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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

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March 1, 2016

The Honorable Gene L. Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G Street NW
Washington, DC 20548

Dear Mr. Dodaro,

As part of several licensing processes, staff working in the various Nuclear Regulatory Commission (NRC) program offices have the authority to make requests for additional information (RAI). RAIs are designed to enable staff to obtain all relevant information needed to make a regulatory decision that is fully informed, technically correct, and legally defensible. In the case of license amendment requests, NRC guidance directs the staff to limit the scope of RAIs to issues that have a regulatory basis, to avoid issuing RAIs if the information is already available, and "...to make every effort to limit itself to one round of RAIs..."¹

During the late 1990s, Senate Environment and Public Works Committee oversight activities unearthed concerns regarding the excessive use of RAIs resulting in unnecessary increased costs and schedule delays. This issue surfaced in a 1998 Commission meeting with stakeholders² and in testimony before the Senate Environment and Public Works Committee nuclear safety subcommittee hearings on July 30, 1998³, and February 4, 1999. In the February hearing, the NRC testified that it had:

*"...improved discipline in the process for requesting additional information (or RAI's) from licensees for license amendments and other reviews. We have revised internal guidance, trained appropriate NRC staff, held NRC staff and management accountable for the timeliness and quality of reviews, and developed an outline for general distribution that details the qualities looked for in licensee submittals. These efforts should help to reduce the need for, and the burden associated with, RAIs."*⁴

Similar concerns have resurfaced in the past year regarding the number, nature, and management of RAIs. For example, the NRC Office of the Inspector General cited concerns about RAIs in its report: *Audit of NRC's Oversight of Spent Fuel Pools*.⁵

¹ U.S. NRC Office of Nuclear Reactor Regulation Office Instruction: LIC-101, Revision 4, page 16.

² U.S. NRC *Public Meeting on Stakeholder Concerns*; Friday July 17, 1998.

³ U.S. Senate Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety hearing: *Nuclear Regulatory Commission: Nuclear Regulatory Commission Oversight*, July 30, 1998.

⁴ U.S. Senate Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety hearing: *Nuclear Regulatory Commission: Review of Programs and Reforms*; February 4, 1999.

⁵ U.S. NRC Office of the Inspector General OIG-15-A-06: *Audit of NRC's Oversight of Spent Fuel Pools*; February 10, 2015.

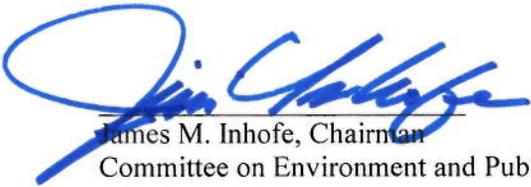
To assist with the Committee's oversight and to better understand NRC's use of RAIs, we request that GAO study the following issues:

1. How many RAIs has the NRC issued over the past 5 years, including how many successive rounds, and what kinds of information did the RAIs request?
2. What are the NRC's processes to develop and issue RAIs and to what extent do these processes include steps to ensure that the NRC staff comply with NRC's guidance?
3. How often does staff depart from NRC's guidance?
4. How does the NRC track the issuance of RAIs and licensees' responses to them? Is the tracking accurate?
5. How often do licensees and applicants failed to respond to RAIs in the allotted time?
6. What concerns have been raised—by the NRC, licensees, stakeholders, or other parties—about RAIs and what actions, if any, is the NRC taking to address the concerns?

GAO may add such additional questions as appropriate to ensure adequate coverage of these issues.

We appreciate your attention to this request. The committee is interested in holding hearings on this issue in the spring of 2017 and it would be useful to have GAO's final report on these issues by late 2016 or early 2017. If you have any questions, please contact Annie Caputo at 202-224-6176.

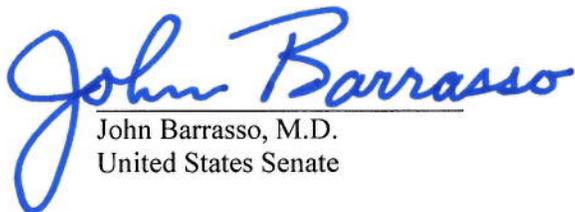
Sincerely,



James M. Inhofe, Chairman
Committee on Environment and Public Works
U.S. Senate



Shelley Moore Capito, Chairman
Subcommittee on Clean Air and Nuclear Safety
U.S. Senate



John Barrasso, M.D.
United States Senate