Annette L. Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
December 28, 2001
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NUCLEAR UTILITY GROUP
ON EQUIPMENT QUALIFICATION

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December 28, 2001

Annette L. Vietti-Cook
Secretary of the Commission
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

ATTENTION: Rulemakings and Adjudications Staff

SUBJECT: Nuclear Utility Group on Equipment Qualification - Comments Concerning Draft Rule Language for 10 C.F.R. § 50.44, "Standards for Combustible Gas Control System in Light-Water-Cooled Power Reactors," (66 Fed. Reg. 57,001 (Nov. 14, 2001))

Dear Ms. Vietti-Cook:

We appreciate the opportunity to comment on the subject draft rule language concerning standards for combustible gas control systems in nuclear power plants (10 C.F.R. § 50.44). On behalf of the Nuclear Utility Group on Equipment Qualification ("NUGEQ" or "Group"),[1] we submit the enclosed comments in response to the referenced request for comments. Though the draft rule is broader in scope, our comments focus on elements of the draft rule related to equipment environmental qualification. In addition, the NUGEQ endorses and supports the comments submitted by the Nuclear Energy Institute ("NEI") on December 20, 2001.

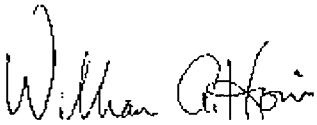
241157.1

[1] The NUGEQ is comprised of member electric utilities in the United States and Canada, including NRC licensees authorized to operate over 90 nuclear power reactors in the United States. The NUGEQ was formed in 1981 to address and monitor topics and issues related to equipment qualification, particularly with respect to the environmental qualification of electrical equipment pursuant to 10 C.F.R. § 50.49.

We commend the NRC for developing a draft optional rule that would eliminate unnecessary regulatory requirements. We caution, however, that the draft rule imposes requirements for oxygen monitoring in certain types of containments that are not in the current rule. Our detailed comments concerning equipment survivability and monitoring include suggested changes that we believe will enhance the rule and better achieve the NRC's goals for reduction of regulatory burden.

Again, we appreciate the opportunity to comment and look forward to continued participation in this rulemaking process. Please contact us if you have any questions regarding our comments.

Sincerely,



William A. Horin
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Counsel to the Nuclear Utility Group on Equipment Qualification

Enclosure

Nuclear Utility Group on Equipment Qualification
Nuclear Utility Group on Equipment Qualification
10 C.F.R. § 50.44, "Standards for Combustible Gas Control System in Light-Water-
10 C.F.R. § 50.44, "Standards for Combustible Gas Control System in Light-Water-
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Our comments relate to the two elements of the draft rule language that have implications for both historical interpretations and current applications of the regulatory scheme related to equipment environmental qualification: (1) equipment survivability, and (2) post-accident monitoring. Further, consistent with the intent of the draft rule to reduce regulatory burden while ensuring safety is maintained, we recommend certain changes that we believe better meet this intent.

50.44(c)(4) ***Equipment Survivability***

Equipment survivability has been established by existing plants and the NRC has reviewed and approved the methodologies and results as complying with the existing provisions of 10 C.F.R. § 50.44(c)(3)(vi)(B)(5)(ii). Further, such analysis, review, and approval activities have established the acceptable criteria and methodologies associated with the term "equipment survivability." The revised rule, either by footnote or inclusion in the Statement of Considerations and associated regulatory guide, should clearly state that such previously reviewed and approved licensee analyses constitute compliance with this proposed section and no new requirements or obligations are contemplated by the use of the term "equipment survivability."

50.44(c)(5) ***Monitoring***

The proposed regulation should provide flexibility when determining the need for and type of monitoring used for accident management and, where needed, for combustible gas control. The type of monitoring, including its safety classification and characteristics (*e.g.,* qualification level), could then be established based on risk-significant considerations, staff regulatory guidance, and plant-specific considerations. In the following suggested revision the term "means" is proposed to recognize that both *permanent plant equipment* and *analysis of grab samples* may be acceptable "means" of monitoring the containment atmosphere.[1] Both the (A) and (B) sections have been combined in our suggested alternative language:

> (5) *Monitoring.*
> Means shall be provided for monitoring of a containment combustible atmosphere. Such means for combustible gas monitoring must be timely,

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[1] *See, e.g.,* Regulatory Guide 1.97, "Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant and Environs Conditions During and Following an Accident," Rev. 3, May 1983.

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functional and reliable commensurate with safety significance for accident management and, where needed, for combustible gas control.

- 50.44 (c)(5)(A) (Oxygen Monitors)

  Proposed Paragraph 50.44 (c)(5)(A) adds a requirement for oxygen monitoring for currently licensed plants with inerted containments. The existing rule does not require oxygen monitors for combustion gas control. No discussion is included in the draft language or staff comments that explains the basis for adding this oxygen-monitoring requirement. Further, we are concerned that this provision, rather than providing regulatory relief, may be a new burden for some licensees if the associated staff guidance specifies characteristics of such oxygen monitors that necessitates the addition of new equipment or the modification or upgrading of existing plant equipment. As an alternative, we recommend that the NRC discuss the basis for oxygen monitoring in the Statement of Considerations and the associated regulatory guide for the rule, and, to provide greater regulatory flexibility, we recommend the incorporation of the proposed language suggested in our comments above. If the final rule requires oxygen monitoring, then the Statement of Considerations and associated regulatory guidance should comment on the retention of existing oxygen-monitoring commitments for currently licensed plants with inerted containments.[2]

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[2] We recognize that requirements associated with oxygen monitors may be in some plants' licensing basis, as, for example, post-accident monitoring commitments.