

RESPONSE SHEET

TO: Carrie M. Safford, Secretary
FROM: Chair Hanson
SUBJECT: COMDAW-24-0001: Revising the Duration of Design Certifications

Approved X Disapproved X Abstain Not Participating

COMMENTS: Below Attached X None

Entered in STARS

Yes X

No

Signature
Christopher T. Hanson

Date 08/01/2024

Chair Hanson's Comments on COMDAW-24-0001 Revising the Duration of Design Certifications

Commissioner Wright has placed an important issue before the Commission in COMDAW-24-0001, "Revising Duration of Design Certification." Commissioner Wright proposes the design certification (DC) and standard design approval duration (SDA) be separated, and voted on independently, from SECY-22-0052, "Proposed Rule: Alignment of Licensing Processes and Lessons Learned from New Reactors Licensing," where the staff proposed it and where it currently sits before the Commission. Specifically, Commissioner Wright proposes the Commission change the duration of DCs from the current 15 years to 40 years via a direct final rule—leaving the remaining issues in SECY-22-0052 unaddressed until the Commission completes voting.

Indeed, I included exactly the change Commissioner Wright proposes in my vote on SECY-22-0052 cast last February. However, there is one critical difference between us: whereas Commissioner Wright proposes that the DC and SDA duration change be effectuated through direct final rulemaking outside of the proposed rulemaking in SECY-22-0052, I voted to make this change as one part of a suite of changes in the notice and comment rulemaking intended to make our regulations in 10 CFR Parts 50 and 52 overall more consistent with one another. I look forward to working with my colleagues in crafting the Commission's ultimate direction to the staff on DC and SDA durations, as well as the other issues before the Commission for its consideration, in SECY-22-0052.

It is not in the best interest of the agency, the industry, or the public for the Commission to establish a practice of separating individual issues from vote papers. We can evaluate proposed rulemakings with numerous technical and policy issues in a timely and collegial manner, similar to our efforts on SECY-23-0021 – "Proposed Rule: Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors."

I am voting to disapprove COMDAW-24-0001 for procedural reasons and propose an alternative for my colleagues.

The issue before us is timely and salient; Westinghouse's AP1000 DC renewal plans assumed the Commission would weigh in on SECY-22-0052 in a timely manner. That is not the current situation. While I agree with the substance of Commissioner Wright's proposal, I am wary of using a direct final rule for a broader regulatory change. Therefore, as a targeted stopgap measure, to give the Commission time to disposition SECY-22-0052 and the agency to complete the comprehensive notice and comment rulemaking, the staff should initiate a limited-scope direct final rule to amend appendix D to 10 CFR Part 52 to extend the duration of the DC for the Westinghouse AP1000 standard plant design for 5 years and to amend Appendix E to 10 CFR Part 52 to extend the duration of the DC for the GE-Hitachi Economic Simplified Boiling Water Reactor standard plant design for 2 years. This timing would have both DCs expire in 2031, which should be ample time to complete the alignment rulemaking contemplated in SECY-22-0052. Signature authority for this direct final rule should be delegated to the Executive Director for Operations.