



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

JAN 28 1991

MEMORANDUM FOR: Commissioner Curtiss

FROM: James M. Taylor
Executive Director for Operations

SUBJECT: SECY 90-377, "REQUIREMENTS FOR DESIGN CERTIFICATION
RULEMAKING UNDER 10 CFR PART 52"

This memorandum responds to a question that arose during discussion on January 15, 1991, between you and NRR staff concerning the level of detail for design certification proposed by the staff in the subject SECY paper and, in particular, the necessity of Tier 3 (available for audit) design information.

Question: Does having all the Tier 3 information developed and available for NRC audit ("in the warehouse") enhance the staff's ability to make its safety determination with finality beyond that capability if the staff requested the information on an ad hoc basis ("revealed standard" method)?

Answer: The staff believes that it can make its safety determination on design certification without having all the Tier 3 information "in the warehouse." Part 52 requires the application for design certification to contain information sufficient for the staff to make its safety determination. During the design review, the staff will request and review whatever additional information is needed to make a safety determination, whether or not it already exists "in the warehouse." In the absence of having a previously-developed Tier 3, the staff will simply request the information as was done in the past under the Part 50 licensing process.

The staff does believe, however, that there are inherent benefits to having Tier 3 developed prior to design certification. The staff will have more confidence that the plant can be built and operated according to design. As discussed on January 15, design errors may be discovered by the applicant through the development of the Tier 3 design details. To the extent that these errors are corrected prior to design certification, the development of Tier 3 design details should result in fewer post-certification design changes.

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Additionally, the scope of issues to be verified after design certification through inspections, tests, analyses, and acceptance criteria (ITAAC) would likely be smaller if Tier 3 was fully developed prior to design certification.

Original Signed By:
James M. Taylor

James M. Taylor
Executive Director
for Operations

cc: Chairman Carr
Commissioner Rogers
Commissioner Remick
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Answer: Having all the Tier 3 information "in the warehouse" will not affect the staff's ability to make its safety determination. Part 52 requires the application to contain information sufficient for the staff to make its safety determination. During the design review, the staff will request and review whatever additional information is needed to make a safety determination, whether or not it already exists "in the warehouse." In the absence of having a previously-developed Tier 3, the staff will simply request the information as was done in the past under the Part 50 licensing process. The staff does believe, however, that there are inherent benefits to having Tier 3 developed prior to design certification. As discussed on January 15, design errors may be discovered by the applicant through the development of the Tier 3 design details. To the extent that these errors are corrected prior to design certification, the development of Tier 3 design details should result in fewer post-certification design changes. Additionally, as discussed in SECY 90-377, once Tier 3 design details have been developed, the economic disincentive to changing it will enhance standardization.

James M. Taylor
Executive Director
for Operations

cc: Chairman Carr
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