

March 26, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-061

TITLE: AMENDMENT TO SECY-98-294:CHANGES TO PARAGRAPH (h) OF 10 CFR PART 50.55a,
"CODES AND STANDARDS"

The Commission (with all Commissioners agreeing) approved the subject paper as noted in the Affirmation Session and recorded in the meeting Staff Requirements Memorandum (SRM) of March 26, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commissioners, and the Affirmation Session SRM of March 26, 1999.

Annette Vietti-Cook
Secretary of the Commission

Attachments: 1. Voting Summary
2. Commissioner Vote Sheets
3. Final SRM

cc: Chairman Jackson
Commissioner Dicus
Commissioner Diaz
Commissioner McGaffigan
Commissioner Merrifield
OGC
EDO
PDR
DCS

VOTING SUMMARY - SECY-99-061

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON	X				X	3/19/99
COMR. DICUS	X					3/9/99
COMR. DIAZ	X					3/11/99
COMR. MCGAFFIGAN	X				X	3/8/99
COMR. MERRIFIELD	X				X	3/9/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and some provided additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as noted in the Affirmation Session and reflected in the meeting SRM issued on March 26, 1999.

Chairman Jackson

I approve this paper subject to correction of the typographical error in page 4 (attached).

Commissioner McGaffigan

I approve the staff's recommendation in [SECY-98-294](#) to publish the final rule, as amended in [SECY-99-061](#), amending 10 CFR 50.55a(h).

As was alluded to by the staff in the "Background" section of [SECY-99-061](#), I had declined to approve [SECY-98-294](#), as originally submitted by the staff, due to my concern over the apparent conflict with [10 CFR 52.63](#), "Finality of standard design certifications." Specifically, it appeared that future combined license applicants, even those referencing a certified standard design, would be required to meet IEEE Std. 603-1991 no matter what standard under which the standard design had been reviewed and approved. Imposing a new requirement in such a manner would be counter to the Commission's intent to provide finality for standard designs. I commend the staff for promptly revising the rule to resolve this issue.

Commissioner Merrifield

I approve the staff's recommendation in [SECY-99-061](#) to publish in the Federal Register the revised final rule amending 10 CFR 50.55a(h).

I agree with the staff that the final rule, as written in [SECY-98-294](#), could be interpreted to mean that the certified designs would now have to meet IEEE Std. 603-1991 and could therefore be considered a potential backfit issue for combined license applicants. I also agree with Commissioner McGaffigan that imposing a new requirement in such a manner would be counter to the Commission's intent to provide finality for standard designs. Thus, I believe the staff's clarification provided in [SECY-99-061](#) is prudent.

I commend the staff for their prompt resolution of this matter.