



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

September 23, 2021

ALL AGREEMENT STATES AND NON-AGREEMENT STATES
STATE LIAISON OFFICERS
FEDERALLY RECOGNIZED INDIAN TRIBES

SUBJECT: RULEMAKING TO EXTEND THE DURATION OF THE AP1000 DESIGN
CERTIFICATION (STC-21-069)

Purpose: To provide information on the U.S. Nuclear Regulatory Commission's (NRC) publication of the direct final rule to extend the duration of the AP1000 standard design.

Background: Westinghouse Electric Company, LLC, submitted a letter to the NRC on June 26, 2020, requesting that the NRC extend the duration of the AP1000 standard design for use in the United States by 5 years. More information about the original AP1000 design certification review and subsequent amendment is available on the NRC's Web site at <https://www.nrc.gov/reactors/new-reactors/design-cert/ap1000.html>.

Discussion: The NRC published a direct final rule and a companion proposed rule to extend the duration of the AP1000 standard design in the *Federal Register* on September 22, 2021 ([86 FR 52593](#) – direct final rule; [86 FR 52619](#) – proposed rule). Comments on the companion proposed rule are due by October 22, 2021. The *Federal Register* notices contain details on how to submit comments. The *Federal Register* notices and documents related to this rulemaking are posted on the Federal e-Rulemaking Portal <https://www.regulations.gov> under Docket ID [NRC-2020-0269](#).

Design certifications 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 AP1000. These certifications are appendices to Title 10 of the *Code of Federal Regulations*, Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants." The NRC's extension of this design certification, by itself, does not grant approval for the construction of any AP1000 nuclear power plant; rather, after the effective date of this rule, an applicant (typically a utility) would be able to reference the AP1000 standard design when applying for a Construction Permit, Operating License, or Combined License to build and operate a nuclear power plant. 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 on 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 two AP1000 nuclear reactors under construction in the United States. The NRC is informing states and federally recognized Tribes given the potential that this AP1000 design could be referenced by other U.S. utilities 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 rulemaking to extend the duration of the AP1000 standard design or this correspondence, please contact the individuals named below.

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Sincerely,



Signed by Coyne, Kevin
on 09/23/21

Kevin Coyne, Deputy Director
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