

August 23, 2012

Mr. Rich DeLong, Director  
AP1000 Licensing  
Westinghouse Electric Company  
1000 Westinghouse Drive  
Cranberry Township, PA 16066

SUBJECT: WITHDRAWAL OF THE AP1000 FINAL DESIGN APPROVAL

Dear Mr. DeLong:

By letter dated December 10, 2010, Westinghouse Electric Company (WEC) requested that the Nuclear Regulatory Commission (NRC) “retire” the final design approval (FDA) for the AP1000 design upon the completion of rulemaking for the amendment to the AP1000 design and the issuance of the amended AP1000 design certification (DCR) rule in Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52. The FDA, issued on March 10, 2006, and found under NRC's Agencywide Documents Access and Management System Number ML060110467, referenced Revision 15 of the AP1000 design control document (DCD).

As amended on August 28, 2007, the design approval process under 10 CFR Part 52 no longer requires an FDA as a prerequisite to a DCR, but is instead a separate licensing process. WEC's application to amend the AP1000 DCR did not request an update to the AP1000 FDA.

The NRC staff completed its review of Revision 19 to WEC's AP1000 DCD on August 5, 2011, and issued Supplement 2 to NUREG-1793, “Final Safety Evaluation Report for Revision 19 to the AP1000 Standard Design Certification,” in September 2011. On December 30, 2011, the NRC published in the *Federal Register* a final rule to amend 10 CFR Part 52, Appendix D, to certify the amended AP1000 design. As a result, there are now two different NRC-approved versions of the AP1000 design – an FDA for Revision 15 of the AP1000 DCD and a DCR for Revision 19 of the AP1000 DCD. The NRC staff's practice in initial certification of the four current DCRs was to request that the FDA holder update the Final Safety Analysis Report supporting the FDA (essentially the DCD) to reflect the version of the DCD approved and incorporated by reference as part of the final DC rulemaking. This practice was intended to ensure that there would be only a single version of the design approved both by the FDA and the DCR. By your letter referenced above, you made clear WEC prefers not to update the FDA to reflect Revision 19 of the DCD, but instead for the FDA to be “retired.”

R. DeLong

- 2 -

Based on the certification of the amended AP1000 design, which has superseded the previous AP1000 DCR in 10 CFR Part 52, Appendix D, the NRC staff agrees that the AP1000 FDA can be “retired” (i.e., withdrawn by the NRC) as WEC has voluntarily requested. As a result, combined license applicants seeking to reference the AP1000 design will need to reference the DC rule in lieu of the FDA. The NRC will publish a *Federal Register* notice to indicate that it has withdrawn the FDA for the AP1000 design.

Sincerely,

***/RA/***

David Matthews, Director  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-006

cc: See next page

Based on the certification of the amended AP1000 design, which has superseded the previous AP1000 DCR in 10 CFR Part 52, Appendix D, the NRC staff agrees that the AP1000 FDA can be "retired" (i.e., withdrawn by the NRC) as WEC has voluntarily requested. As a result, combined license applicants seeking to reference the AP1000 design will need to reference the DC rule in lieu of the FDA. The NRC will publish a *Federal Register* notice to indicate that it has withdrawn the FDA for the AP1000 design.

Sincerely,

**/RA/**

David Matthews, Director  
Division of New Reactor Licensing  
Office of New Reactors

Docket No. 52-006

cc: See next page

DISTRIBUTION:

Public	RidsNroDnrl	DMcGovern	MTonacci
RidsNroDnrlLB4	RidsNroDarr	BBavol	ACubbage
RidsOgcMailCenter	RidsAcrsAcnwMailCenter	RButler	GTartal
RidsRgn2MailCenter	SBrunell	RJoshi	MMayfield

ADAMS Accession No.: ML12202A071

NRO-002

OFFICE	DNRL/LB4:PM	DNRL/LB4: LA	DARR/APOB:BC
NAME	BBavol	RButler	ACubbage
DATE	7/26/12	07/23/12	7/26/12
OFFICE	DNRL/LB4:BC	OGC	DNRL/D
NAME	MTonacci	PMoulding	DMatthews
DATE	7/26/12	8/7/12	8/23/12

**OFFICIAL RECORD COPY**

DC Westinghouse - AP1000 Mailing List  
cc:

(Revised 07/03/2012)

Ms. Sara Barczak  
Southern Alliance for Clean Energy  
P.O. Box 8282  
Savannah, GA 31401

Mr. Tony Robinson  
AREVA NP, Inc.  
3315 Old Forest Road  
Lynchburg, VA 24501

Paul M. Bessette  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, NW  
Washington, DC 20004

Mr. Paul A. Russ  
Director, AP1000 Licensing  
Westinghouse  
1000 Westinghouse Drive  
Cranberry Township, PA 16066

Ms. Michele Boyd  
Legislative Director  
Energy Program  
Public Citizens Critical Mass Energy  
and Environmental Program  
215 Pennsylvania Avenue, SE  
Washington, DC 20003

Mr. Gary Wright, Director  
Division of Nuclear Facility Safety  
Illinois Emergency Management Agency  
1035 Outer Park Drive  
Springfield, IL 62704

Mr. Barton Z. Cowan, Esquire  
Eckert Seamans Cherin & Mellott, LLC  
600 Grant Street, 44th Floor  
Pittsburgh, PA 15219

Mr. Paul Gaukler  
Pillsbury, Winthrop, Shaw, Pittman  
2300 N Street, NW  
Washington, DC 20037

