

September 13, 2002

Mr. Michael M. Corletti, Deputy Project Manager
AP600 & AP1000 Projects
Westinghouse Electric Company
Post Office Box 355
Pittsburgh, Pennsylvania 15230-0355

SUBJECT: AP1000 DESIGN CERTIFICATION REVIEW SCHEDULE

Dear Mr. Corletti:

I am writing in response to your letter dated August 14, 2002, in which you provided feedback on the AP1000 certification review schedule as documented in my letter of July 12, 2002. As you know, the U. S. Nuclear Regulatory Commission (NRC) staff is currently performing a thorough review of the application material to ensure that the information is sufficiently complete to enable the staff to reach a final conclusion on all safety questions associated with the design before granting the AP1000 design certification. We have already forwarded several requests for additional information (RAIs) and have established a goal of issuing all RAIs (with the possible exception of the RAIs associated with the safeguards and security portion of the application as stated in my July 12, 2002, letter) to Westinghouse Electric Company (Westinghouse) by September 30, 2002. Meeting this goal will support the overall design certification review schedule, as documented in my July 12, 2002, letter. That letter listed subsequent milestones and target dates for the AP1000 design certification, including response to the RAIs by Westinghouse by December 2, 2002; issuance of the draft safety evaluation report (DSER) by June 16, 2003; issuance of the final SER (FSER) by September 13, 2004; issuance of the final design approval (FDA) by October 25, 2004; and completion of the design certification rulemaking in December 2005.

The NRC staff based its overall design certification review schedule on (1) the staff's knowledge of the AP600 and AP1000 designs, including the knowledge gained during the pre-application review of the similarities and differences between the designs; (2) the staff's knowledge of the availability of additional information to be supplied by Westinghouse; (3) the staff's experience with the previous three design certification reviews; and (4) the available NRC staff resources. Although the pre-application review was limited in scope, the NRC staff agrees that affirmative steps were taken during the pre-application review with respect to addressing important fundamental issues (e.g., applicability of the AP600 test program and analysis codes to the AP1000 design). The NRC staff also agrees that efficiencies will be gained in the design certification review because of the similarities between the AP1000 design and the AP600 design which the NRC staff certified in December 1999. Nonetheless, the review will need to focus on specific areas to ensure that the staff reaches a conclusion on all safety questions associated with the design before granting the design certification. The staff highlighted some of these areas in my letter of July 12, 2002. The staff is committed to performing the AP1000 design certification review as efficiently as possible, consistent with its primary goal of

maintaining the health and safety of the public, and communicating effectively with all stakeholders regarding its actions associated with the AP1000 design certification.

In your letter to me dated August 14, 2002, you stated you support the target dates for RAI issuance and response and DSER issuance. You also propose several additional milestones and target dates between the RAI and DSER issuance dates for the purpose of facilitating resolution of any unresolved issues (i.e., potential open items [OIs] in the DSER) prior to issuance of the DSER. These interim milestones include (1) NRC providing a list of RAIs that require further discussion by February 28, 2003; (2) NRC and Westinghouse holding meetings to discuss the potential OIs in March 2003; and (3) Westinghouse providing revised RAI responses by April 15, 2003. Based on the assumption of achieving a DSER with no OIs, you offered alternative target dates for the subsequent milestones for issuance of the FSER (September 15, 2003), issuance of the FDA (October 24, 2003), and completion of the design certification rulemaking (July 2004).

At this early stage of the design certification review, we believe that any changes to the established milestones and target dates should be based on successful completion of the previous milestones. This philosophy is reflected in my July 12, 2002, letter which discussed possible improvements in the time necessary to issue the FSER. The staff understands your desire to achieve an aggressive set of milestones supporting a DSER with zero OIs. Our timely issuance of the RAIs and your submission of high quality and timely RAI responses will go far in reaching that goal. We believe that early notification of those RAI responses that the staff feels were not adequately addressed may facilitate resolution of potential DSER OIs. Therefore, we agree to provide a list of such RAIs to Westinghouse by February 28, 2003.

With respect to holding meetings to discuss any unresolved RAI questions and Westinghouse submitting revised RAI responses by April 15, 2003, we believe that interactions in public meetings in which relevant and new information is discussed (and then docketed in a timely manner) may facilitate resolution of these issues. The NRC staff is open to such interactions and will make all reasonable efforts to accommodate requests for meetings and incorporate additional information consistent with the primary task of issuing the DSER by June 16, 2003. However, if potential DSER OIs are complex in scope and/or are numerous, there may exist competition for the staff's time among the tasks of attending public meetings, reviewing and incorporating additional information, and writing the DSER. If that situation arises, the staff may not be available for additional public meetings and/or may not be able to incorporate additional information into the DSER.

Regarding the proposed target dates for issuance of the FSER, FDA, and completion of the design certification rulemaking, I feel that it is premature to provide any additional discussion of possible revisions to target dates beyond the DSER issuance date. Consistent with our philosophy of building on successes achieved, we will reevaluate the schedule at the DSER stage to determine the feasibility and appropriateness of modifying the schedule beyond the DSER issuance stage.

