



OFFICE OF THE  
SECRETARY

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

March 17, 1995

ACTION - Russell, NRR/  
Beckjord, RES

Cys: Taylor  
Milhoan  
Thompson  
Blaha  
JWilson, NRR  
HTovmassian, RES  
DMeyer, ADM  
BShelton, IRM

MEMORANDUM TO: James M. Taylor  
Executive Director for Operations

FROM: John C. Hoyle, Secretary

SUBJECT: SECY-95-023 - PROPOSED DESIGN CERTIFICATION  
RULES FOR THE ADVANCED BOILING WATER REACTOR  
(ABWR) AND SYSTEM 80+ STANDARD DESIGNS

The Commission (with all Commissioners agreeing) has approved publication of the notice of proposed rulemaking subject to the following comments:

1. The staff should incorporate the changes identified by OGC in response to the General Electric letter of February 15, 1995.
2. The staff should resolve the comments provided by ABB-CE in its letter of February 16, 1995.
3. The staff should add a question to solicit comments on whether each specific applicable regulation is justified.

~~-(BDO)-~~ (NRR/RES) (SECY Suspense: 5/19/95) 9100065

Recognizing that this public comment period provides a final opportunity to examine the design certification process to ensure that it will accomplish what is intended, and further recognizing that it is important that the potential COL applicants perceive the process to be workable from this point forward, the staff is requested to:

- 1) give special attention to the resolution of comments received, particularly regarding inclusion of "applicable regulations" in the rule, and re-evaluate, as necessary, the need for their inclusion; and

SECY NOTE: THIS SRM, SECY-95-023, AND THE VOTE SHEETS OF ALL COMMISSIONERS WILL BE MADE PUBLICLY AVAILABLE 5 WORKING DAYS FROM THE DATE OF THIS SRM.

- 2) if the staff recommends keeping "applicable regulations" as part of the rule, the statement of each applicable regulation should be reviewed to ensure that it is justified and:
- a) it is in conformance with past approved Commission guidance;
  - b) that it correctly reflects the intended technical requirements; and
  - c) that requirements have not been inadvertently made more stringent through word changes since Commission approval.

(~~EDD~~) (NRR/RES) (SECY Suspense: 9/29/95) 910065

cc: The Chairman  
Commissioner Rogers  
Commissioner de Planque  
OGC  
OCA  
OIG  
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)