

December 14, 2010

MEMORANDUM TO: R. W. Borchardt
Executive Director for Operations

FROM: Annette L. Vietti-Cook, Secretary **/RA/**

SUBJECT: STAFF REQUIREMENTS – SECY-10-0142 – PROPOSED RULE:
U.S. ADVANCED BOILING WATER REACTOR AIRCRAFT
IMPACT DESIGN CERTIFICATION AMENDMENT (RIN
3150-AI84)

The Commission has approved publication of the proposed rule in the *Federal Register*, subject to the attached changes, that will amend Appendix A to 10 CFR Part 52 so that applicants intending to construct and operate a U.S. Advanced Boiling Water Reactor complies with the Aircraft Impact Assessment rule.

(EDO)

(SECY Suspense:

1/13/11)

The Commission has approved the staff's recommendation to adopt the "branches" alternative to be used in cases for design certifications with multiple suppliers, with use of the "options" approach in the case of certain limited-scope design certification amendments, such as the instant case of the South Texas Project Nuclear Operating Company amendment to comply with the aircraft impact rule. The notice should be modified, prior to its publication in the *Federal Register*, to clarify that – under this approach – applicants seeking amendments to already certified designs must be found to be qualified to supply the limited scope of the revisions they seek.

Attachment: Changes to the *Federal Register* Notice in SECY-10-0142

cc: Chairman Jaczko
Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff
OGC
CFO
OCA
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR

Changes to the *Federal Register* Notice in SECY-10-0142

1. On page 3, revise line 1 from the top to read ‘ ... Appendix A to Part 52 – Design Certification Rule for the U.S. Advanced Boiling Water Reactor’
2. On page 8, revise the last line of the paragraph at the top of the page to read ‘ ... at 15390).²⁾
3. On page 9, 1st full paragraph, revise line 2 after the indented text to read ‘ ... design to be ...’
4. On page 12, paragraph 2., revise line 1 to read ‘ ... multiple branches, with’
5. On page 12, paragraph 3., revise line 1 to read ‘ ... with options, with’
6. On page 12, last paragraph, revise the last line to read ‘ ... Procedures Act, the’
7. On page 16, last paragraph, revise line 1 to read ‘ ... its very nature,’
8. On page 18, revise line 3 from the top to read ‘ ... alternative. (~~i.e.~~, i.e., Toshiba’
9. On page 27, last column, 4th row, revise line 9 of the NOTE to read ‘ ... of the facilitating’
10. On page 28, paragraph C., revise to read ‘ ... Appendix A to Part 52 – Design Certification Rule for the U.S. Advanced Boiling Water Reactor.’
11. On page 31, last paragraph, revise line 7 to read ‘ ... STPNOC DCD₇ will be’
12. On page 35, last paragraph, revise lines 1 and 2 to read ‘ ... paragraph VI.E, which provides ... to proprietary information and SGI’
13. On page 36, revise line 1 from the top to read ‘ ... design, and to request’ Revise line 4 from the top to read ‘ ... specify, at an appropriate time, the procedure’
14. On page 40, revise line 5 from the top to read ‘ ... categories, including information’ Revise line 8 from the top to read ‘ ... information), which’
15. On page 41, 1st full paragraph, remove the indentation on the last line.
16. On page 42, 2nd full paragraph, revise line 3 to read ‘ ... or licensee’
17. On page 47, in the table, column 1, row 2, replace ‘SECY-10-XXXX’ with ‘SECY-10-0142’
18. On page 59, last paragraph, revise line 9 to read ‘ ... Maryland, 20852,’
19. On page 3 of the Draft Environmental Assessment, revise line 1 from the top to read ‘ ... Register CITATION)]. As provided’