

PUBLIC SUBMISSION

As of: 6/24/21 7:55 AM
Received: June 23, 2021
Status: Pending_Post
Tracking No. kq9-yct6-1nsn
Comments Due: June 23, 2021
Submission Type: Web

Docket: NRC-2021-0099

Associated Independent Spent Fuel Storage Installations; Consideration of Approval of Transfer of Licenses and Conforming Amendments

Comment On: NRC-2021-0099-0001

Exelon Corporation; Exelon FitzPatrick, LLC; Nine Mile Point Nuclear Station, LLC (NMP LLC); R. E. Ginna Nuclear Power Plant, LLC (Ginna LLC); and Calvert Cliffs Nuclear Power Plant, LLC (Calvert LLC); and the Associated Independent Spent Fuel Storage Installations; Consideration of Approval of Transfer of Licenses and Conforming Amendments; Public Comment Period Extended

Document: NRC-2021-0099-DRAFT-0002

Comment on FR Doc # 2021-09218

Submitter Information

Email: dxs@vnf.com

Government Agency Type: Local

Government Agency: Long Island Power Authority

General Comment

See attached file(s).

Attachments

6.23 LIPA Comments NRC-2021-0099

June 23, 2021

Secretary, U.S. Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemaking and Adjudications Staff
Via Email: Hearing.Docket@nrc.gov
Also submitted to <https://www.regulations.gov/document/NRC-2021-0099>

COMMENTS OF THE LONG ISLAND POWER AUTHORITY

Re: Nine Mile Point Nuclear Station Unit 2; Consideration for Approval of Transfer of Licenses and Conforming Amendments -- Docket ID NRC-2021-0099

Dear Secretary:

In accordance with 10 CFR § 2.1305, the Long Island Power Authority (“LIPA”) submits these comments in response to the May 3, 2021 NRC solicitation for comments to the February 25, 2021 application filed by Exelon Generation Company, LLC (“EGC” or “Exelon Generation”) on behalf of itself and Exelon Corporation, Exelon FitzPatrick, LLC, Nine Mile Point Nuclear Station, LLC, R. E. Ginna Nuclear Power Plant, LLC; and Calvert Cliffs Nuclear Power Plant, LLC. The application seeks NRC approval of the indirect transfer of control of various licenses, including the license for the Nine Mile Point Nuclear Station Unit 2, to support a proposed inter-corporate transaction in which Exelon Corporation will transfer 100% ownership of EGC to a newly formed publicly-traded holding company resulting in a change in the upstream ownership of Exelon Generation (“Spin Transaction”).

Exelon Generation indirectly owns a 50.01% interest in Constellation Energy Nuclear Group (“CENG”).¹ CENG owns the Nine Mile Point Nuclear Station Unit 1, 82% of Unit 2, and the R.E. Ginna Nuclear Power Plant. LIPA owns the other 18% of Nine Mile Point Nuclear Station Unit 2 (“NMP2”) and is a co-licensee on the NMP2 Renewed Facility Operating License No. NFP-69. As an owner and co-licensee of NMP2, LIPA has a substantial interest in the proposed Spin Transaction and in obtaining assurances that the newly formed parent entity of Exelon Generation is financially sound and will

¹ EDF Inc. Owns 49.99% interest in CENG. EDF Inc. exercised a put option to sell its interests in CENG to Exelon Generation that was approved by the New York State Public Service Commission in April 2021. The closing of that transaction has not yet transpired and it is unclear if it will occur before or after the Spin Transaction. That raises additional concerns for LIPA, because it is unknown what impact the EDF put transaction will have on the newly formed entity.

invest adequate funds for long-term decommissioning costs, capital investments and operating and maintenance (“O&M”) expenses to safely operate NMP2.

In this respect, LIPA’s interest in financial certainty aligns with the NRC’s policies in that “typically NRC staff review of such [license transfer] applications consists largely of assuring that the ultimately licensed entity has the capability to meet financial qualifications and decommissioning funding aspects of NRC regulations.”² Thus, as part of the NRC’s review, LIPA respectfully requests that the NRC evaluate in its review of the application that both Exelon Corporation and Exelon Generation:

- 1) maintain sufficient capital and O&M funding for the safe and reliable operation of NMP2; and
- 2) adequately fund long-term decommissioning costs of NMP2 or, in the alternative, that the newly formed publicly traded holding company assume CENG’s existing decommissioning trust(s).

Thank you for the opportunity to comment.

Respectfully submitted,

Lisa Zafonte

Lisa Zafonte

Assistant General Counsel

² See Streamlined Hearing Process for NRC Approval of License Transfer, Final Rule, 63 Fed. Reg. at 66,721, 66,728 (1998).