

RULEMAKING ISSUE
(Notation Vote)

January 3, 2011

SECY-11-0002

FOR: The Commissioners

FROM: R. W. Borchardt
Executive Director for Operations

SUBJECT: PROPOSED RULE: AP1000 DESIGN CERTIFICATION AMENDMENT
(RIN 3150-AI81)

PURPOSE:

The purpose of this paper is to request Commission approval to publish for public comment a proposed rule that would certify an amendment to the AP1000 standard design. The amendment would replace combined license (COL) information items and design acceptance criteria (DAC) with specific design information, address compliance with the aircraft impact assessment (AIA) rule, Title 10 of the *Code of Federal Regulations* (10 CFR), Section 50.150, "Aircraft Impact Assessment," and incorporate design improvements resulting from detailed design efforts.

SUMMARY:

Westinghouse Electric Company LLC (Westinghouse) requested changes to the AP1000 certified design, which the U.S. Nuclear Regulatory Commission (NRC or Commission) approved in the AP1000 design certification rule (DCR), 10 CFR Part 52, "Licenses, Certifications, and Approvals for Nuclear Power Plants," Appendix D, "Design Certification Rule for the AP1000 Design." Westinghouse seeks to replace COL information items and DAC with specific design information, address compliance with 10 CFR 50.150, and incorporate design improvements resulting from detailed design efforts.

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The NRC staff reviewed the requested changes and documented its safety review in the advanced final safety evaluation report (AFSER), related to certification of the AP1000 standard design Revision 18, on December 28, 2010 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML103260072). The staff believes that the amendment will continue to meet all applicable requirements in 10 CFR 52.54, "Issuance of Standard Design Certification." The final version of the safety evaluation report (SER) will only be subsequently modified to incorporate editorial (correction of typographic, grammatical, and cross-referencing errors) and conforming changes reflecting the Commission's staff requirements memorandum on this paper. It will be issued and available to the public by the time the proposed rule is published in the *Federal Register*. Therefore, the staff seeks Commission approval to publish in the *Federal Register* a proposed rule amending the AP1000 DCR.

BACKGROUND:

The AP1000 standard design was initially certified in Appendix D, to 10 CFR Part 52, on January 27, 2006 (71 FR 4464). The AP1000 standard design is described in Revision 15 to the design control document (DCD), which is incorporated by reference in Appendix D.

Westinghouse submitted Revision 16 to the DCD in its application to amend the AP1000 design certification on May 26, 2007 (ADAMS Accession No. ML071580939 (public version)). This application was supplemented by letters dated October 26, November 2, and December 12, 2007, and January 11 and January 14, 2008. On January 18, 2008, the NRC notified Westinghouse that it accepted the May 26, 2007, application, as supplemented, for docketing (Docket No. 52-006) (73 FR 4926; January 28, 2008) (ADAMS Accession No. ML073600743).

On September 22, 2008, Westinghouse submitted Revision 17 to the AP1000 DCD. Revision 17 contains changes to the DCD that have been previously accepted by the NRC in the course of its review of Revision 16 of the DCD. In addition, Revision 17 proposes changes to design acceptance criteria in the areas of piping design (Chapter 3), instrumentation and control systems (Chapter 7), and human factors engineering (Chapter 18).

On December 1, 2010, Westinghouse submitted Revision 18 of the DCD. Revision 18 includes all the DCD changes resulting from staff review of Revision 17, as well as additional design changes submitted during 2010, which have also been reviewed by NRC and documented in the AFSEER.

The NRC staff completed its review of the AP1000 standard design amendment request and issued the publicly available final safety evaluation report related to certification of the AP1000 standard design Revision 18, on December 28, 2010, under ADAMS Accession No. ML103260072.

