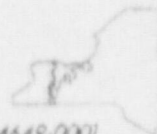




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ROBERT C. MCCREDY  
Vice President  
Nuclear Operations

November 24, 1997

OFFICE OF SECRETARY  
RULEMAKING AND  
ADJUDICATION STAFF

Secretary  
U.S. Nuclear Regulatory Commission  
Attn: Rulemaking and Adjudications Staff  
Washington, D.C. 20555

DOCKET NUMBER  
PROPOSED RULE 50

(62FR53975)

(62FR53932)

18

Subject: Proposed Change to 10 CFR 50.55a(h)  
R. E. Ginna Nuclear Power Plant  
Docket No. 50-244

Dear Secretary:

This letter is in response to the proposed rule to incorporate the requirements of IEEE Std. 603-1991 into 10 CFR 50.55a(h), effective January 1, 1998.

In the procedural background section of the Federal Register notice, it is stated that the NRC considers this rulemaking noncontroversial, and therefore is publishing this proposed rule as a direct final rule. However, if the NRC receives significant adverse comments by December 1, 1997, the NRC will publish a document that withdraws the direct final rule. Our purpose is to provide such significant adverse comments, as follows:

- 1) The apparent basis for judging that this rulemaking is noncontroversial is that no significant comments were received on the proposed Revision 1 to Regulatory Guide 1.153, which would endorse IEEE Std. 603-1991. Since a regulatory guide is not binding, and merely suggests a method for meeting regulatory criteria, RG&E considers that issuing a final direct rule based on such feedback is not an appropriate action.

In subparagraph (3) of this proposed rule, it is stated that changes to protection systems initiated on or after January 1, 1998 must meet the requirements set forth in IEEE Std. 603-1991, and the correction sheet dated January 30, 1995.

This is considered a significant backfit for Ginna Station, which was issued a Construction Permit in 1966 and whose design is generally in conformance with IEEE Std. 279-1971. No backfit analyses was performed by the NRC for this proposed Rule, as required by 10 CFR 50.109. It cannot be stated that all future changes to the Ginna Station protection systems would be voluntary, since the definition of "changes" in subparagraph (2)(ii) of the proposed rule includes modifications permitted by license amendments,

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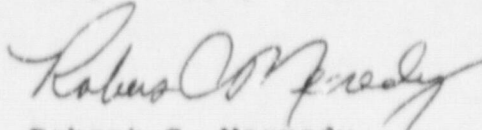


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which could be imposed by the NRC. Furthermore, changes made on account of equipment obsolescence are not entirely voluntary, but would have to meet the provisions of IEEE Std. 603-1991 under this proposed rule.

We do not believe that the NRC has legitimately shown that this proposed rule is noncontroversial, and it must therefore be withdrawn, to be replaced by a rule (if any) which would have gone through the 10 CFR 50.109 process, as required by NRC regulations.

Very truly yours,



Robert C. Mecredy

GJW\482

xc: Mr. Guy S. Vissing (Mail Stop 14B2)  
Project Directorate I-1  
Washington, D.C. 20555

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Region I  
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US NRC Ginna Senior Resident Inspector