NOTATION VOTE

RESPONSE SHEET

TO: Annette Vietti-Cook, Secretary

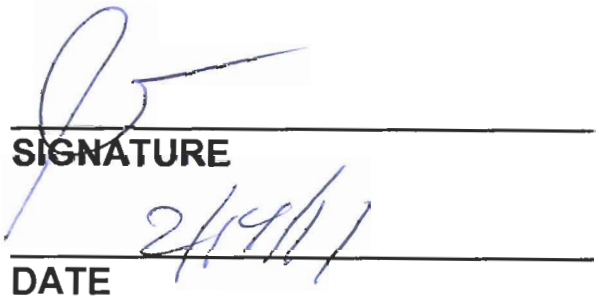
FROM: Chairman Gregory B. Jaczko

SUBJECT: SECY-11-0006 – PROPOSED RULE–ECONOMIC SIMPLIFIED BOILING-WATER REACTOR DESIGN CERTIFICATION

Approved __X__ **Disapproved** _____ **Abstain** _____

Not Participating _____

COMMENTS: **Below** ___ **Attached** __X__ **None** ___



SIGNATURE

2/4/11

DATE

Entered on "STARS" Yes __X__ **No** ___

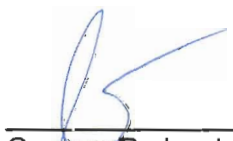
Chairman Jaczko's Comments on SECY-11-0006,
"Proposed Rule: Economic Simplified Boiling-Water Reactor Design Certification"

As I mentioned in my vote for the proposed rule for the AP1000 standard design, I continue to believe that certification of reactor designs through rulemaking is important to promoting design standardization, ensuring safety and security through rigorous independent technical and engineering reviews, promoting early resolution of technical and regulatory issues, and providing greater regulatory certainty and efficiencies to applicants seeking combined licenses. I approve the staff's recommendation to publish the proposed rule that would certify the Economic Simplified Boiling-Water Reactor (ESBWR) standard design.

In addition to approving publication of the proposed rule, I want to express my support for the Commission's long-standing position on the limited use of design acceptance criteria (DAC) in certified standard designs and for ensuring DAC are met by combined license (COL) applicants through the licensing review process or COL holders through the inspection process (i.e., the inspection of COL holders implementation and verification of inspections, tests, analyses, and acceptance criteria (ITACC)).

An applicant for a standard design must provide the NRC with an essentially complete design. However, in a small number of technical areas, technologies are changing so rapidly that it would be unwise to freeze the detail of the design for many years or the applicant does not have sufficient as-built or as procured information to provide detailed design information. In those very limited instances, the applicant can propose the use of DAC, which is part of the essentially complete design. As stated in SECY-92-053, "Use of Design Acceptance Criteria during 10 CFR Part 52 Design Certification Reviews," DAC are a set of prescribed limits, parameters, procedures, and attributes that the NRC will use in making a final safety determination. The concept of DAC has enabled the NRC to make final safety determinations on design certifications, subject to satisfactory design implementation and verification by COL holders through appropriate ITAAC. In addition, DAC may be satisfied by COL applicants providing detailed design information in its COL application. The Commission approved the use of DAC in SRM COMSECY-94-024, "Implementation of Design Certification and Light-Water Reactor Design Issues."

At the time of the Commission's approval of the use of DAC, the Advisory Committee on Reactor Safeguards (ACRS) role with regards to DAC was unclear. The ACRS provides the Commission with valuable, independent advice on technical matters as required by the Atomic Energy Act or at the direction of the Commission. Currently, the ACRS reviews DAC as part of the Committee's review of the standard design applications and the closure of DAC as part of the Committee's review of combined license applications. The ACRS should continue to review the adequacy and clarity of DAC as part of the Committee's review of standard design certification and combined license applications. In addition, I believe it would beneficial to have the ACRS review the inspection procedures that describe the staff's plan for DAC inspection activities. Reviews by the ACRS with regards to DAC, in these three areas, will keep the Commission adequately advised on this important technical matter.



Gregory B. Jaczko

Date