The AP1000 standard design certification amendment application has been referenced in the following COL applications:

<u>COL Name</u>	<u>Docketed Date</u>	<u>Docketing <i>Federal Register</i> Citation</u>
Vogtle 3 and 4	May 30, 2008	73 FR 33118
Bellefonte 3 and 4	January 18, 2008	73 FR 4923
Levy County 1 and 2	October 6, 2008	73 FR 60726
Shearon Harris 2 and 3	April 17, 2008	73 FR 21995
Turkey Point 6 and 7	September 4, 2009	74 FR 51621
Virgil C. Summer 2 and 3	August 1, 2008	73 FR 45793
William States Lee III, 1 and 2	February 25, 2008	73 FR 11156

DISCUSSION:

Scope and NRC Review of Westinghouse AP1000 Amendment Application

Westinghouse's request to amend the AP1000 certified design contains a large number of changes to the DCD. Many of the proposed changes relate to the satisfactory completion of COL information items and the resolution of DAC and other design changes resulting from detailed design efforts. The staff SER provides the safety basis for acceptability of changes. The changes range from minor editorial revisions to substantive modifications of the design.

The amendment was also reviewed by the Advisory Committee on Reactor Safeguards (ACRS) in 12 subcommittee meetings and 2 full committee meetings. In addition to its review of the application, the ACRS also reviewed the adequacy of long-term core cooling in response to a Commission SRM dated May 8, 2008.

Editorial Changes

Westinghouse requested changes to the AP1000 DCD to correct spelling, punctuation, grammar, designations, and references. None of these changes is intended to make any substantive change to the certified design, and NUREG-1793, "Final Safety Evaluation Report Related to Certification of the AP1000 Standard Design," Supplement 2, does not address these changes.

Changes to Address Consistency and Uniformity

Westinghouse requested changes to the AP1000 DCD to achieve consistency and uniformity in the description of the certified design throughout the DCD. For example, Westinghouse made a change to the type of reactor coolant pump (RCP) motor and wherever this RCP motor is described in the DCD a new description of the changed motor is used. The staff reviewed this proposed change and all other similar changes (to be used consistently throughout the DCD) to ensure that the proposed changes are technically acceptable and do not adversely affect the previously approved design description. The staff's bases for approval of these changes are set forth in the SER for the AP1000 amendment.

Substantive Technical Changes to the AP1000 Design (other than those needed for compliance with the AIA rule)

Among the many technical changes that are proposed for inclusion in Revision 18 of the DCD, the NRC selected 16 changes for specific discussion in the *Federal Register* notice (FRN) for the proposed rule (Enclosure 1), based on their safety significance. Fifteen of these changes are described in Table 1. The remaining change is for compliance with the AIA rule, such as the revised shield building design. The NRC staff evaluated the proposed changes and concluded that they are acceptable. The NRC's bases for approval of these changes are set forth in the SER for the AP1000 amendment.

A number of design changes were proposed after submittal of Revision 17 that were not related to staff questions on the changes previously offered. The staff had been preparing chapters of the SER (first with open items and subsequently as an AFSER without open items) and had issued several chapters before these changes were submitted. In order to simplify the review of these later changes, a separate chapter (Chapter 23) dedicated to this review is included in the AFSER. This chapter indicates which areas of the DCD are affected by each design change and the correspondence from Westinghouse that submitted the design changes and the basis for acceptability.

Revision 18 of the DCD contains both these newer design changes and those presented in Revision 17 (as modified through the staff review process). As a result of these reviews, a number of DCD revisions were identified as being necessary to support the staff's safety evaluation review. These revisions are marked within the SER as confirmatory items (CIs), meaning that Westinghouse agreed to include them in Revision 18 and NRC agreed that the changes are acceptable. The confirmatory nature is for staff verification that the changes are appropriately incorporated into Revision 18. For the final rule, the staff will confirm implementation of the CI commitments and remove the CI nomenclature from the SER. The final SER will reflect the committed action.

Shield Building Design Change and Non-Concurrence

In Revision 16, Westinghouse proposed to revise the design of the cylindrical wall of the shield building from a reinforced concrete structure to a steel plate concrete composite structure. Other proposed design changes to the building include lowering its height, revising the air vent configuration, and strengthening the roof. These design changes were developed to increase the robustness of the building for malevolent aircraft impact events.

The staff reviewed the revised design with respect to its ability to perform all required safety functions under design basis loading conditions. The staff's primary focus was on the capability of the building for seismic events, and the effect of the revised air vents on passive containment cooling. The staff did not accept the original design of the building as proposed, as discussed in an NRC letter dated October 15, 2009 (ADAMS Accession No. ML092320205). In response, Westinghouse made a number of significant modifications to the design.

