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Your ref: Docket No. 52-006  
Our ref: DCP\_NRC\_003079

December 10, 2010

**Subject:** Westinghouse request for NRC to retire the AP1000 Final Design Approval (FDA) issued March 10, 2006 upon completion of rulemaking for the amendment to the AP1000 NRC certified design

**Reference 1:** Letter to Mr W.E. Cummins Director AP600&AP1000 Projects from J.E. Dyer Director Office of Nuclear Regulations – “Final Design Approval for AP1000”, dated September 13, 2004

**Reference 2:** NRC/RCPL-06-031 “Revised Final Design Approval for AP1000” dated March 10, 2006

**Reference 3:** 71 Fed. Reg. 4478 (Jan. 27, 2006); 72 Fed. Reg. 49555 (Aug. 18, 2007)

**Reference 4:** 72 Fed. Reg. 49352 (Aug. 28, 2007)

Westinghouse requests the NRC retire the AP1000™ Final Design Approval (FDA) issued March 10, 2006 upon completion of rulemaking for the amendment to the AP1000 NRC certified design and the issuance of the amended AP1000 certified design regulation in 10 CFR Part 52.

Prior to August 28, 2007 a final design approval under 10 CFR Part 52 Appendix O was a prerequisite for certification of a standard design under 10 CFR Part 52.

On September 13, 2004 NRC granted a Final Design Approval to Westinghouse for its AP1000 design.(Ref 1) The U.S Nuclear Regulatory Commission (NRC) issued the FDA under CFR Part 52 Appendix O. At the time Appendix O to Part 52 set forth the requirements for NRC staff approval of a standard design for a nuclear plant or a major portion of a nuclear plant. The FDAs were issued during previous design certification reviews when FDAs were a prerequisite to certification of a standard plant design (see SOC discussion on 10 CFR 52.43 in this document). The FDA allowed the AP1000 design to be referenced in an application for a construction permit or an operating license under 10 CFR Part 50 or in an application for a combined license under 10 CFR Part 52. Issuance of a FDA signified completion of the technical review phase of Westinghouse’s application for certification of the AP1000 design. This FDA was subsequently revised and the NRC granted approval to the revised FDA on March 10 , 2006. (Ref 2)

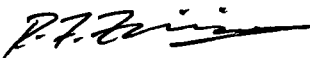
On January 27, 2006, the NRC issued a Standard Design Certification Rule for the AP1000 design (Appendix D, 10 CFR Part 52). (Ref 3)

On August 28, 2007 10 CFR Part 52 was amended and the design approval process, formerly located in Appendix O to Part 52, was moved to subpart E of Part 52 and reformatted to be consistent with other subparts (Ref 4). A new § 52.133 was created to describe the relationship of the design approval process with other subparts. As a result of this amendment, an FDA no longer is required in order for a design to be certified by the NRC.

With this back ground – Westinghouse is formally requesting that the current FDA for AP1000 be retired in the manner and at the time noted in the first paragraph above. In the future, Westinghouse will reference the NRC certified design in lieu of the FDA.

Please direct any questions or comments to R. F. Ziesing at 412-374-2035.

Very truly yours,



R. F. Ziesing  
Director, U.S. Licensing

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