

NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

FROM: Gregory B. Jaczko

SUBJECT: SECY-10-0142 – PROPOSED RULE: U.S. ADVANCED
BOILING WATER REACTOR AIRCRAFT IMPACT
DESIGN CERTIFICATION AMENDMENT (RIN 3150-
A184)

Approved X Disapproved Abstain

Not Participating

COMMENTS: Below Attached X None



SIGNATURE



DATE

Entered on "STARS" Yes x No

**Chairman Jaczko's Comments on SECY-10-0142,
"Proposed Rule: U.S. Advanced Boiling Water Reactor Aircraft
Impact Design Certification Amendment"**

I approve the staff's recommendation to publish the proposed rule 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. I commend the staff for the timely completion of review and inspection activities to verify that the applicant has taken the necessary actions to enhance the design's inherent robustness, including addressing shortcomings that were identified during the inspection.

I approve the recommended approach for treating multiple suppliers of a single design through the use of options and branches within an appendix to Part 52. Aside from the formatting changes within an appendix, there is no functional or substantive difference between using separate appendices or separate branches within an appendix to house the certified (i.e., essentially complete) design supplied by multiple vendors. It appears that the primary rationale for adopting branches within an appendix over separate appendices is to make it easier to justify, adopt, and use the options approach to support the licensing activities associated with the South Texas Project combined license application.

I agree with the staff that the options approach should be limited to entities that are qualified to supply a certified design and seeking limited-scope amendments to that pre-existing certified design. Prior to its publication, the staff should revise the proposed Federal Register Notice to provide a clearer narrative description of the options approach and proposed limitation on the use of the options approach using plain language. It should be acknowledged in the revised narrative that the use of the options approach by the NRC is not fully in the spirit of the Commission Policy Statement on Nuclear Power Plant Standardization. The adoption of the options approach by the NRC, albeit permissible, will introduce complexity and does not encourage standardization within a single design.

On the whole, the use of options and branches are pragmatic innovations to unanticipated process questions that have no effect on the thoroughness of NRC's safety, security, and environmental reviews.



Gregory B. Jaczko



Date