The revised shield building design and supporting analysis and testing information are in a report dated September 30, 2010, "Design Report for the AP1000 Enhanced Shield Building" (ADAMS Accession No. ML102790595).

The staff's safety evaluation for the revised shield building design was issued on November 8, 2010 (ADAMS Accession No. ML102870605) in a proprietary document. A public version with necessary redactions is included in the AFSER (ADAMS Accession No. ML103260072). The complete details of the staff's review are in the AFSER. Summarized below are the staff findings with respect to ductility and safety of the steel composite walls.

The staff finds that the AP1000 shield building design has two different spacings for the tie-bars to ensure that the steel concrete composite (SC) modules will function as a unit. For the regions of the SC wall with higher out-of-plane shear loads, and where yielding of the SC wall would be expected to initiate under a combination of tensile forces and out-of-plane bending for seismic loads in excess of the design-basis loads, the tie-bars in the SC modules are more closely spaced to provide out-of-plane shear ductility.

The staff also finds that the purpose of shear tests is to establish the minimum shear reinforcement (tie-bars) to the SC module so that it can function as a unit to resist both out-of-plane and in-plane shear forces, provide sufficient ductility (energy absorption/dissipation capability) for seismic-induced energy, and provide sufficient stiffness for the shield building to meet the allowable building drift limit. The staff finds that the tests were an acceptable basis to establish this minimum.

The staff concluded that the applicant has: (1) performed testing to obtain data on the response and behavior for key failure modes of the SC wall modules; (2) developed confirmatory analysis models; (3) shown that the models predict the observed experimental behavior and response with acceptable accuracy up to the design-basis seismic load level (safe-shutdown earthquake (SSE)); and (4) used the confirmatory analysis to predict stresses and strains in critical areas of the shield building for the SSE load level.

Based on the above findings and the applicant's SSE load level predictions of low stress and strain values in the SC steel plates, tie-bars, and studs, the staff finds the applicant's confirmatory analysis approach to be acceptable.

On these bases, the staff concluded that the SC wall will provide adequate strength, stiffness, and ductility under design-basis (or SSE) seismic loads. The staff finds the design for strength, stiffness, and ductility to be acceptable.

A non-concurrence was filed on the staff's review and findings of the shield building design. The non-concurrence relates to ductility in regions of the shield building under out-of-plane shear loading. In accordance with agency policy, management has reviewed the non-concurrence and concluded that the AFSER did not require revision to address issues raised in the non-concurrence, and agreed with the staff bases for determining that the AP1000 shield building met regulatory requirements. A proprietary version of the documentation associated with the shield building non-concurrence and the management review is available under ADAMS Accession No. ML103020207. A redacted version of the documentation of the staff non-concurrence is available, "Redacted Version of Dissenting View on AP1000 Shield Building Safety Evaluation Report With Respect to the Acceptance of Brittle Structural Module to be Used for the Cylindrical Shield Building Wall" (ADAMS Accession No. ML103370648). The agency response to the dissenting view refers to the analysis and conclusions summarized above, in particular, the regions of the SC wall with higher out-of-plane shear loads, where yielding of the SC wall would be expected to initiate under seismic loads in excess of the

design-basis loads where the applicant detailed the SC modules with more closely spaced tie-bars to provide out-of-plane shear ductility. The agency response to the dissenting view continues to support the conclusions originally included in the AFSER.

During the ACRS full committee meeting held on December 2–4, 2010, the staff presented its shield building design safety evaluation and the non-concurrence was discussed. The ACRS agreed with the staff's safety evaluation position on the shield building design and concluded that the proposed changes in the AP1000 amendment maintain the robustness of the certified design and that there is reasonable assurance that the revised design can be built and operated without undue risk to the health and safety of the public.

Instrumentation and Controls Non-Concurrences

Subsequent to the completion of the staff interactions with the ACRS in November and December 2010, two non-concurrences were filed on the staff review associated with certain aspects of digital instrumentation and controls. These non-concurrences are discussed in greater detail below.

In Revision 18, Westinghouse proposed to remove an Inspection, Testing, Analysis, and Acceptance Criterion (ITAAC) for the Protection and Safety Monitoring System (PMS), which is the primary protection system for the AP1000. Westinghouse added a PMS ITAAC related to the Component Interface Module (CIM) hardware/software development life cycle. The CIM is part of the PMS; however, the design requirements phase was not completed for the CIM at the time of the amendment review. Therefore, the design requirements phase of the new CIM ITAAC is considered to be a DAC.

