

Rulemaking Comments

From: BELL, Denise [dxb@nei.org] on behalf of BUTLER, John [jcb@nei.org]
Sent: Friday, June 05, 2009 3:35 PM
Subject: 10 CFR Part 171 Proposed Rule, Variable Annual Fee Structure for Power Reactors (74 FR 12735)
Attachments: 06-05-09_NRC_Comments on Proposed Rule Variable Annual Fee Structure.pdf; 06-05-09_NRC_Comments on Proposed Rule Variable Annual Fee Structure_Enclosure.pdf

June 5, 2009

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USNRC

June 8, 2009 (11:44am)

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

OFFICE OF SECRETARY
RULEMAKINGS AND
ADJUDICATIONS STAFF

Attn: Rulemakings and Adjudications Staff

Subject: 10 CFR Part 171 Proposed Rule, Variable Annual Fee Structure for Power Reactors (74 FR 12735).

Project Number: 689

The Nuclear Industry Institute (NEI) appreciates the opportunity to provide comments on behalf of the nuclear industry on the advanced notice of proposed rulemaking (ANPR) for a variable fee structure for power reactors.

NEI believes that the analyses performed by the staff in 1987 and 1995 remain valid and support the conclusion that there is not a relationship or predictive trend between regulatory resources and the type of reactor or the thermal megawatt rating of the reactor. Therefore, we believe there is not an analytical basis for recommending that the annual fee process be changed to a variable fee based on licensed thermal power level.

NEI agrees that the current fee structure may not be appropriate for the smaller reactors designs that are referenced in the ANPR and commends the NRC for consideration of their potential incorporation in the fee base. We believe that a detailed analysis, similar to the 1995 analysis, should be performed to support an equitable change to the fee structure. This analysis could better support the base administrative and research burden that the NRC would assign to regulation of this new class of reactors. We believe that this analysis would also better support a determination as to whether licensed thermal power is an appropriate basis for the fee structure.

Sincerely,

John C. Butler

Enclosure

John C. Butler

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Director, Operations Support

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NUCLEAR ENERGY INSTITUTE

John C. Butler
DIRECTOR
OPERATIONS SUPPORT
NUCLEAR GENERATION DIVISION

June 5, 2009

Secretary
U.S. Nuclear Regulatory Commission
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¹ NEI is the organization responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include all utilities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees, and other organizations and individuals involved in the nuclear energy industry.

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NEI has commented annually, as part of the revision of fee schedules 10 CFR Parts 170 and 171, that improvements in the predictability and transparency of annual and hourly fees are needed. We have also encouraged the NRC to meet with licensees to discuss upcoming changes in fees as a means to assist licensee efforts to budget regulatory costs. We believe that this ANPR is an area where the NRC should continue stakeholder involvement as a means to develop appropriate solutions to reactor fee issues.

The NEI input on the six questions included in the ANPR is enclosed. If there are any questions regarding these comments, please contact me at 202.739.8108; jcb@nei.org or Russell Smith at 202.739.8058; ras@nei.org.

Sincerely,

A handwritten signature in black ink, appearing to read "John C. Butler", with a stylized flourish at the end.

John C. Butler

Enclosure

c: Ms. Tanya M. Mensah, NRR/ADRO/DPR/PSP, NRC

Received: from mail1.nrc.gov (148.184.176.41) by OWMS01.nrc.gov
(148.184.100.43) with Microsoft SMTP Server id 8.1.358.0; Fri, 5 Jun 2009
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X-SBRS: 4.5

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Message-ID: <278A545F5DE1D648B2F5228F56BF791F033EEB9F@neiexc01.nei.org>

X-MS-Has-Attach: yes

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Thread-Topic: 10 CFR Part 171 Proposed Rule, Variable Annual Fee Structure
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Thread-Index: AcnmFLUIXcWvKgu/QduZxCJk+sJ7ug==

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X-Outbound-IP: 208.116.169.253

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X-PolicySMART: 609541, 425095

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Content-Type: multipart/mixed;

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