With respect to the review of the AP1000 design certification application by the Advisory Committee on Reactor Safeguards (ACRS), the NRC staff and Westinghouse are scheduled to meet with the ACRS throughout the duration of the review. Unfortunately, the September 2002 ACRS meeting agenda has already been filled. The NRC staff has coordinated with the ACRS staff to schedule meetings in October, November, and December 2002 (as well as throughout

M. Corletti

- 3 -

next year), to discuss various aspects of the AP1000 review with several ACRS subcommittees.

We will continue to engage the ACRS to facilitate completion of the design certification on schedule.

The NRC staff will continue to assess issues that may affect the schedule of the AP1000 design certification review and will communicate these issues to you. If you have any questions or comments concerning this matter, you may contact Mr. Lawrence J. Burkhart, the NRC's AP1000 Project Manager, at (301) 415-3053 or ljb@nrc.gov.

Sincerely,

/RA/

James E. Lyons, Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Docket No. 52-006

cc: See next page

M. Corletti

- 3 -

We will continue to engage the ACRS to facilitate completion of the design certification on schedule.

The NRC staff will continue to assess issues that may affect the schedule of the AP1000 design certification review and will communicate these issues to you. If you have any questions or comments concerning this matter, you may contact Mr. Lawrence J. Burkhart, the NRC's AP1000 Project Manager, at (301) 415-3053 or ljb@nrc.gov.

Sincerely,

/RA/

James E. Lyons, Director
New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation

Docket No. 52-006

cc w/encl: See next page

Distribution:

Hard Copy JLyons
LBurkhart MGamberoni
NRLPO R/F JSebrosky
PUBLIC

E-Mail

SCollins/JJohnson GHolahan WBeckner
RBorchardt GTracy RidsNrrWpcMail (TJ Gorham - #Y020020221)
BSheron RBarrett SBlack
OGC BBoger WDean
AP1000 Reviewers Chaney DMatthews
AP1000 SCs FGillespie TBergman
AP1000 BCs ACRS

*See previous concurrence

DOCUMENT NAME: C:\ORPCheckout\FileNET\ML022470116.wpd

Accession #ML022280323 - Incoming

Accession #ML022470116 - Response

Accession #ML022470085 - Package

OFFICE	NRLPO/PM	TechEd*	NSIR/DNS/D	DSSA/D*	DE/D*	DIPM/D*
NAME	LBurkhart:cn	PGarrity	GTracy-Vonna Ordaz for:	GHolahan	RBarrett	BBoger
DATE	9/4/02	8/28/02	9/4/02	9/3/02	9/2/02	9/3/02

OFFICE	DRIP/RORP/D*	NRLPO/DD	NRLPO/D
NAME	WBeckner	MGamberoni-JNW for:	JLyons
DATE	8/29/02	9/4/02	9/5/02

OFFICIAL RECORD COPY

AP 1000

cc:

Mr. W. Edward Cummins
Advanced Plant Safety & Licensing
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

Mr. Michael Corletti
Advanced Plant Safety & Licensing
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230-0355

Mr. H. A. Sepp
Westinghouse Electric Company
P.O. Box 355
Pittsburgh, PA 15230

Lynn Connor
Doc-Search Associates
2211 sw 1ST Ave - #1502
Portland, OR 97201

Barton Z. Cowan, Esq.
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street 44th Floor
Pittsburgh, PA 15219

Mr. Ed Rodwell, Manager
Advanced Nuclear Plants' Systems
Electric Power Research Institute
3412 Hillview Avenue
Palo Alto, CA 94304-1395

Charles Brinkman, Director
Washington Operations
Westinghouse Electric Company
12300 Twinbrook Parkway, Suite 330
Rockville, MD 20852

Mr. R. Simard
Nuclear Energy Institute
1776 I Street NW
Suite 400
Washington, DC 20006

Mr. Thomas P. Miller
U.S. Department of Energy
Headquarters - Germantown
19901 Germantown Road
Germantown, MD 20874-1290

Mr. David Lochbaum
Nuclear Safety Engineer
Union of Concerned Scientists
1707 H Street NW, Suite 600
Washington, DC 20006-3919

Mr. Paul Gunter
Nuclear Information & Resource Service
1424 16th Street, NW., Suite 404
Washington, DC 20036

Ms. Wenonah Hauter
Public Citizen's Critical Mass Energy
Project
215 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. Tom Clements
6703 Guide Avenue
Takoma Park, MD 20912

Mr. James Riccio
Greenpeace
702 H Street, NW, Suite 300
Washington, DC 20001

Hugh Jackson, Policy Analyst
Public Citizen's Critical Mass Energy
and Environment Program
1724 Duarte Drive
Henderson, NV 89014

Mr. James F. Mallay, Director
Regulatory Affairs
FRAMATOME, ANP
3315 Old Forest Road
Lynchburg, VA 24501

Mr. Ed Wallace, General Manager
Project Management
Lake Buena Vista Bldg., 3rd Floor
1267 Gordon Hood Avenue
Centurion 0046
Republic of South Africa
PO Box 9396 Centurion 0046

Mr. Vince Langman
Licensing Manager
AECL Technologies, Inc.
901 15th Street, NW., Suite 440
Washington, DC 20005-2301

Mr. Glenn R. George
PA Consulting Group, Inc.
130 Potter Street
Haddonfield, NJ 08033

Mr. Gary Wright, Manager
Office of Nuclear Facility Safety
Illinois Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704