

March 21, 1996

MEMORANDUM TO: James M. Taylor
Executive Director for Operations

Karen D. Cyr
General Counsel

FROM: John C. Hoyle, Secretary /s/

SUBJECT: STAFF REQUIREMENTS - BRIEFING ON DESIGN
CERTIFICATION ISSUES (SECY-96-028), 2:30
P.M., FRIDAY, MARCH 8, 1996, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC
ATTENDANCE)

The Commission was briefed by industry representatives and the NRC staff on design certification issues.

The Commission requested that the staff, in coordination with the General Counsel's office, prepare a supplemental paper containing a description and analysis of the historical documentation, evolution, and past Commission statements or decisions regarding the concept of applicable regulations as related to the Part 52 design certification rulemakings. This should include a discussion of the Commission's intent regarding applicable regulations when Part 52 was promulgated. The staff should pursue elimination of those applicable regulations from the design certification rules which may be appropriately covered by other means. The staff should continue to meet with industry to resolve the use of applicable regulations which the staff believes are still necessary. Options such as the approach suggested by the Chairman at the briefing should be considered.

This supplemental SECY paper should be provided to the Commission along with the SECY paper that transmits the proposed final design certification rules for the ABWR and System 80+ designs by April 15, 1996. Three days after forwarding the SECY papers to the Commission, the papers should be placed in the NRC's Public Document Room (PDR) for at least a 30 day period of review and comment. A notice should be forwarded to the Federal Register announcing the availability of the papers for the 30-day comment period.

(EDO)

(SECY Suspense: 4/15/96)

The Commission will plan to meet on this issue toward the end of May or early June, as the Commission calendar permits, to discuss the proposed final rules, the public comments, and recommendations for any further changes to the proposed final rulemaking packages based on the public comments. The Commission meeting tentatively scheduled for April 1, 1996 will be postponed. The staff should provide an information paper to the Commission on the status of review of the other advanced designs.

(EDO)

(SECY Suspense: 4/1/96)

cc: Chairman Jackson
Commissioner Rogers
Commissioner Dicus
OGC
OCA
OIG
Office Directors, Regions, ACRS, ACNW, ASLBP (via E-Mail)
PDR - Advance
DCS - P1-24