



[Docket No. 52-00006; NRC-2026-2443]

**Westinghouse Electric Company LLC; AP1000 Design Certification Renewal;
Exemption**

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has issued an exemption in response to an April 7, 2026, request from Westinghouse Electric Company LLC (Westinghouse) from requirements to apply for renewal of the AP1000 design certification more than 36 months before the expiration of the initial 40-year period.

DATES: The exemption was issued on June 24, 2026.

ADDRESSES: Please refer to Docket ID NRC-2026-2443 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2026-2443. Address questions about Docket IDs in Regulations.gov to Bridget Curran; telephone: 301-415-1003; email: Bridget.Curran@nrc.gov. For technical questions, contact the individual listed in the "For Further Information Contact" section of this document.

- **NRC's Agencywide Documents Access and Management System**

(ADAMS): You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin ADAMS Public Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by e-mail to PDR.Resource@nrc.gov. Westinghouse's request for exemption from paragraph 52.57(a) of title 10 of the *Code of Federal Regulations* (10 CFR), and the NRC response, can be found under ADAMS Accession Nos. ML26097A439 and

ML26117A115, respectively.

- **NRC's PDR:** The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jason Carneal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555-0001; telephone: (301) 415-1451; email: Jason.Carneal@nrc.gov.

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Authority: 42 U.S.C. 2011 *et seq.*

Dated: June 29, 2026.

For the Nuclear Regulatory Commission.

Michele Sampson,
Acting Division Director,
Division of Advanced Reactor Licensing,
Office of Advanced Reactors.

NUCLEAR REGULATORY COMMISSION

[Docket No. 52-00006]

Westinghouse Electric Company LLC;

AP1000 Standard Design Certification Renewal;

Exemption

I. Background

Westinghouse Electric Company LLC (Westinghouse), the sponsor of the AP1000 standard design certification (DC), has requested an exemption from scheduling requirements for the renewal of the AP1000 DC. Relatedly, Westinghouse submitted its AP1000 DC renewal request and an associated amendment (Revision 20) on March 27, 2026 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML26086A408 (package)). The DC renewal request and associated amendment would update the AP1000 design control document (DCD) to reflect construction and operating experience from AP1000 nuclear power plants operating in the United States, which would allow for consistency and standardization in future AP1000 applications. As further discussed below, this action is related to Westinghouse's exemption request; the NRC staff will review the DC renewal request and associated amendment separately.

In accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 52.55, "Duration of certification," a combined license application (COLA) may reference the current AP1000 DC until February 27, 2046. Pursuant to paragraph (a) of 10 CFR 52.57, "Application for renewal," any person may apply for renewal of a DC not less than 12 nor more than 36 months before the expiration of the initial 40-year period. Therefore, in order to apply for renewal of the AP1000 DC earlier than February 27, 2043, Westinghouse submitted a request for exemption from the scheduling requirements of 10 CFR 52.57(a) on April 7, 2026 (ML26097A439). On April 27, 2026, the U.S. Nuclear Regulatory Commission (NRC or the Commission) staff determined the exemption request contained sufficient information for the

NRC staff to initiate a detailed technical review and accepted the exemption request for docketing (ML26117A115).

II. Request/Action

In its April 7, 2026, exemption request, Westinghouse stated that the associated AP1000 DC amendment request, if approved, would bring the DCD up to date by including construction and operating experience from the operating AP1000 nuclear power plants, allowing for consistency and standardization in future AP1000 plant applications. The NRC staff notes that this exemption request is being considered separately from the AP1000 DC renewal request and associated amendment. Upon approval of the exemption request, the NRC staff would undertake a detailed review of the AP1000 DC renewal application, including the amendment request, to determine whether the renewal application meets the applicable regulatory requirements such that the AP1000 DC can be renewed.

