

POLICY ISSUE
NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary
FROM: CHAIRMAN SVINICKI
SUBJECT: SECY-20-0082: Rulemaking Plan to Extend the Duration of the AP1000 Design Certification

Approved XX Disapproved _____ Abstain _____ Not Participating _____

COMMENTS: Below XX Attached _____ None _____

I approve the staff's request to initiate rulemaking to amend Section VII in Appendix D to 10 CFR Part 52 for the purpose of extending the duration of the AP1000 design certification (DC) for 5 years beyond its current expiration of February 27, 2021. I approve the use of the direct final rule process and the delegation of the signature authority for this narrow rule change to the Executive Director for Operations. I agree with the staff's conclusions regarding the lack of necessity for the various advisory committee reviews, as discussed in the paper, and that a regulatory basis would be similarly unilluminating.

The staff has identified no technical or regulatory issue that would preclude an extension of the AP1000 DC by 5 years, and the Office of General Counsel has interposed no legal objection. Additionally, the staff will reaffirm the safety and environmental conclusions supporting the initial issuance of the AP1000 DC based on current knowledge of the design. The staff has further concluded that design issues that have been addressed during the review of recent combined operating license applications can be adequately addressed within the existing framework of 10 CFR Part 52. Based on this, I find that the staff's proposed approach is clearly merited and that pursuing more elaborate procedural approaches risks elevating form over substance, particularly when one reflects on the Commission's prior deliberations on the establishment of 10 CFR Part 52, wherein multiple Commissioners cast open doubt on whether setting a fixed duration for certifications was meaningful in the first place. Had I been on the Commission at the time, I would have agreed with them that, while superficially attractive, a certification time limit serves little to no substantive safety purpose that cannot be addressed through other regulatory instruments superior for the purpose.

SIGNATURE

11/10/2020

DATE

Entered on "STARS" Yes XX No _____