In addition to modifications to the PMS, Westinghouse proposed removal of an ITAAC associated with the Diverse Actuation System (DAS). The DAS provides the anticipated transient without scram mitigation functions for the AP1000, as well as the back-up engineered safety feature actuation functions to address a software common-cause failure of the PMS.

Two non-concurrences were filed on the staff's AFSER for Chapter 7 of the AP1000 design (ADAMS Package Accession No. ML103420563). The first non-concurrence, "Insufficient Diversity and Independence in the Implementation Process for AP1000 Instrumentation and Controls Systems," involved concerns identified with implementation of quality assurance and diversity for the developer of the CIM and DAS, which is a Westinghouse sub-supplier. The proprietary documentation associated with this non-concurrence and the management review is available under ADAMS Accession No. ML103510336, and a public version of the non-concurrence package is available under ADAMS Accession No. ML103620506. Since the staff's concerns are related to the implementation of the design, a vendor inspection will be conducted to follow-up on the quality assurance and design implementation concerns in the early part of 2011. Subsequently, this non-concurrence was withdrawn based on the staff's plans to conduct the vendor inspection.

The second non-concurrence involves adequate reliability and demonstration of performance for the DAS, which uses two-out-of-two voting logic. A single failure or on-line maintenance could prevent the DAS from performing its functions. The DAS functions were determined by using a focused probabilistic risk assessment study as opposed to the deterministic, best-estimate analysis recommended in staff guidance in Standard Review Plan BTP 7-19, "Guidance for

Evaluation of Diversity and Defense-in-Depth in Digital Computer-Based Instrumentation and Control Systems,” and the SRM dated July 21, 1993, on SECY-93-087, “Policy, Technical, and Licensing Issues Pertaining to Evolutionary and Advanced Light-Water Reactor (ALWR) Designs.” Both design aspects were previously approved in the certified design. In accordance with agency policy, management has reviewed the non-concurrence and concluded that the AFSER did not require revision to address issues raised in the non-concurrence and agreed with the staff bases for determining that the AP1000 DAS met regulatory requirements. The non-concurrence does not identify a basis for, or evidence of, safety concerns associated with the methods used in analyzing either the DAS or the functions and actuations credited in the safety analysis for the I&C system. Further, a best-estimate analysis might have provided some additional support for the conclusions in the safety evaluation; however, the existing technical documents submitted by the applicant and reviewed by the staff meet the applicable regulatory requirements and demonstrate the safety of the digital I&C system. A proprietary version of the documentation associated with this non-concurrence and the management review is available under ADAMS Accession No. ML103620334. A redacted, public version is available under ADAMS Accession No. ML103630486.

Compliance with the Aircraft Impact Assessment (AIA) Rule

As permitted under the AIA rule, 10 CFR 50.150, Westinghouse requested changes to the AP1000 DCD to address the requirements of the AIA rule. In addition, the rulemaking includes proposed changes to the AP1000 rule language in Section X of 10 CFR Part 52, Appendix D. These proposed changes to Section X reflect the AIA change and departure process, and the AIA rule’s recordkeeping and reporting requirements, as noted in the Statement of Considerations for the AIA rule (74 FR 28112; June 12, 2009, page 28121, second and third columns).

In the AFSER, the staff finds that Westinghouse has performed an AIA that is reasonably formulated to identify design features and functional capabilities to show, with reduced use of operator action, that the acceptance criteria in 10 CFR 50.150(a)(1) are met.

The staff conducted an inspection of Westinghouse’s AIA performed in support of its proposed amendment to the AP1000 certified design on September 27–October 1, 2010. As a result, on October 28, 2010, the staff issued a Severity Level IV Notice of Violation (NOV) to Westinghouse for failing to use realistic analyses for certain aspects of its AIA and for not fully identifying and incorporating into the design those design features and functional capabilities credited. With the exception of the issues identified in the NOV, the staff concluded that the Westinghouse AIA for the AP1000 certified design complies with the applicable requirements of 10 CFR 50.150.

