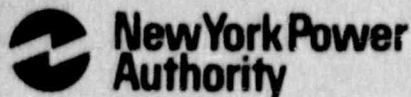


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John C. Brons
Executive Vice President
Nuclear Generation

July 2, 1990
IPN-90-035
JPN-90-050

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

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

Attn: Docketing and Servicing Branch

Subject: **Indian Point 3 Nuclear Power Plant**
Docket No. 50-286
James A. FitzPatrick Nuclear Power Plant
Docket No. 50-333
Fitness-for-Duty Requirements for Licensed Operators

Reference: 1. NRC Notice of Proposed Rulemaking, 55 FR 14288, dated April 17, 1990.

Dear Sir:

The New York Power Authority has reviewed and evaluated the referenced notice of proposed rulemaking. The proposed revisions to the NRC's regulations specify that the conditions and cutoff levels established by licensee's Fitness-for-Duty programs are applicable to licensed operators as a condition of their license. This letter provides the Authority's comments on the proposed rule.

The Nuclear Management and Resources Council (NUMARC) has reviewed the proposed rule and believes the rule is unnecessary. The Authority, a member of NUMARC, endorses the NUMARC position. The Authority's specific comments are provided below.

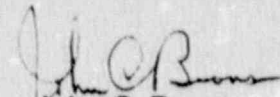
The Federal Register notice states that the intent of the rule is to "...provide a basis for taking enforcement actions against licensed operators..." with respect to fitness-for-duty. The Authority fully supports the NRC's position that high standards of fitness-for-duty for all personnel with access to the protected areas of commercial nuclear power plants are vital in assuring the safe operation of these facilities. The Authority believes that existing regulations (10 CFR 55.61(b)(3) and (4)) provide the basis for enforcement actions against licensed operators for violations of the Fitness-for-Duty rule. Therefore, the proposed rule is unnecessary.

The language of the Fitness-for-Duty rule (10 CFR 26) makes the rule applicable to all personnel with unescorted access to the protected areas of nuclear power plants. The proposed rule would place more stringent restrictions on licensed operators. This proposed rule appears to challenge the operators' professionalism, at a time when the industry is striving to enhance the

professionalism of all personnel. This challenge can only serve to undermine the morale of this highly professional group of employees. By placing restrictions on licensed operators that are more stringent than those already in 10 CFR 26, the rule would also seem to question the effectiveness of 10 CFR 26 in regulating the fitness-for-duty of non-licensed personnel.

In summary, the current regulations provide adequate basis for enforcement actions against licensed operators, making the proposed rule unnecessary. Should you or your staff have any questions regarding this matter, please contact Mr. P. Kokolakis or Mr. J. Ellmers of my staff.

Very truly yours,



John C. Brons
Executive Vice President
Nuclear Generation

cc: U.S. Nuclear Regulatory Commission
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