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Ralph E. Beedle
Executive Vice President
Nuclear Generation

April 23, 1993
JPN-93-031
IPN-93-026

U. S. Nuclear Regulatory Commission
ATTN: Chief, Rules and Directives Review Branch
Washington, DC 20555

SUBJECT: James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
Indian Point 3 Nuclear Power Plant
Docket No. 50-286

**Comments on Proposed Generic Communication:
Availability and Adequacy of Design Bases Information**

- REFERENCE:
1. NRC Notice of Proposed Generic Communication, Volume 58, Federal Register 15885, dated March 24, 1993.
 2. NUMARC letter, W. H. Rasin to D. L. Meyer (NRC), dated April 2, 1993.

Dear Sir:

The New York Power Authority has the following comments on the proposed generic letter concerning the availability and adequacy of design bases information published in the March 24, 1993 Federal Register (Reference 1). The Authority agrees with NUMARC's comments on the proposed generic letter (Reference 2). The proposed generic letter is unnecessary and unwarranted.

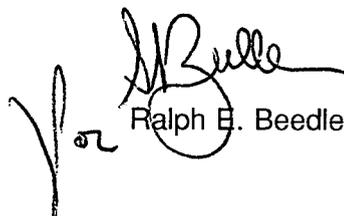
In particular, one comment in NUMARC's letter warrants amplification. The proposed generic letter characterizes the request as "voluntary." While the proposed letter does not invoke 50.54(f), the Authority's experience has been that failure to respond could be interpreted negatively by the NRC. A response would, in effect, be required in order to avoid this negative perception.

The Authority and other nuclear utilities would need to expend significant resources to prepare a comprehensive submittal, in response to the generic letter as proposed, even though the need for the requested information as an enhancement to public health and safety has not been demonstrated. Once the submittal is on the docket, it could be interpreted to contain commitments subject to inspection and enforcement, even though there may not be a specific regulatory requirement associated with the information provided.

The Authority recognizes the value of having design bases information organized and readily available for reference. Programs have been established and resources have been expended to assemble design basis documents for both the Authority's FitzPatrick and Indian Point 3 nuclear power plants.

If you have any questions, please contact Mr. J. A. Gray, Jr. or Mr. P. Kokolakis.

Very truly yours,


Ralph E. Beedle

cc: U. S. Nuclear Regulatory Commission
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