



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

IN RESPONSE, PLEASE  
REFER TO: M890407B

April 21, 1989

ACTION - Murley, NRR

Cys: Stello  
Taylor  
Thompson  
Blaha  
Beckjord

MEMORANDUM FOR: Victor Stello, Jr.  
Executive Director for Operations  
  
William C. Parler, General Counsel

FROM: *A. J. Chilk*  
Samuel J. Chilk, Secretary

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION/DISCUSSION  
AND VOTE, 11:30 A.M., FRIDAY, APRIL 7,  
1989, COMMISSIONERS' CONFERENCE ROOM, ONE  
WHITE FLINT NORTH, ROCKVILLE, MARYLAND  
(OPEN TO PUBLIC ATTENDANCE)

I. SECY-89-036 - Rulemaking on Early Site Permits, Design  
Certifications, and Combined Licenses

This is to advise you that the Commission, by a 5-0 vote, approved the attached final rule amending 10 CFR to establish a new Part 52 and to make the necessary conforming changes to other sections of 10 CFR.

The final rule requires the staff to advise the Commission as soon as practicable of the need for criteria for judging the safety of designs offered for certification that are different from or supplementary to current licensing standards in 10 CFR Parts 20, 50, 73, and 100. In this regard, the Commission wishes to be consulted as soon as instances arise in the staff's review of a particular application where the staff is proposing to go beyond the requirements of 10 CFR Parts 20, 50, 73, or 100, so that the Commission can -- (1) determine whether such an approach is necessary or sufficient for the design under review and, (2) evaluate the generic nature of the issue and determine whether additional rulemaking is necessary or appropriate prior to the design certification rulemaking. In its review of applications for design certification, the staff should identify with particularity each different or additional safety criterion which it believes should be applied to the design under review, and provide an analysis for each such criterion which documents why the current regulatory standards require modification or supplementation for that particular design. In addition, the staff should prepare and transmit to the Commission, as soon as practicable, a similar analysis with regard to the EPRI design requirements document now under staff review. 8900063

Rec'd Off. EDO

Date 4-21-89

Time 1:30p

Chairman Zech, while approving, would have preferred that the Commission retain for itself discretionary authority to impose additional measures to improve a certified design (and thus improve the plants built to that certified design). These measures would only have been imposed in instances where the Commission believed that there would be a significant improvement in the safety or reliability of plant operations.

(Subsequently, on April 7, 1989, the Secretary signed the Federal Register Notice.)

Attachment:  
As stated

cc: Chairman Zech  
Commissioner Roberts  
Commissioner Carr  
Commissioner Rogers  
Commissioner Curtiss  
EDO  
GPA  
PDR - Advance  
DCS - P1-24