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August 11, 2015

Mr. Frank B. Akstulewicz
Director
Division of New Reactor Licensing
Office of New Reactors
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

Subject: Combined License Application Reconciliation of Design Certification Errors

Project Number: 689

Dear Mr. Akstulewicz:

We have been monitoring the correspondence between Duke Energy and the NRC staff on the resolution of significant design certification errors prior to combined license (COL) issuance. In a January 27, 2015, letter to the NRC, Duke Energy outlined an approach and rationale for resolving significant errors in design certification information outside of COL proceedings without delaying COL issuance. In its April 15 response, the NRC staff stated that COLs cannot be issued until errors in the referenced design certification are adequately addressed such that final safety findings can be made. After discussing the situation with Duke Energy and other members of the New Plants Oversight Committee, we conclude that this is an important generic issue that warrants further discussion to identify and develop a workable solution.

We understand that currently there are five AP1000 design issues that are delaying completion of the final Safety Evaluation Report and issuance of the Levy County COL. Because the identification of errors in certified information is arising out of design-finalization activities at the Vogtle and Summer projects, we are concerned that additional generic errors may be identified over the life of these projects and result in additional delays. If successive design issues have to be resolved before COLs may be issued, the issuance of COLs could be significantly delayed. This situation would constitute a significant inefficiency for a Part 52 licensing process that is intended to be more efficient and predictable.

For this reason, we believe that best efforts are needed to identify a workable path forward that allows COL applicants in this situation to receive their COLs without undue delay. NEI proposes a public meeting so that the industry can better understand the basis for the staff's April 15 position and explore possible options permissible under NRC regulations to resolve the issue.

Mr. Frank B. Akstulewicz

August 11, 2015

Page 2

Given the substantial cost to COL applicants for delays in issuance of COLs, and the generic implications for the workability of the Part 52 process, we would like to schedule this meeting as soon as possible. We will contact your staff shortly to identify a mutually acceptable date for this important meeting.

If you have any questions or require additional information, please contact me or Kati Austgen (kra@nei.org; 202.739.8068).

Sincerely,

A handwritten signature in black ink, appearing to read "RJB", is placed over a rectangular area that has been redacted from the document.

Russell J. Bell

c: Mr. Michael E. Mayfield, NRC/NRO/DARR
Mr. Lawrence J. Burkhart, NRC/NRO/DNRL
NRC Document Control Desk