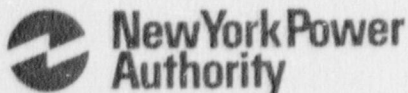


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DOCKET NUMBER PR-50  
PROPOSED RULE  
(52 FR 34223)

DOCKETED  
USNRC

87 OCT 19 12:03

John C. Brons  
Executive Vice President  
Nuclear Generation

OFFICE OF SECRETARY  
DOCKETING & SERVICE  
BRANCH

October 15, 1987  
JPN-87-053  
IPN-87-047

Secretary, U. S. Nuclear Regulatory Commission  
Attn. Docketing and Service Branch  
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 Revising the  
Backfitting Process for Power Reactors

References: 1. Federal Register Notice, 52FR34223, "Nuclear  
Regulatory Commission," 10 CFR Part 50,  
Revision of Backfitting Process for Power  
Reactors," Vol. 52, No. 175, dated September  
10, 1987.

Dear Sir:

The Authority has reviewed the proposed rule for  
revising backfitting process for nuclear power plants  
(Reference 1). The Authority supports the revised rule and  
recommends that the Commission adopt it with two minor  
alterations.

First, the new exception in Section 50.109(a)(4)(ii)  
should be revised to clearly state the conditions under  
which backfitting is necessary to assure "adequate  
protection." In the original Statement of Considerations,  
the Commission stated that once a plant has been licensed  
for operation, it is presumed to be safe. The revised

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add: S. Crockett, H-1035  
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Acknowledged by card. 10/19/87

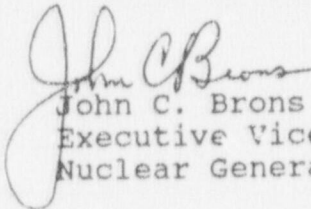
Statement of Considerations should be restated. It should be expanded to state that exception (ii) applies when significant new information or the occurrence of an event demonstrate that the the plant no longer provides adequate protection. An NRC backfit analysis, demonstrating that adequate protection cannot be assured without the backfit, should also be prescribed by the Statement of Considerations.

Second, the exception in Section 50.109(a)(4)(iii) which defines or redefines an adequate level of protection is redundant in light of the exception in Section (ii). New information or events that demonstrate inadequate protection are themselves a redefinition of adequate protection. Section (iii) should be deleted because Section (ii) more closely defines the reason for valid exceptions.

The Nuclear Utility Backfitting and Reform Group (NUBARG) is commenting on the proposed rule on behalf of its membership, including the Power Authority. Since the comments provided in this letter are very similar to NUBARG's, the Power Authority endorses those comments.

If the NRC staff has any questions concerning these comments, please contact Mr. J. A. Gray, Jr. of my staff.

Very truly yours,



John C. Brons  
Executive Vice President  
Nuclear Generation

cc: U. S. Nuclear Regulatory Commission  
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