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U.S. Nuclear Regulatory Commission
Attn: Document Control Desk
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Washington, D.C. 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 Rule Changes
10 CFR 50.55a, Industry Codes and Standards

REFERENCES:

1. Federal Register, Vol. 62, No. 232, December 3, 1997, pages 63892-63911
2. Federal Register, Vol. 63, No. 16, January 26, 1998, page 3673

Dear Sir:

The Authority takes this opportunity to comment on the proposed changes to 10 CFR 50.55a (Reference 1). The Authority endorses and supports the comments submitted by the Nuclear Energy Institute on behalf of the commercial nuclear power industry. The Authority shares the concerns expressed by NEI regarding the regulatory basis and processes followed in the preparation of this rule, and significant concerns about its technical basis.

Several provisions of the proposed rule revision represent new or significantly different NRC staff positions. These new and different positions clearly satisfy the 10 CFR 50.109(a)(1) definition of a backfit because they affect procedures required to operate the plants. Consequently, a backfit analyses should be prepared as part of any rule proposed by the NRC to adopt a new edition of the ASME code. The NRC's rulemaking process is not being adhered to without a thorough and accurate backfitting analyses.

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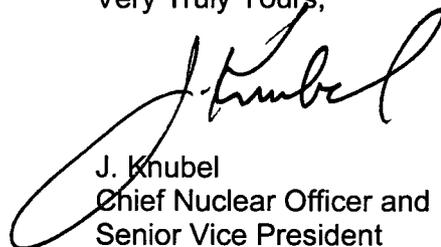
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In addition, the proposed rule revision would eliminate the use of engineering judgement for ISI (inservice inspection) without exception. In it's place, it would substitute a formal, review and approval process. While the potential burden on personnel resources and plant outage costs has not been estimated, it could be significant for both the NRC and licensees.

The use of sound, engineering judgement has long been a valuable and accepted practice in most industries, including commercial nuclear power. The Authority believes that the use of sound, engineering judgement should continue to be permissible.

If you have any questions, please contact Ms. C. Faison.

Very Truly Yours,



J. Knubel
Chief Nuclear Officer and
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cc: Regional Administrator
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