



**KHNP**  
KOREA HYDRO & NUCLEAR POWER CO., LTD

**KHNP Central Research Institute**

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U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001, U.S.A.

MKD/NW-13-0019L  
July 25, 2013

Attention: Samuel S. Lee, Chief, Environment Projects Branch 2, NRO

**Subject:** Co-Applicants for Design Certification of the APR1400

As we have discussed with you, Korea Hydro & Nuclear Power Co., Ltd (KHNP) and its parent company, Korea Electric Power Corporation (KEPCO), plan to submit an application for design certification of the APR1400 later this year. The purpose of this letter is to summarize the respective responsibilities of KHNP and KEPCO and to confirm that NRC has no objection to submission of a design certification application by co-applicants such as KHNP and KEPCO.

KHNP will be the lead applicant for design certification of the APR1400. KHNP will be responsible for the design and analyses to support the design certification application for the APR1400, and those activities will be performed in accordance with KHNP's quality assurance program as required. KEPCO will be providing advice to KHNP in connection with the design certification application and financial support for design certification.

NRC's regulations in 10 CFR Part 52 do not specifically address whether a design certification applicant may be submitted by co-applicants. Although 10 CFR 52.41 allows "any person" to apply for a certification, that language should not be read to preclude co-applicants for a design certification. In that regard, 10 CFR 52.75 similarly states that "any person" may apply for a combined license (COL) for a nuclear power plant, and NRC has routinely allowed multiple applicants to apply for a COL. Furthermore, NRC has issued a COL to multiple applicants, including the COLs for Vogtle Units 3 and 4 (issued to Southern Nuclear Operating Company, Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and the City of Dalton, Georgia), and for Summer Units 2 and 3 (issued to South Carolina Electric & Gas Company and South Carolina Public Service Authority). Furthermore, the definition of "person" in 10 CFR 50.2 (which is incorporated by reference in 10 CFR 52.1(b)) explicitly states that a "person" includes a "group." Thus, given that definition and NRC's practice, NRC should allow co-applicants for a design certification.


As provided in 10 CFR 52.47(a)(7), an application for design certification must demonstrate the technical qualifications of the applicant to engage in the proposed activities. Similar provisions are contained in 10 CFR 52.79(a)(32) with respect to applicants for a COL. When multiple applicants apply for a COL, NRC may make a favorable finding of technical qualifications based

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upon the qualifications of only one of the applicants, rather than each applicant individually, as discussed in the Final Safety Evaluation Report (FSER) for the COLs for Vogtle Units 3 and 4 (pages 1-25 and 1-26), and the FSER for the COLs for Summer Units 2 and 3 (page 1-24). NRC should utilize a similar approach for multiple applicants for a design certification. Thus, with respect to the design certification application for the APR1400, NRC could base its technical qualification finding upon the technical qualifications of KHNP alone, or based upon the combined technical qualifications of KHNP and KEPCO.

Please let me know if you have any conceptual objections to the design certification application for the APR1400 being submitted jointly by KHNP and KEPCO.

Sincerely,

A handwritten signature in black ink that reads "M. K. Kim". The signature is written in a cursive style and is positioned above a horizontal line.

Myung-Ki Kim  
Project Manager/APR1400 Licensing  
Korea Hydro and Nuclear Power Co., Ltd