III. Discussion

The NRC staff's evaluation of the requested exemption is governed by 10 CFR 52.7 and 10 CFR 50.12. Pursuant to 10 CFR 50.12(a), the Commission may, upon application by any interested person or upon its own initiative, grant exemptions when: (1) the exemptions are authorized by law, will not present an undue risk to public health and safety, and are consistent with the common defense and security; and (2) special circumstances are present. The NRC staff's evaluation of Westinghouse's exemption request with respect to each of these requirements is described below.

A. The Exemption is Authorized by Law.

The requested exemption from the scheduling requirements in 10 CFR 52.57(a) would allow for renewal of the AP1000 DC more than 36 months before its expiration on February 27, 2046. Neither the Atomic Energy Act of 1954 (AEA), as amended, nor the Administrative Procedure Act (APA) requires a specific time period within which an application for a DC renewal must be filed; the time period specified in 10 CFR 52.57(a) is specific to NRC regulations. Because the regulation at 10 CFR 52.7 allows the NRC to grant exemptions from its regulations in 10 CFR Part 52 and because the AEA and APA do not require a specific time

period for timely renewal of a DC, the NRC staff has determined that granting this exemption will not result in a violation of the AEA or the APA. Therefore, the exemption is authorized by law.

B. The Exemption Presents No Undue Risk to Public Health and Safety.

The requested exemption from 10 CFR 52.57(a) involves scheduling requirements for renewal of a DC. Specifically, it would enable the submission of Westinghouse's AP1000 DC renewal application and an associated amendment before the time specified in the regulation. This update would allow future AP1000 applications to be consistent with current industry construction and operating experience, thereby ensuring public health and safety. Therefore, the exemption presents no undue risk to public health and safety.

C. The Exemption is Consistent with the Common Defense and Security.

The requested exemption from 10 CFR 52.57(a) involves scheduling requirements for renewal of a DC and has no relation to security issues. If approved, the AP1000 DCD would be updated to reflect operating experience and the as-built design. Therefore, the exemption is consistent with the common defense and security.

D. Special Circumstances.

Special circumstances, in accordance with 10 CFR 50.12(a)(2), must be present for the Commission to consider granting an exemption. Under 10 CFR 50.12(a)(2)(ii) and (vi), respectively, special circumstances are present when application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule or when there is present any other material circumstance not considered when the regulation was adopted for which it would be in the public interest to grant an exemption. The NRC staff has determined that special circumstances are present in accordance with 10 CFR 50.12(a)(2)(ii) and (vi), as further discussed below.

In its exemption request, Westinghouse indicated the 36-month renewal timeframe requirement set forth in 10 CFR 52.57(a) is not necessary to achieve the underlying purpose of the rule, which is to allow time for the accumulation of operating experience, in the case of the requirement to submit a renewal application not more than 36 months before expiration of a DC. This scheduling requirement ensures that any renewal application reflects up-to-date

information and data that would be incorporated into a DC, if renewed. As the exemption request noted, relevant construction and operation lessons learned from the current operating AP1000 nuclear power plants have been included in the proposed DC amendment. Thus, delaying submission of the AP1000 DC renewal application until 2043, or 36 months before the expiration of the initial 40-year period, is not necessary to meet the underlying purpose of the rule because a significant volume of information and data is now available to bring the AP1000 DC up to date. The NRC staff therefore has determined, in accordance with 10 CFR 50.12(a)(2)(ii), that special circumstances are present because application of the regulation in the particular circumstances is not necessary to achieve the underlying purpose of the rule.

