

May 22, 2016

Dr. Dennis C. Bley, Chairman  
Advisory Committee on Reactor Safeguards  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

SUBJECT: EXEMPTIONS TO THE AP1000 CERTIFIED DESIGN INCLUDED IN THE LEVY  
NUCLEAR PLANT UNITS 1 AND 2 COMBINED LICENSE APPLICATION

Dear Dr. Bley:

I am writing in response to a letter, dated April 18, 2016, from the Advisory Committee on Reactor Safeguards (the Committee) (Agencywide Documents Access and Management System Accession Number ML16102A149). The letter addressed five exemptions from the Westinghouse Electric Company AP1000 certified design which Duke Energy Florida, LLC requested in the Levy Nuclear Plant Units 1 and 2 combined license application.

#### **COMMITTEE'S CONCLUSIONS AND RECOMMENDATION**

The staff's response is provided below:

**ACRS Conclusions and Recommendation 1:** Five exemptions to the AP1000 certified design have been included in the Levy combined license application. The five exemptions are needed to enable the certified design to perform intended functions and should be approved.

**Staff Response:** The staff appreciates the Committee's efforts and agrees with this conclusion and recommendation. The staff will document its evaluation of these exemptions in Chapter 21 of the final safety evaluation report for the Levy Nuclear Plant Units 1 and 2 combined license.

**ACRS Conclusions and Recommendation 2:** The causes for the exemptions have been identified and addressed for the AP1000 certification.... We conclude that the causes of the errors and omissions that made these exemptions necessary were addressed and programmatic changes applicable to the AP1000 certification were made where necessary.

**Staff Response:** The staff agrees with the Committee's conclusion.

**ACRS Conclusions and Recommendation 3:** Generic lessons learned, relative to the reactor design process leading to certification, should be identified and further evaluated.... We recommend that staff evaluate on a generic basis whether there are any lessons learned, relative to ongoing and future oversight of the quality assurance program implementation during development of designs seeking certification under 10 CFR Part 52. Prospective combined license applicants may not be in a position to provide such oversight during this phase, and they may find it difficult to do so following certification when customer oversight can be more effective. We would appreciate the opportunity to meet with the staff on this generic matter at an appropriate time.

**Staff Response:** The U.S. Nuclear Regulatory Commission (NRC) is a continuous learning organization and as such is open to applying lessons learned from past experiences to improve its future oversight activities. The staff is also mindful of its statutory limitations in dealing with organizations that have not formally submitted applications for NRC review. The staff commits to working with the Committee to schedule a future briefing to discuss this matter on a generic basis.

We thank the Committee for its expeditious and timely review and look forward to working with the Committee in the future.

Sincerely,

*/RA/*

Victor M. McCree  
Executive Director  
for Operations

Docket Nos.: 52-029 and 52-030

cc: Chairman Burns  
Commissioner Svinicki  
Commissioner Ostendorff  
Commissioner Baran  
SECY

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Sincerely,

**/RA/**  
 Victor M. McCree  
 Executive Director  
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 Commissioner Baran  
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