

DOCKET NUMBER
PROPOSED RULE PR 71, 170 + 171
(56 FR 14870)

486

Log # TXX-91188
File # 10009



TU ELECTRIC

'91 MAY 21 P3:29

William J. Cahill, Jr.
Executive Vice President

Secretary of the Commission
U. S. Nuclear Regulatory Commission
Attn: Docketing and Service Branch
Washington, D. C. 20555

SUBJECT: COMANCHE PEAK STEAM ELECTRIC STATION (CPSES)
DOCKET NOS. 50-445 AND 50-446
COMMENTS ON PROPOSED RULE - 10CFR PARTS 71; 170; 171
REVISION OF FEE SCHEDULES; 100% FEE RECOVERY
FEDERAL REGISTER VOL. 56, NO. 71, 14870

Gentlemen:

In response to the Subject request TU Electric hereby provides the following comments.

TU Electric generally endorses the comments submitted by NUMARC on behalf of the nuclear industry and would like to take this opportunity to highlight certain of the that submittal's comments which we believe to be particularly noteworthy.

We agree with the NUMARC general comment which observes that Public Law 101-508, section 6101, subtitle B, subsection (c)(2) allows the NRC to collect an amount which approximates 100 percent of the budget authority. Clearly the Commission has the statutory authority to remove from the fee basis those costs for which a reasonable association cannot be established between the regulatory service provided and the recipient licensee. The Commission should exercise this authority when considering the fee basis for such costs as those associated with educational institutions, activities rendered to other Federal Agencies or other activities which can be characterized as having a broad national interest.

We concur with the NUMARC comment and proposal regarding the deferral of the collection of the balance due for the 1991 10CFR171 annual fee until calendar year 1992, divided evenly on a per quarter basis. Such action will allow utilities to adequately plan for the necessary cash flow required to satisfy the fee rather than having to make short term decisions which may be at the expense of other 1991 budgeted Operations and Maintenance activities.

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Finally, we believe in concert with NUMARC that provisions must be provided within the rule to allow for public comment and input during the NRC's budget preparation process. Issues such as:

- Percent of FTE's considered as overhead, general and administrative.
- Cost of contract services.
- cost-effectiveness of generic programs.
- elimination of duplicities between NRC and industry sponsored initiatives and
- NRC staffing growth.

These issues should be subject to formal opportunities for input from both the utilities and the ratepayers responsible for covering the Commission's budget. This should also include the requirement to provide each utility with a detailed accounting, to the extent required by the responsible Public Utilities Commission and accounting practices, to convey both an understanding and basis for the allocations of the 10CFR170 and 171 fees.

Sincerely,


William J. Cahill, Jr.

RGS/grp

c - Mr. R. D. Martin, Region IV
Resident Inspectors, CPSES (2)
Mr. J. W. Clifford, NRR