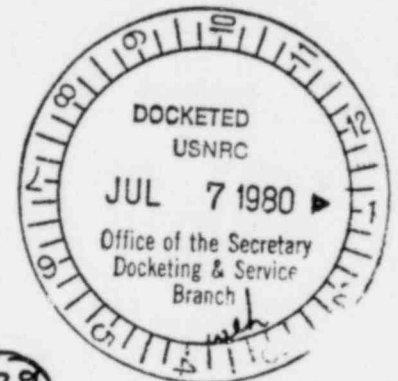


June 30, 1980



Secretary of the Commission  
U. S. Nuclear Regulatory Commission  
Washington, D. C. 20555

Attention: Docketing and Service Branch

Gentlemen:

DOCKET NUMBER  
PROPOSED RULE

39  
PR 50  
(45 FR 36082)  
~~(36082)~~

Contained herein are Niagara Mohawk's general comments on the proposed Fire Protection Regulations for Nuclear Power Plants Operating prior to January 1, 1979. These comments are submitted in accordance with Federal Register Notice dated May 29, 1980, 45 Federal Register 36083. In general, Niagara Mohawk endorses the comments which will be submitted by the Edison Electric Institute regarding the proposed regulations. Therefore, no specific comments are provided herein.

Niagara Mohawk has a major concern with the proposed implementations schedule. As you know, the Nuclear Regulatory Commission staff has approved schedules for some licensees which allow implementation of fire protection modifications beyond November 1, 1980. As best we know, these schedules reflected a best effort on licensees part to complete modifications in an expeditious manner, considering among other things the timing of the Nuclear Regulatory Commission staff review and approval of licensees plans. The supplemental information provided with the proposed regulations indicated that the Commissioners will review such previously approved schedules "on a case by case basis to determine whether continued approval or some revision" is appropriate. We believe it is unreasonable for the Commissioners to consider improving previously approved schedules at this late date.

Niagara Mohawk supports the separate comments of Commissioners Hendrie and Kennedy which state they are "concerned that the short implementation schedule proposed here for fire safety provisions together with the large workload associated with the Three Mile Island requirements may make it impossible for licensees to complete all of these measures in a carefully considered and thorough fashion. Since all operating plans have implemented a number of improvements in the fire safety postures, the remaining improvements to be required under the proposed rule do not seem to us so urgent as to require either shutting down of plants because of inability to complete these requirements on the short schedule proposed or to make these improvements in a hasty fashion." The significance of safety improvements and the ability of the industry to respond adequately must be carefully considered. There is a limit on the ability of licensees to properly engineer modifications even when outside consultants are retained.

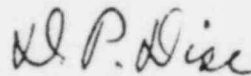
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The statement of Commissioners Hendrie and Kennedy mentions the added licensee workload as a result of Three Mile Island. Licensees have also experienced substantial workload increases resulting from other Nuclear Regulatory Commission initiated work. As examples, licensees consumed thousands of manhours in 1979 performing inspections for Inspection and Enforcement Bulletins 79-02 and 79-14 as well as engineering security modifications. Licensees are clearly concerned about plant safety and consider the level of improvement in safety in prioritizing its workload. Due to the work discussed above, Niagara Mohawk is experiencing extreme difficulties in meeting portions of fire protection schedules previously approved by the Nuclear Regulatory Commission staff.

In conclusion, Niagara Mohawk believes the regulations should be changed so that previously approved implementation schedules will not be shortened. Also, the regulations should indicate that extensions to previously approved schedules will be granted for good cause, which includes equipment delivery difficulties.

Very truly yours,

NIAGARA MOHAWK POWER CORPORATION



D. P. Dise

Vice President, Engineering

WRD:jk