

October 13, 2005

Mr. Bradley F. Maurer, Acting Manager
Regulatory Compliance and Plant Licensing
Westinghouse Electric Company, LLC
P.O. Box 355
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SUBJECT: AP1000 REACTOR CORE DESIGN CHANGE REQUIREMENTS

Dear Mr. Maurer:

The purpose of this letter is to clarify the process for requesting changes to information that has been approved by the Nuclear Regulatory Commission (NRC) in a design certification. In your letter of October 4, 2005 (ML052840057), Westinghouse requested confirmation of the change processes for reactor core design parameters that are designated as Tier 2* information in the proposed AP1000 design certification rule (70 FR 20062).

The process for making changes to, or departures from, information that was approved by the NRC in a design certification rulemaking is set forth in Section VIII of the design certification rules and the explanation of the process is described in the statements of consideration for the respective rule. The process differs depending on whether the information is contained in Tier 1, Tier 2*, or involves operational requirements. Certain Tier 2* information is designated as Tier 2* because of its safety significance and applicants or licensees cannot depart from that information without prior NRC approval. Some Tier 2* information reverts to Tier 2 status after the plant first achieves full power (e.g., nuclear design parameters) and the remaining Tier 2* information retains its status for the life of the plant (e.g., fuel criteria evaluation process).

If a combined license (COL) applicant that references the AP1000 design requests a departure from reactor core design parameters designated as Tier 2* information (e.g., Tables 4.3-1, 4.3-2, and 4.3-3 in the AP1000 design control document (DCD)), the scope of NRC's review would depend on the information being changed but, if the departures do not affect NRC-approved methods, codes, and models, the review would be routine and the departure would likely be acceptable. If a COL holder that references the AP1000 design performs a reactor core reload that may affect the reactor core design parameters but does not affect NRC-approved methods, codes, and models, then the change process would be similar to 10 CFR 50.59 and prior NRC approval would not be required.

B. Maurer

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For any further clarifications or questions on design certification, please contact Jerry N. Wilson at 301-415-3145 or email to JNW@nrc.gov.

/RA L. Dudes for:/

William D. Beckner, Program Director
New, Research, and Test Reactors Program
Division of Regulatory Improvement Programs
Office of Nuclear Reactor Regulation

Docket No. 52-006

For any further clarifications or questions on design certification, please contact Jerry N. Wilson at 301-415-3145 or email to JNW@nrc.gov.

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William D. Beckner, Program Director
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*See previous concurrence

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AP 1000

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