Westinghouse submitted its response to the NOV on November 12, 2010, “Reply to Notice of Violation Cited in NRC Inspection Report No.: 05200006/2010-203 dated October 28, 2010” (ADAMS Accession No. ML103210409). On November 23, 2010, the staff replied to Westinghouse that the staff found Westinghouse’s letter acceptable to address the findings described in the NOV, “Westinghouse Electric Company Response to U.S. Nuclear Regulatory Commission (NRC) Inspection Report [05200006/2010-203] and Notice of Violation” (ADAMS Accession No. ML103260447). The NRC staff has no outstanding issues from the inspection of the Westinghouse AIA.

On November 19, 2010, Westinghouse briefed the ACRS on the details of its assessment and on December 16, 2010, the staff briefed the ACRS on its review and inspection. The ACRS plans to issue a separate letter on the AIA following their January 2011 full committee meeting.

Compliance with Backfit Rule and Finality Provisions of 10 CFR 52.63(a)(1)

The staff determined that the changes proposed by Westinghouse, with the exception of the changes necessary to comply with the AIA rule, meet the criteria in 10 CFR 52.63(a)(1) for allowing changes to a DCR. The new provisions of 10 CFR 50.150 contain the requirements of the AIA rule. Table 1 sets forth the 10 CFR 52.63(a)(1) criteria applicable to significant changes. These criteria apply to standard DCRs in effect under 10 CFR 52.55, "Duration of Certification," or 10 CFR 52.61, "Duration of Renewal." The finality provisions of 10 CFR 52.63 limit the Commission's ability to modify, rescind, or impose new requirements on the certification information to cases in which the Commission determines that a change is necessary. The enclosed FRN further describes the significant changes proposed to the AP1000 design and the bases for the NRC's determination that each change meets one of the finality criteria in 10 CFR 52.63(a)(1).

Table 1. Significant Changes to the AP1000 Design

Description of Change	SER Discussion Section	Finality Criterion Satisfied
Removal of Human Factors Engineering DAC from DCD	18.7.6, 18.5.9, 18.2.8, and 18.11	10 CFR 52.63(a)(1)(iv) (detailed design information-DAC)
Changes to Instrumentation and Control DAC and Inspections, Tests, Analyses, and Acceptance Criteria	7.2.2.3.14, 7.2.5, 7.7, 7.8.2, 7.9.2, and 7.9.3	10 CFR 52.63(a)(1)(iv)
Minimization of Contamination	12.2	10 CFR 52.63(a)(1)(vii) (contributes to increased standardization)
Extension of Seismic Spectra to Soil Sites and Changes to Stability and Uniformity of Subsurface Materials and Foundations	3.7, 2.5.2, and 2.5.4	10 CFR 52.63(a)(1)(vii)
Long-Term Cooling	6.2.1.8	10 CFR 52.63(a)(1)(vii)
Control Room Emergency Habitability System	6.4	10 CFR 52.63(a)(1)(vii)
Changes to the Component Cooling Water System	Chapter 23.V	10 CFR 52.63(a)(1)(vii)
Changes to Instrumentation and Control Systems	7.1, 7.3, 7.9	10 CFR 52.63(a)(1)(vii)
Changes to the Passive Core Cooling System – Gas Intrusion	Chapter 23.L	10 CFR 52.63(a)(1)(vii)
Integrated Head Package – Use of the QuickLoc Mechanism	5.2.3 and 12.4.2.3	10 CFR 52.63(a)(1)(vii)
Reactor Coolant Pump Design	5.4.1	10 CFR 52.63(a)(1)(vii)
Reactor Pressure Vessel Support System	Chapter 23.R	10 CFR 52.63(a)(1)(vii)
Spent Fuel Pool Decay Heat Analysis and Associated Design Changes	9.2.2	10 CFR 52.63(a)(1)(vii)
Spent Fuel Rack Design and Criticality Analysis	9.1.2	10 CFR 52.63(a)(1)(vii)
Vacuum Relief System	Chapter 23.W	10 CFR 52.63(a)(1)(vii)

With respect to the changes necessary to comply with the AIA rule, 10 CFR 50.150(a)(3)(v)(B) of the AIA rule requirements allows each of the four current DCRs to be amended to address compliance with the AIA rule, but requires that the DCR comply with the AIA rule no later than issuance of the renewed DCR. Inasmuch as these requirements are inconsistent with the issue finality provisions of 10 CFR 52.63(a)(1) and paragraphs VIII.A and VIII.B of the four current DCRs, the NRC “administratively exempted” the AIA rule, as applied to each of the four current DCRs, from the issue finality provisions in 10 CFR Part 52 (74 FR 28112; June 12, 2009, page 28144, first column). Accordingly, the Commission may approve the changes to the AP1000

needed to comply with the AIA rule without further consideration of the backfit rule, 10 CFR 50.109, or the issue finality provisions in 10 CFR 52.63.

