



GE Nuclear Energy

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October 13, 1994

Mr. William T. Russell
Director
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001

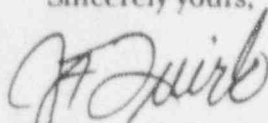
Dear Mr. Russell:

In discussions with the staff on matters related to completion of the Design Control Document (DCD) for the ABWR certification rulemaking, the staff put forward the proposition that GE Nuclear be designated in the Notice of Proposed Rulemaking as the source from which members of the public could request copies of the DCD. GE Nuclear responded then, and continues to maintain, that this would be highly inappropriate. The DCD is a document prescribed by the NRC as an integral part of a rule to be proposed and issued by the NRC, as such, the public should obtain access to the DCD and, if necessary, copies thereof, from the NRC or from some other government repository.

We understand that the Office of the Federal Register (OFR) has advised the staff that it is OFR's practice to have documents that are incorporated by reference in agency rules made available from a source other than the agency proposing or issuing the incorporating rule. This practice is not required by the OFR regulations or its guidance, "Document Drafting Handbook." Moreover, OFR insistence thereon would not preclude the designation of a government source, other than the NRC, for obtaining the DCD, e.g., a source such as the National Technical Information Service (NTIS). We assume, in any event, that a copy of the DCD will be maintained in the NRC's Public Document Room for public access and copying.

GE Nuclear stands ready to provide NRC, or another government agency designated by the NRC, with such electronic or hard copy materials as may be needed to reproduce DCD copies for response to public requests. We urge that the staff initiate implementing arrangements for this now, so that the designated government agency is identified in the published Notice of Proposed Rulemaking. I invite you to contact me with regard to steps GE Nuclear can take to facilitate that process.

Sincerely yours,


Joseph F. Quirk

cc: Dennis M. Crutchfield (NRC-NRR)
Martin G. Malsch (NRC-OGC)
Sterling M. Franks (DOE-ALWR)

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