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(63FR 20136) (7)

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USNRC

Secretary

U.S. Nuclear Regulatory Commission

Washington, D.C. 20555-0001

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Att: Rulemakings and Adjudications Staff

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RULEMAKING  
ADJUDICATIONS STAFF

Public Service Electric and Gas (PSE&G) had reviewed the proposed rule revising 10CFR50.55a(h) as published in the Federal Register on April 23, 1998 (Volume 63, Number 78, pages 20136-20139) submitting a direct rule to amend the Commissions rules in 10 CFR Part 50.55a, paragraph (h).

The following comments are respectfully submitted.

#### 1. Endorsement of other referenced IEEE standards

Within the proposed rules published in the Federal Register as noted above, the NRC in its response to significant comment #1, PSE&G does not believe the NRC has fully addressed the outright endorsement of other IEEE standards. The statement that IEEE 603 - 1991 does not imply endorsement of later versions of IEEE Standards is not technically substantiated within the proposed rule by the NRC if IEEE 603 - 1991 is to be endorsed by rule and not regulatory guidance. The NRC states that it did not seek for any other standards referenced in IEEE 603 - 1991 to be approved for incorporation by reference, even going so far as to state the referenced standards in IEEE 603 - 1991 are not mandatory requirements, although IEEE 603 - 1991 invokes the referenced standards by the use of "shall". PSE&G believes the NRC position has not been clarified due to "shall" in the IEEE 603 -1991 standard; once IEEE 603 -1991 becomes part of 10 CFR 50.55a , then IEEE 603 -1991 becomes part of the license commitment.

#### 2. Definition of System Level Replacement

The term "system level" replacement is not clearly defined and likely cannot specifically be established regarding what constitutes a system-level replacement versus an upgrade or modification to components and subsystems. The proposed NRC interpretation would require compliance with IEEE-603 -1991 for system level replacement/upgrades of protection systems/subsystems that require replacement due to age or obsolescence. Currently, this can be performed under 10CFR50.59 guidance, using design criteria (IEEE standards and Reg Guides) that are part of the plants design and licensing basis.

Imposition of IEEE-603 -1991 in this situation appears to be a backfit. The NRC's perceived impact of incorporating IEEE-603 in this manner is understated.

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### 3. IEEE 603 - 1991 Industry Acceptance

PSE&G disagrees that IEEE-603 and RG 1.153 represent a general public consensus position. The NRC's statement that they believe the RG was appropriate due to lack of negative comment on the draft RG (proposing to endorse IEEE 603 -1991) should have considered that the majority of operating plants are not required to meet IEEE-603 -1991 or RG 1.153. The lack of adverse comments (to the draft RG) should not have been construed as an endorsement of IEEE 603 -1991.