



April 28, 2009

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U.S. Nuclear Regulatory Commission  
ATTN: Document Control Desk  
Washington, D.C. 20555

Subject: NuStart COL Project – NRC Project No. 740  
Transition of AP1000 Reference Plant COL Application

Reference: Letter from Marilyn Kray (NuStart Energy Development) to NRC  
Document Control Desk, "Response to RIS 2006-006, New Reactor  
Standardization Needed to Support the Design Centered Licensing  
Review Approach" dated July 17, 2006

The NuStart Energy Development, LLC, consortium was formed in 2004 as part of the U.S. Department of Energy's (DOE's) NP-2010 initiative, one of whose objectives is to demonstrate the viability of the U.S. Nuclear Regulatory Commission's (NRC's) process for obtaining a Combined License (COL) with the ultimate goal of constructing a Nuclear power plant. Each of the current and planned COL applicants<sup>1</sup> for the Westinghouse AP1000 reactor design is a member of NuStart, and NuStart was instrumental in the formation of the AP1000 Design-Centered Work Group (DCWG). At the time of initial implementation of the NRC's design-centered review approach, the AP1000 DCWG, through NuStart, designated the Tennessee Valley Authority (TVA) Bellefonte Units 3 and 4 (dockets 52-0014 and -0015) as the AP1000 "reference plant." Since that time, the NuStart-supported Bellefonte 3&4 COL application has been the application reviewed by the NRC for AP1000 "standard content."

In the past several months, the anticipated schedules for the various AP1000 COL applicants have evolved. As a function of business need, NuStart and the AP1000 DCWG (including the TVA) have determined that it is appropriate to align NRC resources for standard content review to an application with specific near-term construction plans. Accordingly, NuStart and the AP1000 DCWG hereby designate the Southern Nuclear Operating Company (SNC) COL application for Vogtle Electric Generating Plant (VEGP) 3 and 4 (dockets 52-0025 and -0026) as the AP1000 reference plant. We understand that an orderly transition of reference plant activities from Bellefonte to VEGP will be necessary to fully effect this change in designation while ensuring efficient use of NRC resources. Please take the steps necessary to implement this change.

<sup>1</sup> AP1000 DCWG members include: TVA for Bellefonte 3&4; Duke Energy for Lee 1&2; SCE&G for Summer 2&3; Southern Nuclear for Vogtle 3&4; Progress Energy for Harris 2&3 and Levy 1&2; and FPL for Turkey Point 6&7.

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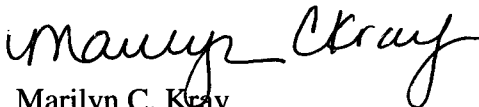
NuStart understands the transition will be orderly and will include issuance of Safety Evaluation Reports (SERs) with open items on a chapter-by-chapter basis on the Bellefonte docket. These products will then form the basis for reviews by the Advisory Committee on Reactor Safeguards (ACRS) sub-committee. During this transition, NuStart, SNC, and TVA understand the Bellefonte docket will continue to be the vehicle of standard content for these sub-committee reviews. NuStart, through the DCWG, will support closure of standard content related open items on the VEGP 3 and 4 dockets within the same 45-day response period as previously committed. NuStart recognizes that the VEGP Advanced and Final SERs will become the vehicle for documenting the NRC's review of standard material and will work with the DCWG to support this transition.

While NuStart anticipates that the change will result in a more efficient overall schedule for AP1000 applications, and does not expect an adverse impact to the standard-content review, or the Vogtle or Bellefonte site-specific reviews, near-term applicants (i.e., Florida Power & Light Company) may continue to use the Bellefonte COLA as a basis for their COL application. It is anticipated that these near-term applicants will follow the transition of the AP1000 reference COLA to VEGP.

NuStart will continue to support activities associated with the reference application as well as the TVA Bellefonte COL application during this transition. The AP1000 DCWG has been very effective and will remain unchanged as a result of this change in reference plant. Details of the timing of the transition and NRC billing for reference application activities will be the subject of future discussions between the NRC and NuStart staff.

If there are any questions regarding this transition, please contact Richard Grumbir, *NuStart AP1000 Project Manager*, at (256) 308-1770, or Peter Hastings, *AP1000 DCWG Licensing Lead*, at (980) 373-7820. For information regarding Bellefonte, contact Andrea Sterdis, *TVA, Manager, New Nuclear Licensing and Industry Affairs*, at (423) 751-7119. For information regarding Vogtle, contact Chuck Pierce, *Technical Support Licensing Manager*, at (205) 992-7872.

Sincerely yours,



Marilyn C. Kray  
President  
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