



NUCLEAR ENERGY INSTITUTE

William H. Rasin
VICE PRESIDENT
TECHNICAL/REGULATORY

August 30, 1994

52-001
52-002

Mr. William T. Russell
Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Dear Mr. Russell:

The industry has now had the opportunity to review carefully the Staff's proposed "applicable regulations" for both the ABWR and the System 80+, as delineated in the FSERs for those designs. As you know, the industry has strongly opposed the concept of inserting an enlarged body of "applicable regulations" in design certification rules. Such a course is unnecessary to establish design requirements and holds the potential for future unpredictability in Part 52 licensing and regulation. My June 23, 1994, letter to you summarized our concerns and presented an alternative way to accomplish the stated objectives, without introducing this destabilizing element into the Part 52 process.

Given the importance of this issue to the industry, we were disappointed that we were not afforded the opportunity to discuss with the Staff, in an appropriate public meeting, the proposed text of the "applicable regulations" once the Staff decided to reject industry's position on the need for such regulations. The text that the Staff has proposed in the respective FSERs confirms our deep concern that the implementation of this concept will be destabilizing to Part 52 licensing and regulation. The ambiguities and lack of precision in the proposed language undermine the important constraints established in § 52.63 -- constraints which were carefully devised by the Commission to assure stability in certified designs and predictability in future Part 52 licensing and regulation. The proposed language opens the disturbing prospect that later interpretations of the new "applicable regulations" will erode design stability and issue finality and expose design users to unnecessary backfits.

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Accordingly, the industry intends to comment in opposition to the Staff's "applicable regulations" approach, and the proposed text of the "applicable regulations" in the design certification rulemaking proceedings for both the ABWR and System 80+.

Sincerely,

A handwritten signature in dark ink, appearing to read "William H. Rasin", with a stylized flourish at the end.

William H. Rasin

WHR:sd

c: D. Crutchfield, NRR