Additionally, delaying submission of the AP1000 DC renewal application until 2043 could lead to inefficiencies for both the NRC staff and applicants in connection with future COLA submittals that reference the AP1000 DC. Allowing renewal of the AP1000 DC before the timeframe specified in 10 CFR 52.57(a) would, if the renewal request and associated amendment are approved, enable lessons learned to be incorporated into the DC, thereby allowing applications referencing the AP1000 DC that are submitted before 2043 to incorporate the updated information and data and realize licensing efficiencies. In addition, as the exemption request noted, the AP1000 design is the only certified design that has been built to completion in the United States. The AP1000 DC thus is in a unique position in which updated information and data from recent construction and operation are already available to be incorporated into the DC. Lastly, as the exemption request stated, the requested exemption is aligned with the Nuclear Energy Innovation and Modernization Act of 2019 (NEIMA), the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy Act of 2024 (ADVANCE Act), and recent executive orders, by increasing licensing efficiencies for potential future advanced reactor applicants, thereby enabling the safe and secure use and deployment of civilian nuclear energy technologies. For these reasons, there are material circumstances present that were not considered when the regulation was adopted for which it is in the public interest to grant the exemption. Therefore, the NRC staff has determined that special circumstances are present in accordance with 10 CFR 50.12(a)(2)(vi).

E. Environmental Considerations.

On March 30, 2026 (91 FR 15519), the NRC amended its regulations in 10 CFR 51.22, “Categorical exclusions,” including the provision Westinghouse cited as the basis for excluding the exemption request from environmental review under the National Environmental Policy Act (NEPA). As further discussed below, the NRC staff has determined that issuance of the requested exemption meets the criteria for categorical exclusion set forth in 10 CFR 51.22, specifically paragraph (d)(5) related to changes to scheduling requirements. Before the March 30, 2026, rulemaking, this provision was located at 10 CFR 51.22(c)(25)(vi)(G), which Westinghouse cited in its exemption request. The NRC staff’s evaluation of the applicability of the categorical exclusion under 10 CFR 51.22(d)(5) is discussed below.

Categorical Exclusion Under 10 CFR 51.22(d)(5)

The provisions of 10 CFR 51.22(d) exclude certain categories of NRC actions from the requirement to prepare an environmental assessment or environmental impact statement, provided that any ground disturbance is limited to previously disturbed areas and there is no significant change in the types or significant increase in the amounts of any effluents that may be released offsite, no significant increase in individual or cumulative public or occupational radiation exposure, and no significant increase in the potential for or consequences from radiological accidents.

This action relates to an exemption from scheduling requirements for DC renewal applications set forth in 10 CFR 52.57(a) and would allow Westinghouse to submit an application for renewal of the AP1000 DC more than 36 months before the initial 40-year period, which expires in 2046. Therefore, 10 CFR 51.22(d)(5), which categorically excludes from environmental review NRC actions related to changes to scheduling requirements, applies to this exemption.

The NRC staff has determined this action regarding the DC renewal scheduling requirement involves no physical change to the human environment. Thus, any ground disturbance is limited to previously disturbed areas. Additionally, the NRC staff has determined that the action involves no significant change in the types or significant increase in the

amounts of any effluents that may be released offsite, no significant increase in individual or cumulative public or occupational radiation exposure, and no significant increase in the potential for or consequences from radiological accidents. Finally, the NRC staff has determined that a categorical exclusion applies and that special circumstances under 10 CFR 51.22, "Categorical exclusions," are not present that would preclude reliance on the categorical exclusion. Accordingly, this action meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(d)(5). Pursuant to 10 CFR 51.22, no environmental impact statement or environmental assessment need be prepared in connection with the action.

IV. Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 52.7 and 10 CFR 50.12, the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants Westinghouse a one-time exemption from the requirement in 10 CFR 52.57(a) that an application for renewal of a DC must be submitted not less than 12 nor more than 36 months before expiration of the initial 40-year period, such that Westinghouse may apply for renewal of the AP1000 DC more than 36 months before the expiration of the initial 40-year period.

Dated at Rockville, Maryland, this **24** day of **June 2026**

For the Nuclear Regulatory Commission.

/RA/

Michele Sampson, Acting Division Director,
Division of Advanced Reactor Licensing,
Office of Advanced Reactors.

[FR Doc. 2026-13386 Filed: 7/1/2026 8:45 am; Publication Date: 7/2/2026]