. Norsworthy

D. Dorman

E. Peyton

C. Hehl, RI

L. Reyes, RII

Document Name: G:\DORMAN\GT970636

* - See previous concurrence

OFC	PDI-3/PM	PDIV-2/:LA	PDI-3/(A)D	ORPE:D MB B	ADPR #3 9/22
NAME	DDorman WA	EPeyton*	REaton*	BBoger B	RZimmerman
DATE	9/17/97	9/16/97	9/16/97	9/22/97	9/25/97

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con with incorporated.

ACTION

EDO Principal Correspondence Control

FROM:

DUE: / /

EDO CONTROL: G970636
DOC DT: 08/20/97
FINAL REPLY:

Stanley R. Tupper
Tupper & Tupper Law Offices

TO:

Chairman Jackson

Rec'd 9/9/97

FOR SIGNATURE OF :

** GRN **

CRC NO: 97-0884

DESC:

DECOMMISSIONING OF MAINE YANKEE (PETER ATHERTON)

ROUTING:

Callan
Thadani
Thompson
Norry
Blaha
Burns
Reyes, RII
Cyr, OGC

DATE: 09/04/97

ASSIGNED TO:

CONTACT:

NRR

Collins

SPECIAL INSTRUCTIONS OR REMARKS:

~~For Appropriate Action.~~

NRR RECEIVED: SEPTEMBER 8, 1997
NRR ACTION: DRPM:ROE

Zimmerman

NRR ROUTING: COLLINS
MIRAGLIA
ZIMMERMAN
SHERON
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TRAVERS
BOHRER

ACTION

DUE TO NRR DIRECTOR'S OFFICE

BY

10/3/97

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

PAPER NUMBER: CRC-97-0884 LOGGING DATE: Sep 2 97
ACTION OFFICE: EDO
AUTHOR: STANLEY TUPPER
AFFILIATION: MAINE
ADDRESSEE: CHAIRMAN JACKSON
LETTER DATE: Aug 20 97 FILE CODE: IDR 5 MAINE YANKEE
SUBJECT: DECOMMISSIONING OF THE MAINE YANKEE FACILITY AND
RECOGNITION OF PETER ATHERTON, WHO BROUGHT
ATTENTION TO DEFECTS LEADING TO ITS CLOSING
ACTION: Appropriate
DISTRIBUTION: CHAIRMAN
SPECIAL HANDLING: NONE
CONSTITUENT:
NOTES:
DATE DUE:
SIGNATURE: DATE SIGNED:
AFFILIATION: