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OFFICE OF SECRETARY  
RULEMAKINGS AND  
ADJUDICATIONS STAFF

4

**DOCKET NUMBER**  
**PROPOSED RULE** **PR 170-171**  
**(69 FR 04865)**

**SOUTHERN**  
**COMPANY**  
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March 2, 2004

Annette Vietti-Cook, Secretary  
U.S. Nuclear Regulatory Commission  
Washington, DC 20555-0001

NL-04-0317

Attention: Rulemakings and Adjudications Staff

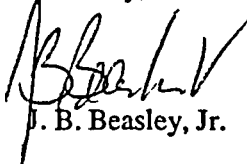
Southern Nuclear Operating Company  
Comments on: Revision of Fee Schedules; Fee Recovery for FY2004  
(69 Federal Register 4865 dated February 2, 2004)

Dear Ms. Vietti-Cook:

Southern Nuclear Operating Company (SNC), the licensed operator for the Joseph M. Farley Nuclear Plant, the Edwin I. Hatch Nuclear Plant and the Vogtle Electric Generating Plant, has reviewed the proposed NRC User Fee Rule published in the Federal Register on February 2, 2004 (69 FR 4865). SNC endorses the comments to be provided by the Nuclear Energy Institute.

SNC would like to emphasize that there is one major issue described in the NEI comments that should be noted by the Commission. A significant portion of the proposed fee increase for power reactors is again for homeland security issues. Although the NRC requested that these expenditures be paid from the general funds and not licensee fees, the 2004 Energy and Water Development Appropriations Act again included them in the NRC's budget for recovery under the user fee rule. Support for homeland security activities should be funded through the general treasury because homeland security related to nuclear power plants fundamentally is part of the nation's responsibility to protect its critical infrastructure.

Sincerely,

  
J. B. Beasley, Jr.

JBB/JCM

cc: Southern Nuclear Operating Company  
Mr. L. M. Stinson, Vice President, Plant Farley  
Mr. J. T. Gasser, Vice President, Plant Vogtle  
Mr. H. L. Sumner, Jr., Vice President, Plant Hatch  
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