



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

July 2, 2021

ALL AGREEMENT STATES, CONNECTICUT, INDIANA
NON-AGREEMENT STATES
STATE LIAISON OFFICERS
FEDERALLY RECOGNIZED INDIAN TRIBES

SUBJECT: RULEMAKING FOR THE ADVANCED BOILING WATER REACTOR DESIGN
CERTIFICATION RENEWAL (STC-21-040)

Purpose: To provide information on the U.S. Nuclear Regulatory Commission's (NRC) publication of the direct final rule for the certification renewal of the Advanced Boiling Water Reactor (ABWR) standard design.

Background: GE-Hitachi Nuclear Energy submitted an application to the NRC on December 7, 2010, to renew the certification for the ABWR standard design for use in the United States. More information about the [original ABWR design review](#) and the [ABWR renewal review](#) is available on the NRC's website.

Discussion: The NRC published a direct final rule and a companion proposed rule for the renewal certification of the ABWR standard design in the *Federal Register* on July 01, 2021 ([86 FR 34905](#) - direct final rule; [86 FR 35023](#) – proposed rule). Comments on the companion proposed rule are due by August 02, 2021. The *Federal Register* notices contain details on how to submit comments. The *Federal Register* notice and documents related to this rulemaking are posted on the Federal e-Rulemaking Portal <https://www.regulations.gov> under Docket ID [NRC-2017-0090](#).

Design certifications, which are valid for 15 years, mean that the NRC has found a design acceptable for referencing by a potential future license applicant. The NRC has certified six designs in the past, including the original ABWR. These certifications are appendices to Title 10 of the *Code of Federal Regulations*, Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." The Commission's approval of this design certification renewal, by itself, does not grant approval for the construction of any ABWR nuclear power plant; rather, after the effective date of this rule, an applicant (typically a utility) would be able to reference the renewed standard design when applying for a Construction Permit, Operating License, or Combined License to build and operate a nuclear power plant. The original ABWR design certification is removed from the *Code of Federal Regulations* and cannot be referenced by future applicants. Matters resolved in a design certification rulemaking would not be reopened during a potential future reactor construction or licensing proceeding. As part of the review, the NRC also conducted an environmental assessment; the focus of this assessment was the applicant's evaluation of design alternatives that could prevent or mitigate severe accidents. For design certifications, there will be no impact to the environment because the applicant is seeking to certify a standard design rather than seeking to build a nuclear power plant. There are currently no planned license applications or identified sites for the renewed ABWR standard design in the United States; however, the NRC is informing states and federally recognized Tribes given the potential that this ABWR renewal could someday be referenced by a U.S. utility requesting an NRC license.

The NRC is using the direct final rulemaking process, which is a process reserved for non-controversial rulemakings. In this process, a proposed rule and final rule are published concurrently. The public and other parties have the opportunity to comment on the proposed rule during the associated public comment period. If no significant adverse comments are received, the final rule becomes effective on the date published in the original notice. If any significant adverse comments are received, the published final rule would be withdrawn. The NRC would revise the final rule to address public comments, as needed, and publish it as a separate issuance in the *Federal Register*.

For more general information about the NRC, what we regulate, how we regulate, and our rulemaking process, please visit our Web site at <https://www.nrc.gov> or view our Information Digest NUREG-1350 (<https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1350/>). For more specific information about the direct final rule process, please visit our Direct Final Rule Web site (<https://www.nrc.gov/about-nrc/regulatory/rulemaking/rulemaking-process/direct-final-rule.html>). You may also visit the NRC's public meeting Web site for information about any public meeting at <https://www.nrc.gov/pmns/mtg>. If you have any questions regarding the ABWR design certification renewal rulemaking or this correspondence, please contact the individuals named below:

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Sincerely,



Signed by Coyne, Kevin
on 07/01/21

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Division of Rulemaking, Environmental and
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