

March 11, 2005

MEMORANDUM TO: Luis A. Reyes
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS - SECY-05-0017 - PROPOSED RULE –
AP1000 DESIGN CERTIFICATION

The Commission has approved issuance of the draft rule for public comment and the recommendations contained in SECY-05-0017, "Proposed Rule - AP1000 Design Certification" subject to incorporation of the following comments and revisions.

(EDO)

(SECY Suspense:

4/15/05)

Changes to the *Federal Register* Notice

1. The note in both the statement of consideration and the environmental assessment related to access to ADAMS being temporarily suspended should be updated to reflect the current status of public access to ADAMS.
2. On page 11, 1st full paragraph, revise line 10 to read ' ... including **is** in the definition'
Revise line 11 to read ' ... the eight **criteria** ~~crit~~erion in'
3. On page 29, paragraph 1, revise line 2 to read ' ... and maintained **ed** in the same'
Delete the sentence in lines 10 and 11 (The NRC is considering ... paragraph B.5.c.)
4. On page 30, last paragraph, revise line 3 to read ' ... be permitted **to** petition'
5. On page 34, 1st full paragraph, delete the sentence in lines 9 and 10 (Some generic TS contain ... complete.)
6. On page 34, at the end of the 1st full paragraph, insert a new paragraph as follows:
Some generic TS contain values in brackets []. The brackets are placeholders indicating that the NRC's review is not complete, and represent a requirement that the applicant for a combined license referencing the AP1000 DCR must replace the values in brackets with final plant-specific values. The values in brackets are neither part of the design certification rule nor are they binding. Therefore, the replacement of bracketed values with final plant-specific values does not require an exemption from the generic TS.
7. On page 35, paragraph I., revise line 2 to read ' ... rule would ~~to~~ be treated'

8. On page 38, last paragraph, revise the last line to read ' ... is consistent **with** Commission'
9. On page 40, insert the missing ADAMS numbers for lines 3 and 4.
10. On page 40, last paragraph, revise line 4 to read ' ... should be **submitted** ~~sent~~ using one'
11. On page 42, paragraph 1, delete the sentence in lines 9 through 12 (Finally, the Commission concludes ... application.)
12. On page 42, paragraph 2, revise line 5 to read ' ... and request**s** their'
13. On page 59, Appendix D, Section VIII.B.6.c.(4) should be modified to identify the specific AISI standard being referenced.
14. On page 60, paragraph C.1., revise line 4 to read ' ... changes that ~~do~~ require a'

Changes to the Environmental Assessment

15. On page 3, paragraph 2, revise line 5 to read ' ... the NRC has ~~to~~ considered'
16. On pages 6 and 7, Section 4.0, "Alternatives to the Proposed Action," should be updated to reflect the fact that final design approval was granted in September of 2004 and not approving the design is no longer an alternative.
17. On page 13, paragraph 8., revise line 4 to read ' ... SG secondary-side **pressure capability** and safety valve **pressure**'
18. On page 27, the units for frequency should be corrected.

The previously approved design certifications require quarterly reporting during the construction and application review periods. If the semi-annual reporting requirement is determined to be sufficient for the AP1000 design, the staff should consider revising the quarterly reporting requirements in Part 52, Appendices A, B, and C, as part of the ongoing effort to update and correct the licensing processes in Part 52.

The Commission encouraged the staff here, and in the future, to use "plain english" wherever possible. The more the public is able to understand and meaningfully participate in NRC's rulemaking efforts, the greater the degree of public confidence in our final product.

cc: Chairman Diaz
Commissioner McGaffigan
Commissioner Merrifield
Commissioner Jaczko
Commissioner Lyons
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