

Nuclear Development, LLC

3 Bethesda Metro Center
Suite 515
Bethesda, MD 2081

September 3, 2021

10 CFR 50.80
10 CFR 50.90

U.S. Nuclear Regulatory Commission
ATTN: Document Control Desk
Washington, D.C. 20555-0001

Subject: Status Update and Request to Continue to Hold Pending Appeal

Bellefonte Nuclear Plant, Unit 1 and 2
Construction Permits Nos. CPPR -122 and CPPR-123
NRC Docket Nos. 50-438 and 50-439

References:

1. Application for Order Approving Construction Permit Transfers and Conforming Administrative Construction Permit Amendments, November 13, 2018 (ML18318A428)
2. Status of NRC Staff's Review of Nuclear Development LLC's Application for Order Approving Construction Permit Transfers and Conforming Administrative Permit Amendments and Construction Permit Extension Requests, August 31, 2020 (ML20230A369)
3. US NRC Staff Response to Nuclear Development, November 3, 2020. (ML20286A172)

In Reference 1, Nuclear Development ("ND") filed a request for U.S. Nuclear Regulatory Commission ("NRC") consent for the transfer of the Construction Permits for Bellefonte Units 1 and 2 from current permit holder the Tennessee Valley Authority ("TVA") to ND. In Reference 2, NRC indicated it could not complete its review until ND provided additional information on its right to possession of the site in accordance with 10 CFR 50.80(b)(2).

Because TVA refused to close the planned sale of the plant, ND filed a breach of contract claim and request for specific performance in the U.S. District Court for the Northern District of Alabama on November 30, 2018 (Case no. 5:18-CV-01983-LCB). In Reference 3, the NRC indicated that it was holding ND's transfer request and would complete its review upon submittal

of the outstanding information related to right to possession of the site. On August 26, 2021, the Court ordered a final and appealable judgement denying ND's claim.

ND is considering a possible appeal of the Court's decision. Accordingly, ND requests that the NRC continue to hold the transfer request pending final resolution of ND entitlement to possession of the site. ND will inform the NRC of any further developments in the status of the dispute.

Sincerely,



William R. McCollum, Jr.

Chief Executive Officer & Chief Nuclear Officer
Nuclear Development, LLC

cc:

Omid Tabatabai, Senior Project Manager
U.S. Nuclear Regulatory Commission

Regional Administrator, Region II
U.S. Nuclear Regulatory Commission

State Health Officer
Alabama Dept. of Public Health
P.O. Box 303017
Montgomery, AL 36130-3017

Mr. Timothy Rausch
Chief Nuclear Officer
Tennessee Valley Authority
1101 Market Street
Lookout Place 3R
Chattanooga, TN 37402-2801