



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

November 3, 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: U.S. NUCLEAR REGULATORY COMMISSION STAFF RESPONSE TO
NUCLEAR DEVELOPMENT LETTER DATED SEPTEMBER 11, 2020, (EPID
No. L-2018-LLM-0155)

Dear Mr. McCollum:

By letter dated August 31, 2020, the U.S. Nuclear Regulatory Commission (NRC) staff provided a status update to Nuclear Development, LLC (ND) on: ND's application to transfer the construction permits (CPs) for Bellefonte Nuclear Plant (BLN), Units 1 and 2, from Tennessee Valley Authority (TVA) to ND; and ND's request for an extension of the CP completion dates for both units (Agencywide Document Access and Management System (ADAMS) Accession No. ML20230A369). The August letter indicated that the staff will not complete its review of the requested licensing actions until ND provides information demonstrating ND's right to possession of the Bellefonte site in accordance with Title 10 of the *Code of Federal Regulations* (10 CFR) 50.80(b)(2).

On September 11, 2020, in response to the staff's August letter, ND submitted a supplement to its application (ADAMS Accession No. ML20255A204). ND's supplement asserted that the permissive language of 10 CFR 50.80(b)(2) and the NRC's policy determinations regarding past license transfers support the NRC staff moving forward with issuance of an order consenting to the transfer of the Bellefonte CPs with a condition. ND proposed that the condition could require ND to submit to the NRC staff, at least five business days prior to closing of the transfer, proof that ND has the right to possess the Bellefonte site.

As ND notes in its supplement, the NRC staff routinely issues orders consenting to license transfers that are conditioned on certain future actions by the applicant or the receipt of third-party approvals needed prior to consummation of the underlying transaction, such as regulatory approvals by other Federal or State agencies or approvals necessary for applicants to emerge from bankruptcy. The staff notes that license transfer applications are typically submitted under oath and affirmation jointly by the current licensee and the transferee, or alternatively, by the transferee with a statement from the current licensee that it supports the application. In this circumstance, however, possession of the Bellefonte site itself is currently in dispute between an NRC applicant and the current NRC license holder. This circumstance was not present in the examples cited in ND's September letter.

In its April 5, 2019 request for supplemental information, the staff requested—in accordance with 10 CFR 50.80(b)(2)—that ND provide information (written consent from TVA or a court order) regarding ND's right to possess the Bellefonte site (ADAMS Accession No.

ML18348B138). Accordingly, the NRC staff intends to complete its review of the requested licensing actions upon ND's submittal of the required information to demonstrate compliance with the requirements in 10 CFR 50.80(b)(2).

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

Sincerely,

Anna H. Bradford, Director
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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DEVELOPMENT LETTER DATED SEPTEMBER 11, 2020 (EPID
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DATED: NOVEMBER 3, 2020

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ADAMS Accession No.: ML20286A172***via email****NRR-106**

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