

December 4, 2015

Docket: PROJ0769

Ms. Annette Vietti-Cook, Secretary  
U.S. Nuclear Regulatory Commission  
ATTN: Rulemakings and Adjudications Staff  
Washington, DC 20555-0001

**SUBJECT:** NuScale Power, LLC, Comments on Proposed Rule for a Variable Annual Fee Structure for Small Modular Reactors (Docket ID: NRC-2008-0664)

**REFERENCES:** 1. Federal Register Notice, Volume 80, page 68268 (80FR68268), "Variable Annual Fee Structure for Small Modular Reactors," dated November 4, 2015

Dear Secretary,

On November 4, 2015 the Nuclear Regulatory Commission (NRC) published its proposal to implement a variable annual fee structure for small modular reactors (SMRs) in Federal Register Notice, Volume 80, page 68268 (80FR68268), "Variable Annual Fee Structure for Small Modular Reactors," (Reference 1). The reference notice included the opportunity to provide comments on the proposed rule.

The purpose of this letter is to express NuScale Power, LLC, (NuScale) support for the NRC staff's proposed rule for a variable annual fee for light-water SMRs, as discussed in Federal Register Notice. NuScale endorses the comments on this rule provided by the Nuclear Energy Institute (NEI) in their letter dated December 4, 2015.

To further amplify some of the NEI comments, NuScale offers the following comments:

- NuScale appreciates the agency's prompt action on this rulemaking as it provides clarity on 10 CFR Part 171 fees that supports near-term business decisions regarding submittal of combined license applications for NuScale's customers, the first of which is anticipated in late 2017 or early 2018.
- The proposed rule provides a more equitable basis for assessing 10 CFR Part 171 fees for SMRs that recognizes the expected lower oversight costs due to their enhanced safety and smaller size.
- The proposed rule, which will assess fees on the cumulative licensed thermal power of modules at a site, is a more equitable basis for determining fees. This approach results in a Part 171 fee for a licensee that operates a 12-module NuScale power plant to have an annual Part 171 fee that is approximately 96% of the fee for a traditional large light water reactor.

- While, the proposed rule improves equity on a per-plant basis, it does result in fees that are significantly higher on a per-megawatt basis for the expected normal 12-module NuScale plant than the average size large light water reactor. NuScale understands the staff's rationale that further adjustment of Part 171 fees should be deferred until operational experience with SMRs is obtained, to more definitively establish the relative regulatory oversight necessary for the NRC for SMRs compared to large light water reactors. NuScale encourages the staff to document in the final rulemaking package (e.g., Commission paper or statements of consideration) the criteria by which such an evaluation will be conducted, and the amount of time that will be necessary to accumulate sufficient operating experience. Such an approach ensures the staff's rationale is retained, given the time that will transpire between issuance of the final rule and when SMRs will be subject to Part 171 fees.

If you have any questions, please contact me or Thomas Bergman at 301-606-4450 or at [tbergman@nuscalepower.com](mailto:tbergman@nuscalepower.com).

Sincerely,



Zackary W. Rad  
Director, Regulatory Affairs  
NuScale Power, LLC

Distribution: Document Control Desk, NRC OWFN-P1-35  
Frank Akstulewicz, NRC, TWFN-6C20  
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