

APR 21 1983

Docket No. STN 50-447

Dr. Glenn G. Sherwood, Manager  
Nuclear Safety and Licensing Operation  
Nuclear Power Systems Division  
General Electric Company  
175 Curtner Avenue, Mail Code 682  
San Jose, California 95125

Dear Dr. Sherwood:

This is in response to your letters dated October 1, 1982, March 9, 1983, April 14, 1983 and April 19, 1983 concerning General Electric Company's (GE's) request for a Final Design Approval for its GESSAR II nuclear island design.

The Commission's most recent policy statement on nuclear power plant standardization was issued in August 1978. That policy statement provides guidance on the issuance of Final Design Approvals that can be referenced in both Construction Permit and Operating License applications. However, since no set of licensing requirements for new Construction Permit applications has existed subsequent to the TMI-2 accident, the August 1978 policy statement has been effectively invalidated, at least to the extent that it applies to the referencing of a Final Design Approval in new Construction Permit Applications.

In January 1982, the Commission promulgated its so-called CP/ML rule, 10 CFR 50.34(f), which is applicable only to the Construction Permit and Manufacturing License Applications that were pending at that time. It was determined that those Construction Permit Applications would have to meet the then-existing regulations as augmented by the new rule. It was also determined that a new set of licensing requirements would have to be established for new Construction Permit applications.

The Commission has issued for public comment a proposed policy statement that would establish licensing requirements for Final Design Approvals that could be referenced in both Construction Permit and Operating Licensing applications. However, this policy statement and, hence, the licensing requirements for Final Design Approvals that could be referenced in new Construction Permit Applications, is not yet final. Therefore, pending a final policy statement, we

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cannot support the issuance of a Final Design Approval that can be referenced in new Construction Permit applications. However, we can support the issuance of a Final Design Approval that can be referenced in Operating License applications for plants that referenced the applicable Preliminary Design Approval at the Construction Permit stage of review provided the following requirements are met:

- (1) The review would be conducted in accordance with the Standard Review Plan and other applicable regulatory requirements that are in effect six months prior to the docketing date;
- (2) The application would have to demonstrate compliance with the applicable provisions of NUREG-0737;
- (3) The application would have to address the Unresolved Safety Issues in the same manner and to the same extent currently required of Operating License applicants; and
- (4) The application would have to demonstrate compliance with all current applicable Commission regulations.

We believe that if the above requirements are met, we can support the issuance of a Final Design Approval that can be referenced in Operating License applications for plants that referenced the applicable Preliminary Design Approval at the Construction Permit stage. The Final Design Approval would be referenceable as described above for a period of three years from the date of its issuance.

Sincerely,

Original Signed by  
H. R. Denton

Harold R. Denton, Director  
Office of Nuclear Reactor Regulations

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licensing requirements, we cannot support the issuance of a Final Design Approval that can be referenced in new Construction Permit applications. However, we can support the issuance of a Final Design Approval that can be referenced in Operating License applications for plants that referenced the applicable Preliminary Design Approval at the Construction Permit stage of review provided the following requirements are met:

- (1) The review would be conducted in accordance with the Standard Review Plan and other applicable regulatory requirements that are in effect six months prior to the docketing date;
- (2) The application would have to demonstrate compliance with the applicable provisions of NUREG-037;
- (3) The application would have to address the Unresolved Safety Issues in the same manner and to the same extent currently required of Operating License applicants; and
- (4) The application would have to demonstrate compliance with all current applicable Commission regulations.

We believe that if the aforementioned requirements are met, we can support the issuance of a Final Design Approval that can be referenced in Operating License applications for plants that referenced the applicable Preliminary Design Approval at the Construction Permit stage. The Final Design Approval would be referenceable as described above for a period of three years from the date of its issuance.

Sincerely,

Darrell G. Eisenhut, Director  
Division of Licensing

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