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PROPOSED RULE
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April 18, 1988
IPN-88-010
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Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

ATTN: Docketing and Service Branch

Subject: Indian Point 3 Nuclear Power Plant
Docket No. 50-286
James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
Comments on NRC Proposed Rule on Licensee Announcements of Inspectors

Reference: Federal Register, Vol. 53, No. 53, page 8924, proposed rule, entitled, "Licensee Announcements of Inspectors," dated March 18, 1988.

Dear Sir:

The New York Power Authority recognizes the NRC's need to conduct unannounced inspections at nuclear power plants, and agrees that properly badged NRC inspectors should be granted unfettered access equivalent to the access provided regular plant employees. We are concerned that the proposed rule includes a requirement that is contrary to the management notification practices of the nuclear utility industry.

The Power Authority has long-established practices at its facilities that have been implemented to ensure safe and reliable operation. A key element of these practices is to ensure that personnel in the plant are properly authorized for access and have a need to conduct business in the plant. This is particularly true during off-hours (including nights, weekends, and holidays) when less than the normal complement of personnel are on-site. In support of this practice a requirement exists for security personnel and others to notify the senior manager on-site or the Control Room of non-shift or non-utility personnel who request access or enter the facility after normal working hours. In addition, our personnel are trained to question or challenge unfamiliar personnel about their business and to notify the plant management of the Control Room of the presence of any unfamiliar personnel in the plant. The purpose of these practices is to provide, through vigilance, an additional degree of security to alert responsible plant personnel to any unusual circumstances, as well as providing for the safety of these individuals.

The requirements of the proposed rule contradict these prudent practices. Actions taken by licensees, in the normal conduct of performing work, may be construed by an NRC inspector as a violation of the rule. For example, if a guard or other plant employee observes an NRC inspector on-site and, during later discussions with a supervisor, mentions that an NRC

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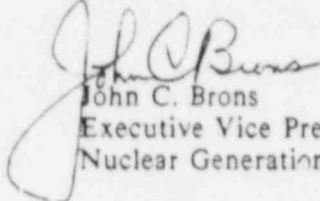
inspector is on-site, that conversation could be construed as a violation of the NRC regulation. Similarly, a guard or plant employee who observes an NRC inspector in the plant, and who has a responsibility under plant procedures or practices to notify the Control Room of unfamiliar individuals in the plant, may find themselves unable to comply with both plant procedures and the regulation.

The rule is unnecessary, since properly authorized NRC inspectors are afforded unfettered access to NYPA facilities. The NRC's desire to observe ongoing plant activities without advance notification of the NRC inspector's presence is understandable, and the current access practices at the Power Authority facilities were developed with this in mind. Authorized NRC inspectors are provided with access without unnecessary delays. In addition, the Resident Inspector provides the NRC with the capability to observe all activities without advanced notification. There is little to be gained by generic application of requirements which are not needed and create direct conflict with customary and generally accepted good practices.

Should the NRC adopt this rule despite the difficulties with compliance and enforcement, the Authority recommends that the proposed rule be changed so that clarification should be provided on the length of time the rule applies after the NRC inspector enters the facility. Once the NRC inspector arrives at the inspection location, it is unreasonable to assume that the inspector's presence will not be noticed by utility or contractor personnel at that location and be communicated further. To require that an NRC inspector's presence not be recognized may preclude normal required communications between plant personnel and is a most unreasonable requirement.

Should you have any questions regarding this matter, please contact Mr. P. Kokolakis or Mr. J. A. Gray, Jr. of my staff.

Sincerely yours,


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cc: U.S. Nuclear Regulatory Commission
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