

September 16, 2014

MEMORANDUM FOR: Mark A. Satorius
Executive Director for Operations

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

SUBJECT: STAFF REQUIREMENTS - AFFIRMATION SESSION, 9:50 A.M.,
TUESDAY, SEPTEMBER 16, 2014, COMMISSIONERS'
CONFERENCE ROOM, ONE WHITE FLINT NORTH,
ROCKVILLE, MARYLAND (OPEN TO PUBLIC ATTENDANCE)

I. SECY-14-0081 – Final Rule: Economic Simplified Boiling-Water Reactor Design Certification

The Commission approved a final rule adding Appendix E to 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," to certify the Economic Simplified Boiling-Water Reactor (ESBWR) standard design, subject to the attached changes, and the exclusion of the following matters from issue finality and issue resolution:

- a) Human Factors Engineering procedures and training.
- b) Loads on applicable structures, systems and components (SSCs) from hurricanes that are not bounded by other loads analyzed in the ESBWR Design Control Document (DCD).
- c) Loads on applicable SSCs from hurricane-generated missiles to the extent that such loads are not bounded by other loads analyzed in the ESBWR DCD.
- d) Spent fuel pool instrumentation design allows the connection of an independent power source.
- e) Spent fuel pool instrumentation maintains its design accuracy following a power interruption or change in power source without recalibration.

The Commission has approved the changes to the advanced supplemental Safety Evaluation Report that were incorporated into the draft supplemental Final Safety Evaluation Report and certified that this rule will not have a negative economic impact on a substantial number of small entities under the Regulatory Flexibility Act. The Commission has approved the determination that neither the backfit rule (10 CFR 50.109, "Backfitting"), nor any of the issue finality provisions in 10 CFR Part 52, apply to the issuance of this final Design Certification Rule.

Following incorporation of these changes, the Federal Register notice should be reviewed by the Rulemaking, Directives, and Editing Branch in the Office of Administration and forwarded to the Office of the Secretary for signature and publication.

Attachment: Changes to the Final Rule in SECY-14-0081

cc: Chairman Macfarlane
Commissioner Svinicki
Commissioner Ostendorff
OGC
CFO
OCAA
OCA
OIG
OPA
Office Directors, Regions, ACRS, ASLBP (via E-Mail)
PDR