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 FACIL: 50-244 Robert Emmet Ginna Nuclear Plant, Unit 1, Rochester G 05000244
 AUTH. NAME: KOBER, R.W. AUTHOR AFFILIATION: Rochester Gas & Electric Corp.
 RECIP. NAME: ZWOLINSKI, J.A. RECIPIENT AFFILIATION: Operating Reactors Branch 5

SUBJECT: Advises that, in light of Commission 841121 order modifying 830324 order, 841220 Amend 1 to License DPR-18 re mods required by NUREG-0737, Item III.D.3.4, "Control Room Habitability," appear inappropriate.

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 TITLE: OR/Licensing Submittal: Suppl 1 to NUREG-0737 (Generic Ltr 82-33)

NOTES: NRR/DL/SEP 1cy. 05000244
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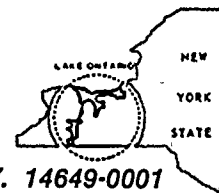


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ROGER W. KOBER
VICE PRESIDENT
ELECTRIC & STEAM PRODUCTION

TELEPHONE
AREA CODE 716 546-2700

January 21, 1985

Director of Nuclear Reactor Regulation
Attention: Mr. John A. Zwolinski, Chief
Operating Reactors Branch No. 5
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Subject: Operating License Amendment
R. E. Ginna Nuclear Power Plant
Docket No. 50-244

Dear Mr. Zwolinski:

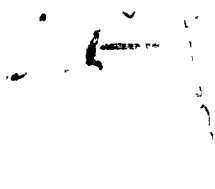
Your letter of December 20, 1984 provided Amendment No. 1 to Facility Operating License No. DPR-18 for the R. E. Ginna Nuclear Power Plant. The amendment changed the date for completion of modifications required by NUREG-0737 Item III.D.3.4, Control Room Habitability. The amendment was issued in response to our request of July 20, 1984 that a change be made to a Confirmatory Order issued March 14, 1983. At the time our request was made, some members of the NRC Staff considered Commission Confirmatory Orders to be a part of the license such that our request for modification of the Order required an Application for Amendment to the License. Some members of the Staff apparently believed that a new Order could not be written which would revise the original Order. As a matter of expediency, we complied with the Staff request for an Application for Amendment by letter dated August 30, 1984 even though we were unconvinced that an amendment to the license was necessary.

In light of the Commission action taken November 21, 1984 on the San Onofre docket, in which case a previous Order was modified by issuing another Order, the action taken to amend our license appears to have been inappropriate. A second order revising the Order of March 14, 1983 should have been issued. In this instance, since neither the actual procedure used by the Staff nor the effect of the action taken by the Staff had a significant impact on RG&E, the company will not request that the Amendment be rescinded. RG&E does reserve the right, however, to request that, should there be a significant impact upon the company, procedures be adopted by the Staff which are in keeping with the Commission action of November 21, 1984.

Very truly yours,
Roger W. Kober
Roger W. Kober

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U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C.