

**United States Senate**  
**WASHINGTON, DC 20510**

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

July 7, 2009

Dear Mr. Dodaro:

The Nuclear Regulatory Commission (NRC) has made great progress preparing for and beginning reviews of new nuclear plant license applications in the last two years. Licensing a new nuclear plant is a complex endeavor. Proper planning, detailed schedules, and Commission and applicant engagement are essential for a thorough, efficient, fair, and predictable process that ensures protection of public health and safety and the environment.

At this time, the Commission itself does not appear to have developed the detailed schedules of how the agency, especially the hearing boards and the Commission, will consider and issue decisions on combined Construction and Operating Licenses (COLs). In the recent past, the Commission has issued detailed instructions in the LES uranium enrichment facility licensing effort and in considering previous license extension applications.

To gain a full appreciation of the agency's progress on new plant applications, we would like the GAO to examine whether the NRC's new plant licensing process, especially the Commission's own role, is as predictable and consistent as it should be when compared with other licensing activities. Please assess to what extent the NRC is meeting previously stated scheduling goals and hearing milestones, whether lessons learned on early applications have resulted in time and resource efficiencies on later ones, and whether the Commission has issued adequately specific supervisory instructions concerning both the licensing process in general and for individual applications. Where appropriate, please compare current new plant licensing activities to previously referenced licensing actions for enrichment plants and license renewals. Please assess whether license reviews have been scheduled and planned with sufficient specificity to support accurate budgeting for required resources. Attached is a more detailed list of the issues we would like the GAO to analyze.

To gain a broad understanding of these issues, please interview present NRC Commissioners, recent commissioners who participated in the development and implementation of 10 CFR Part 52, key NRC staff, key executives and staff of new reactor license applicants, and other industry representatives as those primarily responsible for the conduct of this activity. Other stakeholder views can be considered as necessary to illuminate your work on this matter.

It is important that the Commission, its staff, and the applicants utilize a process that proves to be more effective and more efficient than that used during the construction of the current fleet of reactors. Applicants need to produce quality applications and, when they have done so, deserve a predictable and efficient process that improves with experience. With that in mind, please develop specific ways in which the Commission can improve the conduct of its license application reviews for new reactors.

We look forward to your recommendations.

Sincerely,



Senator James M. Inhofe  
Ranking Member  
Committee on Environment and Public Works



Senator David Vitter  
Ranking Member  
Subcmte. on Clean Air and Nuclear Safety  
Cmte. on Environment and Public Works

1. From the time that a COL application is docketed, how long has the agency taken to issue the notice of hearing and provide schedules for the application reviews? Are there specific supervisory milestones established by the Commission in individual cases? Where there are differences in the time required for the issuance of a hearing notice and review schedules, please analyze the explanations and provide comments and recommendations on gaining improved predictability in this part of the process.
2. In the hearing notices for the enrichment facilities, the Commission established an overall time frame of 30 months for completing the review and issuing the license. Please examine whether there is a similar overall time frame that you can recommend for the review and issuance of individual COLs.
3. In the hearing notice for LES enrichment facilities license application, the agency provided specific guidance on schedule, as well as policy direction on key issues, to guide the hearing boards. Please analyze what similar provisions have or have not been included in individual COL proceedings and make recommendations for incorporating similar provisions in new reactor hearing notices.
4. For enrichment facility COLAs, what efficiencies has the Commission achieved following review and approval of the LES license? Does the Commission expect to achieve further efficiencies in future enrichment application reviews? Please analyze Commission activities in this regard and provide comments and recommendations.
5. Does the NRC have adequate numbers of experts needed to review technical matters and prevent bottlenecks due to demand for any particular expertise?
6. Please review all of the pending COL proceedings to determine whether they are meeting the milestones established in 10 CFR Part 2 Subpart L which govern these proceedings. Is there variation from board to board? Please analyze and provide comments and recommendations accordingly.
7. Please review the time for Commission action when required during hearings. Is Commission action completed in a timely manner? Does the Commission impose deadlines on itself for taking action in these instances? How well do they keep to those schedules? Where

appropriate, is such Commission action applied consistently among the hearing boards? Please analyze and provide comments and recommendations accordingly.

8. Please evaluate whether the Commission has adequate mechanisms in place to adequately supervise the conduct of COL hearings. How frequently does the Commission receive detailed schedule and status reports from the individual boards and the NRC staff? How does the Commission provide feedback on these status reports?
9. Please evaluate what efficiencies the Commission expects to achieve in the review of subsequent reactor COL applications following the review of the reference (lead) COL applications. What efficiencies would the Commission expect in the hearing process?