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

RELEASED TO THE PDR
August 28, 1998
9/3/98
date initials

COMSECY-98-025

I approve the NRC staff publishing the FSER and issuing the FDA for the AP600 design on or before September 4, 1998.

Shirley Ann Jackson 52-3
Shirley Ann Jackson
9/1/98

MEMORANDUM TO: Chairman Jackson
Commissioner McGaffigan
Commissioner Diaz

FROM: L. Joseph Callan
Executive Director for Operations

SUBJECT: FINAL SAFETY EVALUATION REPORT (FSER) AND FINAL DESIGN APPROVAL (FDA) FOR THE AP600

In its staff requirements memorandum (SRM) of December 15, 1989, the Commission directed the NRC staff to provide it with a copy of all draft or final safety evaluation reports on standard designs before they are issued. In SECY-97-298, "Revised Schedule for the Staff's Review of the AP600 Design Certification Application," dated December 24, 1997, the staff estimated that it would issue the AP600 FSER to the Commission in August 1998. This memorandum notifies the Commission of the staff's intent to publish the FSER for the Westinghouse Electric Company's AP600 standard plant design (Attachment 1), as discussed in my memorandum of August 20, 1998.

The staff sent the Commission the advance version of the FSER in SECY-98-097, "Advance Final Safety Evaluation Report on the Westinghouse AP600 Standard Design," on May 1, 1998. Since that time, the staff has resolved the open and confirmatory items identified in Sections 1.9 and 1.10 of that report that required resolution before an FDA could be issued. In addition, the Advisory Committee on Reactor Safeguards has issued a letter report on the AP600 that is required by 10 CFR 52.53; that ACRS report appears in Appendix G of the AP600 FSER.

There are three confirmatory items (see Section 1.9 of the attached FSER) that do not need to be resolved before issuing the FDA. Westinghouse has committed to formally submit updates to the non-proprietary versions of certain documents withheld from public disclosure in accordance with 10 CFR 2.790, which will resolve one of these matters. If Westinghouse decides to proceed with design certification, then it must complete the other two confirmatory items; i.e., submit the design control document (DCD) and designate Tier 2* information (identified in Section 1.7 of the FSER) in the DCD.

The staff has also prepared an FDA for the AP600 standard design (Attachment 2). Issuance of the FDA signifies completion of the technical review phase and readiness for the rulemaking phase of Westinghouse's design certification application. The format of the AP600 FDA is identical to previously issued FDAs, including the FDAs for the evolutionary designs, except for the highlighted provision that was added to Item 6 of the AP600 FDA. This provision was added

to ensure the enforceabiltiy of the availability controls that were developed to resolve the issues concerning the regulatory treatment of non-safety-related systems that are discussed in Chapter 22 of the AP600 FSER. The duration of the FDA is 5 years, in accordance with the Commission's Standardization Policy of August 1978. This policy statement still controls the duration of FDAs because Appendix O to 10 CFR Part 52 does not specify a duration. If the AP600 design is subsequently certified, the initial FDA will then be updated, as needed, to conform to any changes resulting from the design certification rulemaking and will be in effect for the duration of the design certification, in accordance with COMSECY-94-025. The updated FDA will be consistent with the revised FDAs for the evolutionary designs.

In its August 11, 1998, letter (Attachment 3), Westinghouse requested that the NRC expedite the issuance of an FDA for the AP600 design to support a bidding competition for a proposed addition to the Paks nuclear station in Hungary. Westinghouse requested that the FDA be issued by September 4, 1998, to allow it time to include a copy of the FDA in a bid package that must be submitted on September 10, 1998.

In summary, there are no remaining open or confirmatory issues on the AP600 design that prevent issuing the FSER and FDA. Therefore, unless otherwise directed by the Commission, the staff intends to publish the FSER and issue the attached FDA for the AP600 design on or before September 4, 1998. If Westinghouse decides to proceed with design certification, then it will submit the AP600 design control document for NRC review this fall. After completing its review of the design control document, the staff will submit the proposed design certification rule to the Commission for its review.

Coordination:

The Office of the General Counsel has reviewed this memorandum and has no legal objection to the publication of the FSER or issuance of the FDA for the AP600 design.

Attachments: As stated

cc: SECY
OCA
OPA
OGC
CIO
CFO