Access to Safeguards Information (SGI) and Sensitive, Unclassified Non-Safeguards Information (SUNSI) (Including Proprietary Information (PI))

As discussed in SECY-10-0142 dated October 27, 2010, under ADAMS Accession No. ML102030495, for the proposed amendment to the Advanced Boiling-Water Reactor (ABWR) DCR to address compliance with the AIA rule, the staff is proposing to revise paragraph E of Section VI, "Issue Resolution," of Appendix D to 10 CFR Part 52, which describes the procedure that an interested member of the public must follow to obtain access to PI and SGI for the AP1000 design to request and participate in proceedings that involve licenses and applications that reference the AP1000 design. The staff is proposing to replace the current information in paragraph E with a statement that the NRC will specify, at an appropriate time, the procedure that interested persons must follow to review SGI or SUNSI (including PI), for the purpose of participating in the hearing required by 10 CFR 52.85, "Administrative review of applications; hearings," the hearing provided by 10 CFR 52.103, "Operation under a combined license," or any other proceeding related to Appendix D to 10 CFR Part 52 in which interested persons have a right to request an adjudicatory hearing. For a COL application referencing the AP1000 amendment, the procedures governing access to SUNSI (including PI) and SGI for the AP1000 amendment will be controlled by the Commission's access order published as part of the Notice of Order, Hearing, and Opportunity to Petition for Leave to Intervene for those COLs.

Rulemaking Procedure

The standard design certification amendment is being conducted in accordance with the applicable requirements in Subpart B, "Standard Design Certifications," of 10 CFR Part 52; 10 CFR Part 2, "Rules of Practice for Domestic Licensing Proceedings and Issuance of Orders"; and 10 CFR Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions." The rulemaking package includes the FRN of proposed rulemaking and the NRC's draft environmental assessment for the amendment to the AP1000 design. In addition, the FRN provides a 75-calendar day period for comment on those documents as well as the AP1000 DCD, which would be incorporated by reference into the DCR. The DCD is available on the NRC's public Web site at <http://www.nrc.gov/reactors/new-reactors/design-cert/amended-ap1000.html>. The proposed rule would also describe the process by which a member of the public could request and access PI, SUNSI, or SGI to provide meaningful comment on the proposed rule. This process and the rationale for this approach are consistent with the staff's proposal to the Commission in its draft proposed rule for amendment to the ABWR in SECY-10-0142.

RESOURCES:

The Office of New Reactors (NRO) has budgeted 0.7 full-time equivalent (FTE) to manage this rulemaking in the fiscal year (FY) 2011 President's budget. The Office of the General Counsel (OGC), Office of Administration, and Office of Information Services (OIS) have budgeted 0.1 FTE each in FY 2011 for this rulemaking.

NRO has requested 0.1 FTE in the FY 2012 budget request. Resources for other offices in FY 2012 and beyond, if necessary, will be requested through the planning, budget, and performance management process.

RECOMMENDATIONS:

That the Commission:

