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February 28, 1985
IPN-85-08
JPN-85-15

Mr. Harold R. Denton, Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555
Attn: Document Control Desk

Subject: Indian Point 3 Nuclear Power Plant
Docket No. 50-286
James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
Comments on Generic Letter 85-01

Reference: D.G. Eisenhut letter to All Power Reactor
Licensees and All Applicants for Power Reactor
Licenses (Generic Letter 85-01), dated
January 9, 1985.

Dear Sir:

The New York Power Authority is pleased to offer the following comments regarding the Fire Protection Policy Steering Committee Report provided in the referenced Generic Letter.

The Authority considers the efforts of the Fire Protection Policy Steering Committee to be a positive step in the area of fire protection regulation in general and specifically as it relates to Appendix R. We agree that the interpretations of Appendix R, first discussed at the Regional Workshops last year and included as Enclosure 3 to the Generic Letter, will facilitate industry implementation of the rule. They provide licensees flexibility in the review of their plants to the complicated provisions of Appendix R and promote unique engineering solutions to protection of safe shutdown capability.

A workshop for Appendix R inspection teams is considered essential to provide a common basis for Appendix R audits and to avoid potential discrepancies between Regions in the objectives, scope or technical issues of the inspections. We fully support the concept of a referee to resolve differences between licensees and inspectors during the audits. We feel any differences between licensees and inspectors identified during the audit should be resolved prior to the inspection report being issued. To reduce

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the potential for such discrepancies it is the Authority's opinion that Appendix R audits should be postponed until the new staff guidance is finalized and released. Until the material of the draft Generic Letter is approved by the Commission, the inspection standards will be uncertain thus resulting in a need to review the inspection results when the guidance is finalized. The fact that the guidance has not as yet been approved by the Commission will make it difficult to establish a common basis for the inspection teams to work from. As an alternative, the results of any audit performed prior to the new guidance being finalized should be reviewed against the new guidance, when approved, prior to being released and any enforcement action taken.

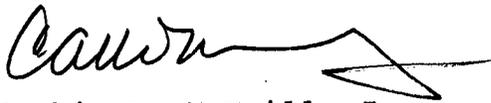
The Authority acknowledges the staff's proposed position regarding further schedular relief under the provisions of 10 CFR 50.48; however, this is not to say that technical or schedular exemptions requested pursuant to 10 CFR 50.12 are precluded. This point should be clarified in Section A of the draft Generic Letter.

Regarding Section C of the draft Generic Letter, the documentation requirements for demonstrating compliance with the various provisions of Appendix R should be commensurate with the readily observable bases for compliance in any area.

In addition to the specific comments discussed above, the Authority endorses the comments provided to the staff by the Nuclear Utility Fire Protection Group (NUFPG) of which we are a member. We specifically call to the staff's attention the group comments pertaining to Section D of the draft Generic Letter, Quality Assurance Requirements Applicable, and Questions and Answer 8.3, Exemptions for Future Modifications. The group discussion reflects the Authority's position regarding these issues.

We trust you will find the comments on Generic Letter 85-01 constructive.

Very truly yours,



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Senior Vice President
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cc: Resident Inspector's Office
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