UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

May 22, 2019

ALL AGREEMENT AND NON-AGREEMENT STATES
STATE LIAISON OFFICERS
FEDERALLY RECOGNIZED INDIAN TRIBES

NOTICE OF REQUEST FOR COMMENT: ADVANCED POWER REACTOR 1400 DESIGN CERTIFICATION RULEMAKING (STC-19-027)

Purpose: To inform interested stakeholders of the U.S. Nuclear Regulatory Commission's (NRC) publication of a direct final rule on the Advanced Power Reactor 1400 (APR1400) nuclear power plant design.

Background: Korea Electric Power Corporation and Korea Hydro & Nuclear Power Co. Ltd. submitted an application to the NRC on December 23, 2014, to certify the APR1400 standard design for use in the United States. The APR1400 design would produce approximately 1,400 megawatts of electricity and includes enhanced safety systems to prevent accidents and mitigate the consequences of an accident, should one occur. More information about the APR1400 design review is available on the NRC's website.

Design certifications, which are valid for 15 years, mean that the NRC has found a design acceptable for referencing by a potential future license applicant. The NRC has certified five designs in the past, all as appendices to Title 10 of the *Code of Federal Regulations*, Part 52. The Commission's approval of this design certification, by itself, does not grant approval for the construction of any APR1400 nuclear power plant; rather, this rule allows a utility to reference the design when applying for a Construction Permit, Operating License, or Combined License to build and operate a nuclear power plant. Matters resolved in a design certification rulemaking would not be reopened during a potential future reactor construction or licensing proceeding. As part of the review, the NRC also conducted an environmental assessment; the focus of this assessment was the applicant's evaluation of design alternatives that could prevent or mitigate severe accidents. For design certifications, there will be no impact to the environment because the applicant is seeking to certify a standard design rather than seeking to build a nuclear power plant. There are currently no planned license applications or identified sites for the APR1400 standard design in the United States; however, the NRC is informing states and Federally recognized tribes given the potential that the APR1400 could someday be referenced by a U.S. utility requesting an NRC license.

The NRC is using the direct final rulemaking process, which is a process reserved for non-controversial rulemakings. In this process, a proposed rule and final rule are published concurrently. The public has the opportunity to comment on the proposed rule during the associated public comment period. If no significant adverse comments are received, the final rule becomes effective on the date published in the original notice. If any significant adverse comments are received, the published final rule would be withdrawn. The NRC would revise the final rule to address public comments and publish it as a separate issuance in the *Federal Register*.

For more general information about the NRC, what we regulate, how we regulate, and our rulemaking process, please visit our Web site at https://www.nrc.gov or view our Information Digest NUREG-1350 (https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1350/). For more specific information about the direct final rule process, please visit our Direct Final Rule Web site (https://www.nrc.gov/about-nrc/regulatory/rulemaking/rulemaking-process/direct-final-rule.html).

Discussion: The NRC published a direct final rule certifying the APR1400 standard design in the *Federal Register* on May 22, 2019 (84 FR 23439 – direct final rule; 84 FR 23500 – proposed rule). Comments on the proposed rule are due by June 21, 2019. The *Federal Register* notices contain details on how to submit comments. The rule will become effective on September 19, 2019, unless significant adverse comments are received. The *Federal Register* notices (both the proposed rule and direct final rule) and documents related to this rulemaking are posted on the Federal e-Rulemaking Portal https://www.regulations.gov under Docket ID NRC-2015-0224.

If you have any questions regarding the APR1400 design certification rulemaking or this correspondence, please contact the individuals named below:

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Sincerely,

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