



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

August 31, 2020

Mr. William R. McCollum, Jr.  
Chief Executive Officer  
and Chief Nuclear Officer  
Nuclear Development, LLC  
3 Bethesda Metro Center, Suite 515  
Bethesda, MD 20814

SUBJECT: STATUS OF THE NUCLEAR REGULATORY COMMISSION STAFF'S  
REVIEW OF NUCLEAR DEVELOPMENT, LLC APPLICATION FOR  
ORDER APPROVING CONSTRUCTION PERMIT TRANSFERS AND  
CONFORMING ADMINISTRATIVE CONSTRUCTION PERMIT  
AMENDMENTS AND CONSTRUCTION PERMIT EXTENSION  
REQUESTS (EPID NO. L-2018-LLM-0155)

Dear Mr. McCollum:

By letter dated November 13, 2018 (Agencywide Documents Access and Management System Accession No. ML18318A428), Nuclear Development, LLC (ND) submitted an application requesting that the U.S. Nuclear Regulatory Commission (NRC) consent to the transfer of Construction Permits (CP) CPPR-122 and CPPR-123 for the Bellefonte Nuclear Plant, Units 1 and 2 from the Tennessee Valley Authority (TVA) to ND. These CPs are currently in deferred status under the Commission Policy Statement on Deferred Plants. 52 Fed. Reg. 38077 (October 14, 1987). On November 5, 2019, the NRC staff accepted and docketed ND's application for detailed review (ADAMS Accession No. ML19298A194). In its application, ND also requested an extension of the construction permit completion dates for both Units 1 and 2. The purpose of this letter is to provide ND with an update regarding the status of the NRC staff's review of ND's requests and the remaining information that the staff needs to complete the licensing actions associated with ND's application.

In its response to the staff's request for supplemental information (RSI), dated August 28, 2019 (ADAMS Accession No. ML19240A382), ND stated that, *"ND recognizes that NRC may not grant consent to transfer the Construction Permits to it prior to demonstration of ND's right to possession of the site. However, consistent with NRC precedent, and because it expects ultimately to prevail, ND respectfully requests that the NRC accept the transfer application and proceed with the other portions of its review pending resolution of the case."* The NRC staff is on track to complete its review of the information provided to-date by the end of September 2020. However, as noted in the staff's RSI, Part 4, dated, April 5, 2019 (ADAMS Accession No. ML18348B138), the regulation in 10 CFR 50.80(b)(2), states in part, *"The Commission may require any person who submits an application for license pursuant to the provisions of this section to file a written consent from the existing licensee or a certified copy of an order or judgment of a court of competent jurisdiction attesting to the person's right (subject to the licensing requirements of the Act and these regulations) to possession of the facility or site involved."*

To date, the NRC staff has not received the requested information (written consent from TVA or a court order) demonstrating ND's right to possession of the Bellefonte site. As such, the NRC staff is unable to complete its review of the requested licensing actions in the application until ND provides the staff with the required information to demonstrate compliance with the requirement in 10 CFR 50.80(b)(2).

Please contact me if you have questions regarding this letter at (301) 415-6616 or [Omid.Tabatabai@nrc.gov](mailto:Omid.Tabatabai@nrc.gov).

Sincerely,

**/RA/**

Omid Tabatabai, Senior Project Manager  
New Reactor Licensing Branch  
Division of New and Renewed Licenses  
Office of Nuclear Reactor Regulation

Docket Nos.: 50-438 and 50-439

cc: Distribution via Listserv

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**ADAMS Accession No.: ML20230A369****\*via email****NRR-106**

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