- (1) Approve the proposed amendment to 10 CFR Part 52 for publication in the *Federal Register*.
- (2) In order to satisfy requirements of the Regulatory Flexibility Act of 1980, as amended (5 U.S.C. § 605(b)), certify that this rule, if promulgated, will not have a negative economic impact on a substantial number of small entities.
- (3) Determine that:
 - (a) The proposed rule does not constitute “backfitting” as defined in the backfit rule (10 CFR 50.109, “Backfitting”);
 - (b) Compliance with the issue finality provisions of 10 CFR 52.63 with respect to changes necessary to comply with the AIA rule were addressed in the AIA rulemaking, when the Commission “administratively exempted” the AIA rule from the issue finality provisions in 10 CFR Part 52; and
 - (c) The Westinghouse-initiated changes to the AP1000 design meet the issue finality provisions of 10 CFR 52.63.
- (4) Note the following:
 - (a) The NRC will publish the proposed rule (Enclosure 1) in the *Federal Register* for a 75-calendar day comment period.
 - (b) The staff has performed an environmental assessment that resulted in a finding of no significant impact and evaluated severe accident mitigation design alternatives for the proposed amendment (Enclosure 2).
 - (c) This proposed rule would amend information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 et seq.). These information collection requirements must be submitted to the Office of Management and Budget (OMB) for approval on, or immediately after, the date of publication of the proposed rule in the *Federal Register*. OMB’s approval may impact the schedule for this rulemaking if it is not received before the Commission’s decision on the final rule.
 - (d) The staff will inform the Chief Counsel for Advocacy of the Small Business Administration of the certification on the economic impact on small entities and the reasons for it, as required by the Regulatory Flexibility Act of 1980 (Section XIII of Enclosure 1).

- (e) The appropriate Congressional committees will be informed.
- (f) The Office of Public Affairs will issue a press release.
- (g) The staff will use a communication plan that includes frequently asked questions on the DCR process and the use of a DCR in referenced COL applications, as well as questions prepared specifically for this amendment to the AP1000 standard design.

COORDINATION:

OGC has reviewed this paper and has no legal objections, subject to OGC's review of the expected ACRS letter on aircraft impact and the staff response to that letter. The Office of the Chief Financial Officer does not need to review this paper because resources do not exceed 1 FTE in any fiscal year. OIS has reviewed this paper for information technology and information management implications and concurs with it.

The staff presented the Advanced SER for the Westinghouse amendment of the AP1000 design certification to the ACRS on December 2, 2010. In a letter to the Chairman dated December 13, 2010 (ADAMS Accession No. ML103410351), the ACRS stated that the Westinghouse application to amend the AP1000 DCR and the staff's SER are acceptable. Additionally, in a letter to the Chairman dated December 20, 2010 (ADAMS Accession No. ML103410348), the ACRS stated that the regulatory requirements for long-term cooling for design-basis accidents have been adequately met and the issue is closed for the AP1000 design. The staff will provide an information copy of the enclosed FRN to the ACRS after publication.

/RA by Martin J. Virgilio for/

R. W. Borhardt
Executive Director
for Operations

Enclosures:

1. *Federal Register* Notice
2. Environmental Assessment

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The staff presented the Advanced SER for the Westinghouse amendment of the AP1000 design certification to the ACRS on December 2, 2010. In a letter to the Chairman dated December 13, 2010 (ADAMS Accession No. ML103410351), the ACRS stated that the Westinghouse application to amend the AP1000 DCR and the staff’s SER are acceptable. Additionally, in a letter to the Chairman dated December 20, 2010 (ADAMS Accession No. ML103410348), the ACRS stated that the regulatory requirements for long-term cooling for design-basis accidents have been adequately met and the issue is closed for the AP1000 design. The staff will provide an information copy of the enclosed FRN to the ACRS after publication.

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Enclosures:

- 1. *Federal Register* Notice
- 2. Environmental Assessment

ADAMS ACCESSION NO.: ML103000394 (pkg.) EDATS: NRO-2010-0021 SECY-012 *via e-mail

OFFICE	PM:NRO/DNRL	LA:NRO/DNRL	BC:NRO/DNRL	BC:NRO/DNRL	BC:ADM/RADB
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DATE	11/18/2010	11/16/2010	11/30/2010	11/30/2010	11/26/2010
OFFICE	D:NRO/DNRL	D:NRO/DSRA	D:NRO/DE	OD:NSIR	OD:OE
NAME	DMatthews	CAder*	TBergman(LDudes for)	JWiggins(AHowell for)	RZimmerman*
DATE	12/07/2010	11/30/2010	12/27/2010	11/30/2010	11/23/2010
OFFICE	BC:OIS/ICT	OGC	OD:NRO	EDO	
NAME	TDonnell(KBenney for*)	BJones(HBenowitz for*)	MJohnson*	RWBorchardt (MVirgilio for)	
DATE	12/01/2010	12/28/2010	12/30/2010	1/3/2011	

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