



October 28, 1994

LD-94-065

52-002

U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001
Document Control Desk

Attn: Mr. Dennis Crutchfield

Subject: Proposed Language Related to Tier 2* for System 80+ Design Certification Rule

Dear Mr. Crutchfield:

On October 24, 1994, ABB-CE held a public meeting with NRC staff including representatives of the Office of General Counsel (OGC) to discuss matters pertaining to the System 80+ Design Control Document (DCD) and preparation of that document for design certification rulemaking proceedings, which will commence soon.

During the course of that meeting, ABB-CE expressed concern with present uncertainties involving the nature of the change process for what has been designated by Staff as Tier 2* material in the DCD. In particular, ABB-CE is concerned that :

- 1) Tier 2* material may be automatically pre-designated in the proposed rule as an "unreviewed safety question" for purposes of implementing the 10 C.F.R. § 50.59-like process, even in cases where changes are presently perceived by ABB-CE and Staff not to involve an actual unreviewed safety question; or
- 2) Changes to Tier 2* material may otherwise be interpreted to require an amendment to the COL.

Accordingly, we proposed to submit to NRC, and were invited by Staff to submit, recommended language for the proposed design certification rule which would address change procedures for Tier 2* material in the DCD. That recommended alternative language follows:

At least 60 days prior to implementing a proposed plant-specific change to that design material designated as Tier 2* material in the DCD, the COL applicant or licensee shall notify NRC Staff of the proposed change and shall provide Staff with a safety evaluation, in accordance with the terms of 10 C.F.R. § 50.59, demonstrating that the change does not involve an unreviewed safety question nor a change in the certified design material. After 60 days following such notification to the Staff, the COL applicant or licensee may make the proposed change unless Staff has, within that time, notified the COL applicant or licensee that the change does involve an unreviewed safety question or that additional time is required by Staff to determine whether an unreviewed safety question is involved.

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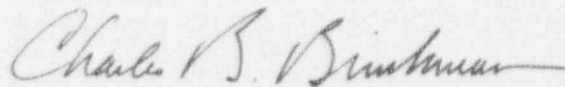
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ABB-CE feels that this approach, which differs somewhat from an earlier proposal along similar lines submitted by the Nuclear Energy Institute, would reduce the operational burdens on NRC Staff while accomplishing the objective of ensuring that the Tier 2* material is not changed without Staff's prior knowledge. We would hope that Staff and OGC would, together, give this proposed alternative language their sincere consideration for inclusion in the System 80+ proposed design certification rule.

Thank you.

Sincerely yours,

A handwritten signature in cursive script, reading "Charles B. Brinkman". The signature is fluid and extends to the right with a long horizontal stroke.

Charles B. Brinkman
Director
Nuclear Systems Licensing

cc: W. Russell (NRC)
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