



Westinghouse Electric Company
Global Operations Services
1000 Westinghouse Drive
Cranberry Township, Pennsylvania 16066
USA

Anna Bradford, Director
Division of New and Renewed Licenses
U.S. Nuclear Regulatory Commission
Attention: Document Control Desk
Washington, DC 20555-0001

Direct tel: 412-374-5355
e-mail: corletmm@westinghouse.com

DCP_NRC_003341

June 26, 2020

References:

1. ML19161A169, SECY-19-0084 – Status of Rulemaking to Align Licensing Processes and Lessons Learned from New Reactor Licensing, September 5, 2019
2. 10 CFR Part 52 Appendix D – Design Certification Rule for AP1000 Design
3. ML17265A099, Staff Response, Denial-In-Part and Granting-In-Part of Exemption Request for AP1000 Renewal, March 1, 2018
4. ML18331A379, Consideration of Scope of Rulemaking to Update Regulations for Future New Reactor Licensing Applications, January 15, 2019
5. ML19247B731, ACRS Subcommittee Meeting: Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing Rulemaking, September 20, 2019
6. ML19304A144, Public Meeting: Status of Rulemaking to Align Licensing Processes and Apply Lessons Learned from New Reactor Licensing, November 21, 2019

Subject: AP1000® Design Certification Extension Request

Westinghouse Electric Company LLC (Westinghouse), the AP1000 Design Certification (DC) applicant referenced in 10 CFR 52 Appendix D, is requesting the US Nuclear Regulatory Commission (NRC) extend the duration of the AP1000 DC so it remains referenceable while the 10 CFR Part 50/52 lessons learned rulemaking (reference 1) is finalized. Currently, the AP1000 DC may be referenced in a new Combined License Application (COLA) until February 27, 2021 (reference 2) and Westinghouse is permitted to submit an AP1000 DC renewal application between February 27, 2023 and February 27, 2025 (reference 3).

The 10 CFR Part 50/52 lessons learned rulemaking will align licensing processes, improve clarity, reduce unnecessary burden on applicants and staff, and, where appropriate, make potentially transformative changes (reference 1). This rulemaking includes significant improvements to the DC renewal regulations, including consideration to eliminate the DC expiration date and consideration to simplify the DC change process. The NRC has held multiple public meetings to present the status of this rulemaking (references 4-6). The proposed improvements to the DC renewal regulations have been described by the staff as transformational (reference 4 & 5). The draft regulatory basis for the proposed changes is scheduled to be published in December 2020. The draft rule is scheduled to be issued for comment in October 2022 and finalized November 2024 (reference 6).

Westinghouse appreciates the NRC maintaining the proposed renewal rule changes as a high priority within the 10 CFR Part 50/52 lessons learned rulemaking. These proposed rule changes will make the design

AP1000 is a trademark or registered trademark of Westinghouse Electric Company LLC, its affiliates and/or its subsidiaries in the United States of America and may be registered in other countries throughout the world. All rights reserved. Unauthorized use is strictly prohibited. Other names may be trademarks of their respective owners

© 2020 Westinghouse Electric Company LLC
All Rights Reserved

certification renewal process more predictable and efficient. Westinghouse encourages the NRC to continue its work on this topic.

The current timeline for 10 CFR Part 50/52 lessons learned rulemaking implementation presents a unique challenge for AP1000 DC renewal. The transformational changes included within the proposed rulemaking would apply to the AP1000 plant. However, the proposed rulemaking is scheduled to take effect after the point which the AP1000 DC is no longer referenceable. Therefore, Westinghouse requests the NRC use the regulatory tools at its disposal to extend the AP1000 DC duration to February 27, 2026. This will allow the AP1000 DC to remain referenceable while the rulemaking is finalized. Alternatives to this regulatory action by the NRC would be time consuming and expensive for both Westinghouse and the NRC, and not justified given the amount of scrutiny that has been applied to the AP1000 plant over the past decade.

The AP1000 DC represents an important national investment made in the future of nuclear power in the United States by multiple stakeholders including the NRC, Westinghouse, the Department of Energy, and US utilities through investments from the Electric Power Research Institute, the Advanced Reactor Corporation and NuStart Energy Development, LLC. Considerable resources have been expended to get to this point. Extending the DC expiration date poses no safety or environmental risk, and alleviates an administrative burden that would be encountered for a new application. The AP1000 plant will soon be the first nuclear power plant licensed under 10 CFR Part 52 in operation. The demand for reliable carbon-free energy in the United States can change quickly; therefore, maintaining the safe, proven, AP1000 DC referenceable will give Westinghouse the ability to respond to the potential future needs of our customers and the public.

This letter does not constitute a DC renewal application request per 10 CFR 52.57.

Westinghouse appreciates the NRC's consideration of this request. Westinghouse is available to discuss if further clarification is needed.

Questions can be directed to Zachary Harper at 412-374-5093 or harperzs@westinghouse.com.

Very truly yours,

Michael M. Corletti

Michael M. Corletti, Director

Advanced Analysis, Risk Applications & Licensing

cc: Ho Nieh
Robert Taylor
Bob Caldwell
Michael Dudek