

TENNESSEE VALLEY AUTHORITY

CHATTANOOGA, TENNESSEE 37401

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DOCKETED
USNRC

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Secretary
U.S. Nuclear Regulatory Commission
Attn: Docketing and Service Branch
Washington, D.C. 20555

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

Gentlemen:

REQUEST FOR COMMENTS ON PROPOSED REVISION TO 10 CFR 50.109 BACKFITTING

The Tennessee Valley Authority (TVA) has reviewed the subject document as requested and has the following comments:

The main emphasis of the proposed rule is that the Commission must ensure that the facility provides adequate protection to the health and safety of the public. The proposed wording allows NRC staff to impose changes to a facility without a backfit analysis if they believe the modification (or other action) is necessary to ensure adequate protection. If the Commission has granted a facility operating license (implying that the facility is adequate at the time of the license), then a certain level of safety has already been assured. Any additional required modification (or other action) should then be subject to a backfit analysis unless the Commission (not the staff) determines that such backfits are required to provide adequate protection. TVA believes that it would be more reasonable to apply the backfit criteria to all modifications (or other actions) required by NRC beyond the initial licensing basis of the plant unless the Commission determines that such backfits are generically required to assure adequate protection at all plants.

Section 50.109, (a)(4), items (ii) and (iii) are very generally worded and could be interpreted to cover any change that the NRC staff may wish to impose. We recommend that backfits authorized in accordance with these criteria be approved by the NRC Commissioners and not by the staff alone. The whole purpose of the backfit rule is to eliminate or reduce actions being required by the staff without direction from the Commissioners.

TVA appreciates the opportunity to comment on the proposed revision to the backfit rule.

Very truly yours,

TENNESSEE VALLEY AUTHORITY

R. Gridley
R. Gridley, Director
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U.S. Nuclear Regulatory Commission

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cc: Mr. G. G. Zech, Assistant Director
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