



**Luminant**

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CP-201400112  
Log # TXNB-14003

Ref. # 10 CFR 52

January 22, 2014

U. S. Nuclear Regulatory Commission  
Document Control Desk  
Washington, DC 20555  
ATTN: Frank M. Akstulewicz, Director  
Division of New Reactor Licensing

**SUBJECT:** COMANCHE PEAK NUCLEAR POWER PLANT, UNITS 3 AND 4  
DOCKET NUMBERS 52-034 AND 52-035  
COMBINED LICENSE APPLICATION STOP WORK REQUEST TO OTHER  
FEDERAL AGENCIES

**REFERENCE:** Letter, J. R. Kish (FEMA) to D. Woodlan (Luminant), dated March 1, 2010

Dear Sir:

Luminant Generation Company LLC (Luminant) notified the NRC on November 7, 2013, of Luminant's intent that all reviews associated with the Combined License Application (COLA) for Comanche Peak Nuclear Power Plant (CPNPP) Units 3 and 4 be suspended by March 31, 2014 (ML13316A369).

The referenced letter (attached) states that during the annual FEMA Radiological Emergency Preparedness Program (REPP) billing, consistent with 44 CFR 354.4(a)(1)(ii), each COL applicant will be billed a flat fee apportioned equally among the COL applicants for the anticipated REPP expenses associated with new reactor activities. The letter further states that if a prospective licensee notifies the NRC that it is placing its application "on hold" and notifies the NRC to request that all Federal agencies stop work on that application, then FEMA will not bill the prospective licensee the yearly flat fee apportionment for the next fiscal year.

Therefore, Luminant hereby notifies the NRC to request all other Federal agencies to stop work on the CPNPP Units 3 and 4 COLA as of March 31, 2014.

There are no commitments in this letter.

Should you have any questions regarding this request, please contact Don Woodlan (254-897-6887, Donald.Woodlan@luminant.com) or me.

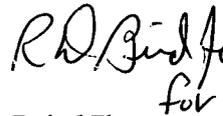
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NRD

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

Executed on January 22, 2014.

Sincerely,

Luminant Generation Company LLC



Rafael Flores

Attachment: Letter, James R. Kish (FEMA) to Don Woodlan (Luminant), "FEMA Radiological Emergency Preparedness Program (REPP) Fees for New Nuclear Plant Applications," dated March 1, 2010

cc: Andrew Seward, Chief, Business Operations Branch, FEMA  
Andrew Mitchell, Director, Technological Hazards Division, FEMA

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# FEMA

March 1, 2010

Don Woodlan  
Manager, Nuclear Regulatory Affairs  
P.O. Box 1002  
Glen Rose, TX 76043

Subject: FEMA Radiological Emergency Preparedness Program (REPP) Fees for New Nuclear Plant Applications

Dear Don Woodlan:

This provides clarification of the REPP fees associated with FEMA's review of Offsite Response Organization (ORO) emergency preparedness for new reactor license applicants.

As described in 44 CFR § 350.3(e), "FEMA has entered into a Memorandum of Understanding (MOU) with the [Nuclear Regulatory Commission] NRC to which it will furnish assessments, findings and determinations as to whether State and local emergency plans and preparedness are adequate and continue to be capable of implementation (e.g., adequacy and maintenance of procedures, training, resources, staffing levels and qualification and equipment adequacy). These findings and determinations will be used by NRC under its own rules in connection with its licensing and regulatory requirements and FEMA will support its findings in the NRC licensing process and related court proceedings." This is true for early site permits and combined operating license applications whether they are on an existing commercial nuclear power site, or on a "greenfield" site.

FEMA regulations at 44 CFR § 354.1 establishes the methodology for FEMA to assess and collect user fees from NRC licensees of commercial nuclear power plants to recover at least 100 percent of the amounts that we anticipate to obligate for REPP as authorized in 42 U.S.C. 5196e. This methodology for assessment and collection of fees must be fair and equitable and must reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. The FEMA "billing cycle" is based on a fiscal year calendar. We bill during the first quarter of the current fiscal year for monies that will be obligated for the subsequent fiscal year.

