

PMSTPCOL PEmails

From: Wunder, George
Sent: Thursday, November 14, 2013 10:56 AM
To: STPCOL
Subject: FW: Letter U7-C-NINA-NRC-130061
Attachments: U7-C-NINA-NRC-130061 signed.pdf

From: Richard Scheide [<mailto:RHScheide@ninallc.net>]
Sent: Thursday, November 14, 2013 10:51 AM
To: Misenhimer, David; Brown, Frederick; Wunder, George; Foster, Rocky; Jenkins, Ronaldo; Tai, Tom
Subject: Letter U7-C-NINA-NRC-130061

Attached please find letter U7-C-NINA-NRC-130061 regarding an NRC fee dispute. Hard copy to follow.

Hearing Identifier: SouthTexas34Public_EX
Email Number: 3709

Mail Envelope Properties (DAC719623E968245BD52D0369611110001AB2F9DA486)

Subject: FW: Letter U7-C-NINA-NRC-130061
Sent Date: 11/14/2013 10:55:32 AM
Received Date: 11/14/2013 10:55:35 AM
From: Wunder, George

Created By: George.Wunder@nrc.gov

Recipients:
"STPCOL" <STP.COL@nrc.gov>
Tracking Status: None

Post Office: HQCLSTR02.nrc.gov

Files	Size	Date & Time
MESSAGE	357	11/14/2013 10:55:35 AM
U7-C-NINA-NRC-130061 signed.pdf		467826

Options
Priority: Standard
Return Notification: No
Reply Requested: No
Sensitivity: Normal
Expiration Date:
Recipients Received:



Nuclear Innovation
North America LLC
122 West Way, Suite 405
Lake Jackson, Texas 77566

November 13, 2013
U7-C-NINA-NRC-130061
10 CFR 15.31

U. S. Nuclear Regulatory Commission
Office of the Chief Financial Officer
License Fee and Accounts Receivable Branch
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

South Texas Project
Units 3 and 4
Docket Nos. 52-012 and 52-013
Fee Dispute – Invoice LBF 14-0550

Reference:

Letter, David B. Matthews to Mark McBurnett, “SOUTH TEXAS PROJECT UNITS 3 AND 4 COMBINED LICENSE APPLICATION FOREIGN OWNERSHIP, CONTROL OR DOMINATION REVIEW,” dated April 29, 2013 (ML13105A351)

NRC fee invoice LBF 14-0550 appears to charge North America LLC (NINA) for expenses associated with evidentiary Hearings contrary to 10 CFR 170.11(a)(2). The Reference letter documented the conclusion of the NRC Staff review relative to foreign ownership, control, or domination of NINA. The reference invoice has charges associated with this activity in July through September 2013 which were after the conclusion of the review and during the period that written testimony was being prepared for ALSB Hearings.

NINA will provide payment for the appropriate charges on invoice LFB 14-0550 but will withhold payment for the contested amount pending resolution of the matter which are highlighted on the Attachment to this letter.

Foreign Ownership, Control, or Domination is the subject of an evidentiary hearing concerning contention FC-1 on the NINA Combined License Application. The evidentiary hearing concerning contention FC-1 on the NINA Combined License Application was initially scheduled for October 16, 2013 but has been rescheduled for January 6, 2014.

10CFR170.11 (a) (2) addresses the exemption of fees for a contested hearing:

§ 170.11 Exemptions

(a) No application fees, license fees, renewal fees, inspection fees, or special project fees shall be required for:

- (2) A contested hearing conducted by the NRC on a specific application or the authorizations and conditions of a specific NRC license, certificate, or other authorization, including those involving individual plant security modifications.

Since the NRC Staff review of the foreign ownership, control, or domination of NINA has concluded, preparations for the contested hearings are the only activities ongoing. Contrary to the cited exemption, NRC Invoice LFB 14-0550 for Docket 52-012 includes multiple charges under TAC RG1606 for "STP Foreign Ownership Control and Domination Reviews". All charges for this activity should be exempt under 10 CFR 170.11(a)(2) and as such are not appropriate and should be withdrawn. A copy of the appropriate pages from LFB 14-0550 is included as an attachment to this letter.

NINA requests that the NRC extend the interest waiver period as described in § 15.37(j) pending a final determination of the existence or amount of the debt of the contested charge.

There are no commitments in this letter.

