

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

- - -
AFFIRMATION SESSION

- - -
PUBLIC MEETING

Nuclear Regulatory Commission
One White Flint North
Rockville, Maryland

Friday, December 6, 1996

The Commission met in open session, pursuant to notice, at 11:31 a.m., Shirley A. Jackson, Chairman, presiding.

COMMISSIONERS PRESENT:

SHIRLEY A. JACKSON, Chairman of the Commission
KENNETH C. ROGERS, Commissioner
GRETA J. DICUS, Commissioner
NILS J. DIAZ, Commissioner
EDWARD MCGAFFIGAN, JR., Commissioner

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ALSO PRESENT:

JOHN C. HOYLE, Secretary of the Commission

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P R O C E E D I N G S

CHAIRMAN JACKSON: This is an affirmation session. We have two items to come before us this morning. Before I ask the Secretary to lead us through these items for affirmation, do any of my fellow Commissioners have any comments they would like to make? If not, Mr. Secretary, would you please proceed.

MR. HOYLE: Thank you, Chairman Jackson.

The first item is SECY-96-077. The Commission is being asked in this paper to approve two final rules that amend 10 CFR Part 52 to certify the U.S. Advanced Boiling Water Reactor (ABWR) and System 80+ designs by rulemaking.

Each of you has voted to approve the two rules as contained in the SECY paper with revisions recommended by the EDO in memoranda to the Commission of August 13 and October 21, and subject to some disapprovals and modification of several provisions of the rules.

Specifically, the Commission has voted to disapprove the inclusion of the new applicable regulations as identified in proposed Section 5(c) and instead has approved the inclusion of alternate language in the Statement of Considerations and in the rules.

The Commission did not support the extension of the backfit provisions of section 52.63 to technical specifications and other operational requirements. Instead,

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it has voted to approve a revised Section 8(c) of each rule that would apply to technical specifications and other operational requirements in the Design Control Document.

Finally, you have voted in agreement to defer

consideration of specific design certification renewal procedures until after the Commission has issued the final design certification rulemakings.

I ask you to affirm your votes.

[All say aye.]

MR. HOYLE: Thank you.

The second paper we added this morning by agreement. It has to do with Cleveland Electric Illuminating Company. It's SECY-96-237.

The Commission is being asked to act on an order that completes the Commission's review of the Atomic Safety and Licensing Board's Memorandum and Order concerning Perry Nuclear Plant in LBP-95-17. The Commission had earlier granted review of the Board's order in response to a petition from Cleveland Electric Illuminating Company.

All of you have voted to approve an order that reverses and vacates the Board's order. May I ask you to affirm your vote.

[All say aye.]

MR. HOYLE: That's all I have, Chairman Jackson.

CHAIRMAN JACKSON: If there are no further items,

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we are adjourned.

[Whereupon, at 11:33 a.m., the affirmation session was adjourned.]