



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 2, 1994

Mr. Joseph Quirk
ABWR Certification Program Manager
GE Nuclear Energy
175 Curtner Avenue, MC-782
San Jose, California 95125

Dear Mr. Quirk:

I am responding to your letter to Mr. Russell dated October 13, 1994, in which you commented on GE Nuclear Energy (GE) being the designated source in the Notice of Proposed Rulemaking (NPR) for making the design control document (DCD) for the advanced boiling water reactor (ABWR) available to the public. After reviewing your letter and consulting with the Office of the General Counsel (OGC) and the Office of the Federal Register (OFR), the following clarifies the OFR requirements on availability:

- First, the staff has been advised that the OFR requirement for making the DCD available is only imposed when the final rule is issued, not when the NPR is issued.
- Second, the staff has been advised that a document to be incorporated by reference in a rule cannot be an "agency-produced" document, and that it must be a document from a "third party." Therefore, in addition to being made available in the NRC's Public Document Room, the DCD must be made available by a third party or an organization designated by the third party. The staff concludes that GE is the third party responsible for the ABWR DCD.

The staff has been advised that the National Technical Information Service (NTIS) is willing to distribute the DCD for GE. The name of the NTIS contact and mailing address is:

Mr. Bill Pelesh @ (703) 487-4825
NTIS
Office of Business Development
Room 306F
5285 Port Royal Road
Springfield, Virginia 22161

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For your information, the NRC will request a preliminary opinion from the OFR regarding the acceptability of incorporation by reference of the DCD in the final rule. If you have any further questions regarding this matter, please contact Mr. Thomas H. Boyce at (301) 504-1130.

Original Signed By:

Dennis M. Crutchfield, Associate Director
for Advanced Reactors and License Renewal
Office of Nuclear Reactor Regulation

Docket No. 52-001

cc: See next page

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Mr. Joseph Quirk
GE Nuclear Energy

Docket No. 52-001

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