If there are any questions, please contact me at (979) 316-3011, or Bill Mookhoek at (979) 316-3014.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/13/13



Scott Head
Manager, Regulatory Affairs
NINA STP Units 3 & 4

wem

Attachment:

Pages from Invoice LFB 14-0550

cc: w/o attachment except*
(paper copy)

Director, Office of New Reactors
U. S. Nuclear Regulatory Commission
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

U. S. Nuclear Regulatory Commission
Attention: Document Control Desk
One White Flint North
11555 Rockville Pike
Rockville, MD 20852-2738

Regional Administrator, Region IV
U. S. Nuclear Regulatory Commission
1600 E. Lamar Blvd.
Arlington, Texas 76011-4511

Kathy C. Perkins, RN, MBA
Assistant Commissioner
Division for Regulatory Services
Texas Department of State Health Services
P. O. Box 149347
Austin, Texas 78714-9347

Robert Free
Radiation Inspection Branch Manager
Texas Department of State Health Services
P. O. Box 149347
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*Steven P. Frantz, Esquire
A. H. Gutterman, Esquire
Morgan, Lewis & Bockius LLP
1111 Pennsylvania Ave. NW
Washington D.C. 20004

*Tom Tai
Two White Flint North
11545 Rockville Pike
Rockville, MD 20852

(electronic copy)

*Tom Tai
Fred Brown
U. S. Nuclear Regulatory Commission

Jamey Seely
Nuclear Innovation North America

Peter G. Nemeth
Crain, Caton & James, P.C.

Richard Peña
Kevin Pollo
L. D. Blaylock
CPS Energy



United States Nuclear Regulatory Commission

Protecting People and the Environment

Fiscal Year:
Quarter Period:

10/01/2013 - 09/30/2014
06/30/2013 - 09/21/2013

Vendor:

Nuclear Innovation North America LLC
ATTN: Mark McBurnett, Vice President
Attn: Dean Hampton, Comptroller
STP Units 3 & 4
122 West Way, Suite 405
Lake Jackson, TX 77566

Remit To:

Office of the Chief Financial Officer
U.S. Nuclear Regulatory Commission
P.O. Box 979051
St. Louis, MO 63197

Invoices for Period:

Invoice Number	Date	Due Date	Amount	Docket
LFB 14-0550	Oct 24, 2013	Nov 23, 2013	\$575,224.00	05200012
LFB 14-0551	Oct 24, 2013	Nov 23, 2013	\$35,930.50	05200013

For questions, contact (301) 415-7554 or by email at fees.resource@nrc.gov. For NRC debt collection procedures, including interest and penalty provisions, see 31 U.S.C. 3717, 4 CFR 101-105, AND 10 CFR 15. Additional terms and conditions are attached.
Make checks payable to The U.S. Nuclear Regulatory Commission. Interest will accrue from the invoice date at an annual rate of 1%. Interest will be waived if payment is received by the due date. Please reference the invoice number on the remittance.

Billing Details:

		Docket #:	License #:		Applied For			
		05200012						
TAC/IR Number	TAC/IR Name	Payment Period End Date	Regular Hours	Non-Regular Hours	Hour Rate	Hourly Costs	Contract Costs	Total Costs
TAC Details								
RG1603	STP P6 - Chap 19.0 SER Review and Concurrence	Sep 21, 2013	1.00	0.00	\$272.00	\$272.00	\$0.00	\$272.00
RG1604	STP Incorporation of DNRLB3 BC Comments	Aug 10, 2013	4.00	0.00	\$274.00	\$1,096.00	\$0.00	\$1,096.00
RG1606	STP Foreign Ownership Control and Domination Reviews	Jul 13, 2013	30.00	11.50	\$274.00	\$11,371.00	\$0.00	\$11,371.00
RG1606	STP Foreign Ownership Control and Domination Reviews	Jul 27, 2013	80.75	4.25	\$274.00	\$23,290.00	\$0.00	\$23,290.00
RG1606	STP Foreign Ownership Control and Domination Reviews	Aug 10, 2013	23.00	3.00	\$274.00	\$7,124.00	\$0.00	\$7,124.00
RG1606	STP Foreign Ownership Control and Domination Reviews	Aug 24, 2013	12.00	1.00	\$274.00	\$3,562.00	\$0.00	\$3,562.00
RG1606	STP Foreign Ownership Control and Domination Reviews	Sep 7, 2013	10.00	0.00	\$274.00	\$2,740.00	\$0.00	\$2,740.00
RG1606	STP Foreign Ownership Control and Domination Reviews	Sep 21, 2013	10.00	2.00	\$272.00	\$3,264.00	\$0.00	\$3,264.00
S00226	SOUTH TEXAS UNIT 3 COL (52-012)	Jul 13, 2013	47.50	0.00	\$274.00	\$13,015.00	\$0.00	\$13,015.00
S00226	SOUTH TEXAS UNIT 3 COL (52-012)	Jul 27, 2013	8.00	0.00	\$274.00	\$2,192.00	\$0.00	\$2,192.00
S00226	SOUTH TEXAS UNIT 3 COL (52-012)	Aug 10, 2013	4.50	0.00	\$274.00	\$1,233.00	\$0.00	\$1,233.00