

May 4, 1999

COMMISSION VOTING RECORD

DECISION ITEM: SECY-99-101
TITLE: PROPOSED RULE - AP600 DESIGN CERTIFICATION

The Commission (with all Commissioners agreeing) approved the subject paper as recorded in the Staff Requirements Memorandum (SRM) of May 4, 1999.

This Record contains a summary of voting on this matter together with the individual vote sheets, views and comments of the Commission, and the SRM of May 4, 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-99-101

RECORDED VOTES

	APRVD	DISAPRVD	ABSTAIN	NOT PARTICIP	COMMENTS	DATE
CHRM. JACKSON	X				X	4/21/99
COMR. DICUS	X				X	4/17/99
COMR. DIAZ	X				X	4/8/99
COMR. McGAFFIGAN	X					4/5/99
COMR. MERRIFIELD	X				X	4/12/99

COMMENT RESOLUTION

In their vote sheets, all Commissioners approved the staff's recommendation and provided some additional comments. Subsequently, the comments of the Commission were incorporated into the guidance to staff as reflected in the SRM issued on May 4, 1999.

Commissioner Comments on SECY-99-101

Chairman Jackson

I approve the staff's proposal to issue the proposed rule for public comment that would amend [10 CFR Part 52](#) to certify the AP600 standard plant design. Once again, I congratulate the staff on their diligent efforts in completing the intensive review and approval of the Westinghouse AP600 design and commitment to AP600 rulemaking plan outlined in [SECY-98-267](#).

Editorial Comment: Attachment 2, page 18 - Change "materials access authorization program (MAAP)" to "modular accident analysis program (MAPP)".

Commissioner Dicus

I approve the proposed rule. The staff should discuss in the Statements on Consideration the potential that Section VIII.B.5 (the CFR 50.59-like process) may be revised in the future based on similar wording that is being developed for [10 CFR 50.59](#).

Commissioner Diaz

I approve the staff's recommendation to publish the proposed amendment to 10 CFR Part 52 in the *Federal Register* to provide the public with an opportunity to comment and to request an informal hearing.

Since this design certification rule for AP600 is modeled after the previously issued rules for the ABWR and System 80+ designs, the staff should make the language proposed in SECY-99-101 for Section VIII (Processes for Changes and Departures) of Appendix C to Part 52 (for AP600) consistent with those proposed in [SECY-99-054](#) for Appendices A (for ABWR) and B (for System 80+). The language concerning the change process for Part 52 should also be consistent with the language in the final rulemaking package on 50.59 to be submitted to the Commission in May, 1999.

Commissioner Merrifield

I approve publishing in the Federal Register the proposed rule that would amend 10 CFR Part 52 to certify the AP600 standard plant design.

I again ask that in future papers, especially those being issued to solicit public comments, the staff reflect on the agency's Plain English initiatives and take into consideration the intended audience. For example, the staff should more clearly define and put into context terms such as $7.3E-03$ person-rem/reactor year, core damage frequency of $1.7E-7$ /reactor year, and 25 rem TEDE. I recognize the hard work the staff has put into the AP600 effort and hope this comment is received in the constructive manner for which it is intended. I just think that sometimes we forget that many of our stakeholders do not have the level of technical expertise held by our staff.

I want to reiterate that my comments are directed at future papers. They should in no way delay the publication of the proposed amendment to 10 CFR Part 52.