Ms. Sophie Gutner  
P.O. Box 4646  
Glen Allen, VA 23058

Ms. Shannon Bowyer Hudson  
Office of Regulatory Staff  
State of South Carolina  
1401 Main Street  
Suite 900  
Columbia, SC 29201

Rita Kilpatrick  
250 Arizona Ave.  
Atlanta, GA 30307

## DC Westinghouse - AP1000 Mailing List

### Email

agaughtm@southernco.com (Amy Aughtman)  
alsterdis@tva.gov (Andrea Sterdis)  
amonroe@scana.com (Amy Monroe)  
APAGLIA@Scana.com (Al Paglia)  
APH@NEI.org (Adrian Heymer)  
awc@nei.org (Anne W. Cottingham)  
bgattoni@roe.com (William (Bill) Gattoni))  
Bill.Jacobs@gdsassociates.com (Bill Jacobs)  
BrinkmCB@westinghouse.com (Charles Brinkman)  
Carellmd@westinghouse.com (Mario D. Carelli)  
cberger@energetics.com (Carl Berger)  
crpierce@southernco.com (C.R. Pierce)  
CumminWE@Westinghouse.com (Edward W. Cummins)  
cwaltman@roe.com (C. Waltman)  
david.hinds@ge.com (David Hinds)  
david.lewis@pillsburylaw.com (David Lewis)  
doug.ellis@shawgrp.com (Doug Ellis)  
eddie.grant@excelservices.com (Eddie Grant)  
erg-xl@cox.net (Eddie R. Grant)  
ewallace@nuscalepower.com (Ed Wallace)  
fbelser@regstaff.sc.gov  
gcesare@enercon.com (Guy Cesare)  
George.Madden@fpl.com (George Madden)  
gzinke@entergy.com (George Alan Zinke)  
james1.beard@ge.com (James Beard)  
jcsaldar@bechtel.com (James Saldarini)  
jerald.head@ge.com (Jerald G. Head)  
jflitter@regstaff.sc.gov  
jim@ncwarn.org (Jim Warren)  
john.elnitsky@pgnmail.com (John Elnitsky)  
Joseph\_Hegner@dom.com (Joseph Hegner)  
jrappe@nuscalepower.com (Jodi Rappe)  
kinneyrw@dhec.sc.gov (Ronald Kinney)  
KSutton@morganlewis.com (Kathryn M. Sutton)  
kwaugh@impact-net.org (Kenneth O. Waugh)  
lchandler@morganlewis.com (Lawrence J. Chandler)  
lindg1da@westinghouse.com (Don Lindgren)  
maria.webb@pillsburylaw.com (Maria Webb)  
marilyn.kray@exeloncorp.com  
mark.beaumont@wsms.com (Mark Beaumont)  
matias.travieso-diaz@pillsburylaw.com (Matias Travieso-Diaz)  
maurerbf@westinghouse.com (Brad Maurer)  
media@nei.org (Scott Peterson)  
melto1ma@westinghouse.com (Michael Melton)

DC Westinghouse - AP1000 Mailing List

Mitch.Ross@fpl.com (Mitch Ross)  
MSF@nei.org (Marvin Fertel)  
nirsnet@nirs.org (Michael Mariotte)  
nscjiangguang@sina.com (Jiang Guang)  
Nuclaw@mindspring.com (Robert Temple)  
patriciaL.campbell@ge.com (Patricia L. Campbell)  
paul.gaukler@pillsburylaw.com (Paul Gaukler)  
Paul.Jacobs@fpl.com (Paul Jacobs)  
Paul@beyondnuclear.org (Paul Gunter)  
pbessette@morganlewis.com (Paul Bessette)  
pshastings@generationmpower.com (Peter Hastings)  
Raymond.Burski@fpl.com (Raymond Burski)  
rclary@scana.com (Ronald Clary)  
rgrumbir@gmail.com (Richard Grumbir)  
Richard.Orthen@fpl.com (Richard Orthen)  
ritterse@westinghouse.com (Stanley E. Ritterbusch)  
RJB@NEI.org (Russell Bell)  
robert.kitchen@pgnmail.com (Robert H. Kitchen)  
rong-pan@263.net (Pan Rong)  
sabinski@suddenlink.net (Steve A. Bennett)  
saporito3@gmail.com (Thomas Saporito)  
sara@cleanenergy.org  
sfrantz@morganlewis.com (Stephen P. Frantz)  
shudson@regstaff.sc.gov (Shannon Hudson)  
sisk1rb@westinghouse.com (Rob Sisk)  
smsloan@babcock.com (Sandra Sloan)  
stephan.moen@ge.com (Stephan Moen)  
Steve.Franzone@fpl.com (Steve Franzone)  
strambgb@westinghouse.com (George Stramback)  
Tansel.Selekler@nuclear.energy.gov (Tansel Seleklek)  
Timothy.Beville@nuclear.energy.gov (Tim Beville)  
tom.miller@hq.doe.gov (Tom Miller)  
tomccall@southernco.com (Tom McCallum)  
TomClements329@cs.com (Tom Clements)  
trsmith@winston.com (Tyson Smith)  
Vanessa.quinn@dhs.gov (Vanessa Quinn)  
vijukrp@westinghouse.com (Ronald P. Vijuk)  
Wanda.K.Marshall@dom.com (Wanda K. Marshall)  
wayne.marquino@ge.com (Wayne Marquino)  
whorin@winston.com (W. Horin)