

## **Congressional Review Act Summary**

AGENCY: U.S. Nuclear Regulatory Commission

TITLE OF ACTION: Extending the Duration of the AP1000 Design Certification (10 CFR Part 52)

TYPE OF ACTION: Final Rule

LEVEL OF SIGNIFICANCE: Non-Major

AGENCY IDENTIFICATION: 3150

RIN AND/OR DOCKET ID: 3150-AK56 / NRC-2020-0269

DATE OF ISSUANCE: Estimated September 2021; effective 75 days after publication

STATUTORY OR JUDICIAL DEADLINE: None

### **DESCRIPTION OF ACTION:**

The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations to extend the duration of the AP1000 design certification (DC) for an additional 5 years.

This action would allow an applicant to reference the AP1000 DC while the NRC more broadly considers potential changes to the duration and renewal of future and currently valid DCs in a separate, ongoing rulemaking. The DC is also being updated to reflect changes requested by the design certification applicant, Westinghouse Electric Company, LLC. Extending the duration of the DC requires the design certification applicant to maintain DC documentation for the extended term of the certification.

A DC does not constitute the license for construction or operation of a nuclear power plant. Rather, a DC codifies the NRC's conclusion that the design meets all applicable safety requirements and is necessary so that applicants or licensees intending to construct and operate a nuclear power plant using an AP1000 standard design may do so by filing a separate application for a combined license referencing this DC rule.

The NRC approved the AP1000 DC in a final rule issued January 27, 2006 (71 FR 4464). The DC was amended in a final rule issued December 30, 2011 (76 FR 82079). Both of those previous actions were determined to be non-major rules.

### **ESTIMATED COSTS:**

There is no regulatory analysis or cost analysis performed for DC rules.

This action to extend the duration of the AP1000 DC does not affect the existing information collection burden for the AP1000 DC, but the following analysis is provided to support the conclusion that annual impact from extending the duration is less than \$100 million.

The annualized information collection burden change for the AP1000 DC resulting from this 5-year certification extension is 34 hours, broken down as follows:

- 0 hours for annual reporting burden
- 34 hours for annual recordkeeping burden

Therefore, the annual estimated cost for information collection is \$9,452 (34 hours × \$278/hour).

The NRC has determined that the records storage cost is roughly proportional to the recordkeeping burden cost. Based on a typical clearance, the recordkeeping storage cost has been estimated to be equal to 0.04 percent of the recordkeeping burden. Therefore, the annual recordkeeping storage cost for this collection is estimated to be \$4 (34 recordkeeping hours × \$278 × 0.0004).

The annual cost estimate for information collection and records storage is \$9,456 (\$9,452 + \$4) resulting from the existing AP1000 DC are well below the \$100 million annual threshold.

#### ANALYSIS:

- **Is there an annual effect on the economy of \$100 million or more?**

There is not an annual effect on the economy of \$100 million or more.

A DC is an NRC rule (regulation) approving a specific nuclear power plant standard design. By issuing a DC, the NRC approves a nuclear power plant design, independent of an application to construct or operate a plant at a site. There is one utility currently constructing an AP1000 nuclear power plant within the United States, but this final rule has no effect on that utility because it has already received a combined license from the NRC.

- **Is there a major increase (typically 10%–20%) in costs for consumers, individual industries, Federal, State, or local government agencies, or to geographical regions?**

The NRC does not foresee any major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or to geographical regions as a result of the AP1000 DC extension rule because this action does not constitute the license for construction or operation of a nuclear power plant at a site.

- **Is there a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets?**

There are no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic and export markets.

## SUMMARY

The NRC believes that extending the duration of the AP1000 design certification for an additional 5 years is not a major rule under the Congressional Review Act.

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