

From: Peter Rabideau
To: Diane Jackson
Date: 10/2/01 6.39PM
Subject: Re Section I - Annual Fees - SECY on Exelon PBMR white papers

Diane,

1. Concerning the bullet on "Commencement of Annual Fees," we have not previously provided the commission a paper on this issue nor are we seeking policy guidance from them at this time. Thus, please revise the last paragraph in the DISCUSSION section by changing "three policy issues" to "**two policy issues**" and delete the bullet "Commencement of Annual Fees". Additionally, in the SUMMARY section, delete item 2 following the sentence "The staff seeks Commission guidance on the following recommendations:".

2. In the SUMMARY section, item 9. insert after the following after the first sentence, "**For a Part 52 combined license, the staff plans to assess the annual only after construction is complete, all regulatory requirements have been met, and the Commission has authorized operation of the facility.**"

3 In the Attachment, page 1, paragraph 1, next to last sentence: delete 1.2.

4 The sentence you have added is a good comment. However, please revise it to read, "**Additionally, the annual fee would be assessed based on the existence of a license authorizing operation. The annual fee would not be prorated for the number of reactor modules in operation. This is because the NRC does not consider the economic advantages or disadvantages of possessing a license when assessing annual fees.**" This revision should be inserted at the end of the second paragraph of the discussion section in the Attachment and requires the deletion of the last sentence in paragraph 3 and paragraph 4 of the same discussion section.

5 In the Attachment, recommendation section: change the title of the section to "**Conclusion**", in the second paragraph change contemplates to "**plans**", move the second paragraph to be the second sentence in the first paragraph.

Pete

>>> Diane Jackson 10/01/01 09.14PM >>>
Pete -

Similar to your request, OGC has an issue that is staff-identified and should not be under the "Commission guidance requested" section. OGC has already sent their position to the Commission and recieved an answer back. Is this true for your issue as well?

I have have made a new section that is just a discussion of the issue with asking for guidance (since guidance was already given). I can move it to that section if the situation is the same. Please let me know.

Also, OGC has requested a clarification in your section. They would like to make sure it is clear that the entire annual fee (if given one license) would start with the first module, and not be pro-rated if all modules are not built/operating. I added one sentence to address this request. It is highlighted in blue. Please let me know if this is acceptable to you.

Attached is the whole SECY so you can see the new sections in the cover letter. This includes a new SUMMARY section.

B/36

Please let me know by COB Tuesday.

Thanks - Diane

>>> Peter Rabideau 10/01/01 03:43PM >>>
Diane,

Comments on the draft paper:

1. Commission paper, last paragraph of the BACKGROUND section: Delete the bullet "Commencement of Annual Fees".
2. Attachment to Comm paper, page 1, first paragraph, next to last sentence. In the phrase "...multiple reactors (Items H.2., H.3., I.2., and K).", delete "I.2.,".

>>> Diane Jackson 09/27/01 04:15PM >>>

Please find attached Section I on Annual Fees for the SECY on Exelon white papers. Also attached is the full document which includes any comments received to date. Please provide comments by COB on Monday October 1.

Thank you for your efforts -
Diane

CC: Amy Cabbage; Charlotte Turner; Geary Mizuno; Glenda Jackson; Marsha Gamberoni, Martin O'Neill