

RulemakingComments Resource

From: Horin, William A. <WHorin@winston.com>
Sent: Wednesday, March 23, 2016 1:55 PM
To: RulemakingComments Resource
Cc: Beall, Robert
Subject: [External_Sender] Comments of the Nuclear Utility Group on Equipment Qualification on "Important to Safety" Petition for Rulemaking; PRM50-112
Attachments: Nuclear Utility Group on Equipment Qualification Comments on Important t....pdf

Attached please find the comments of the Nuclear Utility Group on Equipment Qualification regarding the above referenced Petition for Rulemaking, PRM-50-112, 81 Fed. Reg. 410 (January 6, 2016)

Thank you for your consideration.

William A. Horin

**Counsel to the Nuclear
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Qualification**

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NUCLEAR UTILITY GROUP
ON EQUIPMENT QUALIFICATION

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March 23, 2016

Via Email

Ms. Annette L. Vietti-Cook
Secretary
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
ATTN: Rulemakings and Adjudications Staff

Subject: Nuclear Utility Group on Equipment Qualification Comments on Petition for Rulemaking 50-112, *Determining Which Structures, Systems, Components and Functions are Important to Safety*, 81 Fed. Reg. 410, January 6, 2016; Docket No. PRM-50-112; NRC-2015-0213

Dear Ms. Vietti-Cook:

On behalf of the members of the Nuclear Utility Group on Equipment Qualification (NUGEQ),¹ we hereby submit as comments on the above-referenced petition for rulemaking our support and endorsement of the comments of the Nuclear Energy Institute (NEI), filed on March 21, 2016.

The NEI comments reflect an industry position concerning that petition that there is no demonstrated need, or safety benefit to be gained, by granting the requested action. As demonstrated therein, the use of the term “important to safety” has been successfully adopted and integrated into the licensing standards applicable to many areas of NRC regulation. Indeed, it does not appear that there are any nuclear regulatory fields under NRC jurisdiction without adequate guidance and direction as to the application of that standard.

As an example noted in the NEI comments, the application of “important to safety” in the context of 10 C.F.R. Section 50.49, “*Environmental qualification of electric equipment important to safety for nuclear power plants*,” wherein that term is applied (see Section 50.49(b)), has been satisfactorily accomplished and incorporated into EQ programs for over 30

¹ The Nuclear Utility Group on Equipment Qualification is comprised of approximately 20 utilities, each holding one or more NRC licenses to operate nuclear power reactors and representing over 95% of the operating plants in the United States. The Group has been in existence since 1981, and has actively supported its members in the implementation of their EQ programs since that time.

years. During that period there has been no cognizable issue or concern with respect to the use of the terminology. In fact, were such a definition to be altered, as is highly likely given the scope and nature of the petitioner's request, the cost impacts on individual licensees would be substantial. Because of the fundamental need to re-assess the entire EQ program if its scope is altered, costs would be associated with changes to virtually every aspect of those programs (including procedures, program scope definitions in related programs, harsh environment changes, and accident and qualification re-analyses), further equipment purchases and qualification testing, and overall records revisions. We concur, based on member experience in program implementation, that such costs could total in the tens of millions of dollars, per site. In addition, the costs of unintended consequences from such a change cannot be predicted. Certainly, for example, there would be implications for other regulatory arenas in which EQ is addressed, such as license renewal. At bottom, such changes would have a substantial cost associated with them, and yet there has been no demonstrated safety benefit nor is it shown that such a safety benefit would be expected.

Accordingly, the NUGEQ supports the NEI comments and recommends that the petition be denied.

Respectfully submitted,

A handwritten signature in black ink, reading "William A. Horin". The signature is fluid and cursive, with the first name "William" and last name "Horin" clearly legible.

William A. Horin

Counsel to the Nuclear Utility Group on Equipment Qualification

cc: Mr. Robert Beall, NRR/DPR/PRMB/PFLT, NRC (via email)