

From: [TSCHILTZ, Michael](#)
To: [RulemakingComments Resource](#); [Vietti-Cook, Annette](#)
Cc: [Brown, Frederick](#); [Holahan, Trish](#); [Wylie, Maureen](#); [GRP. Generation & Suppliers Internal Distribution List](#)
Subject: [External_Sender] Vogtle Electric Generating Plant Units 3 and 4 Petition to Amend 10 CFR 171 .15, "Reactor Licenses and Independent Spent Fuel Storage Licenses (PRM-171-1, Docket ID NRC-2019 0084)
Date: Thursday, June 27, 2019 11:12:47 AM
Attachments: [06-27-19 Southern Petition PRM-171-1 NEI Letter.pdf](#)

June 27, 2019

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

Subject: Vogtle Electric Generating Plant Units 3 and 4 Petition to Amend 10 CFR 171 .15, "Reactor Licenses and Independent Spent Fuel Storage Licenses (PRM-171-1, Docket ID NRC-2019 0084)

Project Number: 689

Dear Ms. Vietti-Cook:

The purpose of this letter is to express the Nuclear Energy Institute's (NEI) support for the subject petition for rulemaking by Michael D. Meier submitted on behalf of Southern Nuclear Operating Company, dated February 28, 2019. The petition requested that the Nuclear Regulatory Commission (NRC) revise its regulations related to the start of assessment of annual fees for certain nuclear power plants to align with commencement of their commercial operation. More specifically, the petition requested that the NRC revise the timing of when annual license fees for holders of a combined license under 10 CFR part 52, "Licenses, certifications, and approvals for nuclear power plants," commence, to coincide with a licensee's commercial operation, rather than upon a 10 CFR 52.103(g) finding.

NEI agrees with the petitioner that licensees should not be subject to the annual fee required under § 171.15, "Annual fees: Reactor licenses and independent spent fuel storage licenses," until the nuclear power plant receives financial benefit from commercial operation beyond minimal amounts of revenue derived from test energy. NEI also supports the rationale for the rule change provided in the petition "...that a startup period of time is required, after the licensee receives NRC's authorization to operate, to complete the remaining tasks necessary to operate the power reactor commercially" and that "...at the time of a 10 CFR 52.103(g) finding, the power reactor has not yet been loaded with fuel, undergone startup testing, power ascension, commissioning, or other actions necessary to reliably generate energy for the production of revenue." The subject rulemaking is needed to better align the annual fees of power reactor licensees with the "receipt of benefits based on the benefits of receiving the NRC's authorization to operate" and is consistent with NRC's policy underlying its annual fee assessments to power reactors.

NEI very much appreciates the opportunity to comment in support of this petition.

Sincerely,

Michael D. Tschiltz
Senior Director,
New Reactors

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¹ The Nuclear Energy Institute (NEI) is responsible for establishing unified policy on behalf of its members relating to matters affecting the nuclear energy industry, including the regulatory aspects of generic operational and technical issues. NEI's members include entities licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect and engineering firms, fuel cycle facilities, nuclear materials licensees, and other organizations involved in the nuclear energy industry.

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NEI very much appreciates the opportunity to comment in support of this petition.

Sincerely,



Michael D. Tschiltz

c: Mr. Fred Brown, NRO, NRC
Dr. Patricia Holahan, NMSS, Division of Rulemaking
Ms. Maureen Wylie, OCFO
NRC Document Control Desk

² 72 FR 31410 (June 6, 2007)