Our assessment of fees will include our costs for use of agency resources for classes of regulated persons and our administrative costs to collect the fees. As described at 44 CFR § 354.2, the user fee regulations apply to all persons or licensees who have applied for or have received from the NRC, a combined construction permit and operating license for a commercial nuclear power plant, an early site permit for a commercial nuclear power plant or any other NRC licensee that is now or may become subject to requirements for radiological emergency planning and preparedness.

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In 2006, FEMA, the commercial nuclear power industry, and NEI discussed the ramifications of the new reactors being built for the first time in a generation. All parties acknowledged REPP would require additional staff and funding for REPP duties associated with the new reactor licensing process. While FEMA user fee regulations already contemplate a universal flat fee for "prepare[ing] findings and determinations on the adequacy or approval of plans and preparedness," 44 CFR § 354.5(b)(7), all parties recognized that existing licensees should not shoulder REPP expenses for new entrants into the market. This was true even where power plants were being built on existing sites. In some instances different corporate entities were responsible for the construction and associated costs of the new reactors. Accordingly, we determined that it was fair, equitable, and consistent with our regulations to bill each prospective new applicant a pro-rata share for the increased REPP costs necessitated by the license application process. Each new reactor applicant was billed \$300,000 for anticipated FY08 costs associated with the new reactor activities of REPP. As the activities associated with ORO reviews were likely to take place over 5-7 years, this billing was not anticipated to cover the total REPP cost of the ORO reviews for each new reactor.

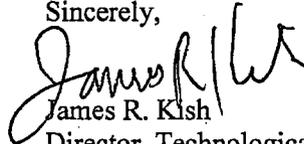
Based on this past precedent and based on actual expenses incurred thus far, recovery of anticipated REPP expenses for new reactors will be conducted as such:

1. Each new reactor applicant will be billed a one-time, initial flat fee of \$300,000 once we receive written notice from the NRC regarding the potential new licensees. In general, once we receive written notice from the NRC regarding the potential new licensees, types of licenses, and proposed schedules, we conduct a comprehensive evaluation of the programmatic and resource impact these additional matters would have on REPP. This includes both early site permits (ESPs) and combined licenses (COLs). When a new reactor licensee who submitted an ESP subsequently submits the COL this fee will not be billed again. This is for costs anticipated for the intense work involved from when the NRC sends us the application package until FEMA issues the Interim Finding Report for Reasonable Assurance for Planning.
2. During the annual REPP billing, consistent with 44 CFR § 354.4(a)(1)(ii), each COL applicant will be billed a *flat fee* apportioned equally among the COL applicants (known at the start of the current fiscal year) for the anticipated REPP program expenses associated with new reactor activities. We will not bill the Early Site Permit applicants a *flat fee*.
3. This fee structure applies to all new reactor license applicants, both ESP applicants and COL applicants, until the NPP goes into commercial operation. Once the NPP goes into commercial operation, the reactor site containing the existing NPP(s) and the new NPP will be charged the single site fee as it exists under our current regulations.
4. This billing is not retroactive (i.e., new reactor applicants currently docketed will only be billed for anticipated future costs for FY 11 onwards).
5. If a prospective licensee notifies the NRC that it is placing its application "on hold", and notifies the NRC to request that all Federal agencies stop work on that application then FEMA will not bill the prospective licensee the yearly flat fee apportionment for the next fiscal year.

6. If a prospective new licensee chooses not to apply as planned or chooses to withdraw from the process once begun, FEMA will move to process a credit or refund of the submitted fees in full or on a prorated basis upon receiving formal NRC notification of prospective licensees' action.
7. Example: *Commercial Nuclear Licensee Applicant X submits its package to the NRC on March 1, 2010. FEMA will bill an initial fee of \$300k. This will cover work done on Applicant X's behalf from March 1, 2010 to September 30, 2011 (i.e. the end of Federal fiscal year 2011). In December 2010, because Applicant X's package was being processed at NRC on October 1, 2010, the start of that fiscal year, Applicant X will be billed its portion of the fixed fee for new reactor activity. This will cover REPP new reactor activities from October 1, 2011 to September 30, 2012. Assuming Applicant X's new reactor becomes operational on July 1, 2014, Applicant X will not be billed for new reactor activities during the next billing cycle in December 2014.*

We look forward to continuing our long standing relationship with your company. If you have any questions or wish to discuss this matter further, please contact Albert Coons at 202-212-2318.

Sincerely,



James R. Kish  
Director, Technological Hazards Division  
Federal Emergency Management Agency