February 20, 2006

The Honorable Joe Barton
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Barton:

On behalf of the U.S. Nuclear Regulatory Commission (NRC), I am responding to your letter dated January 27, 2006, in which you expressed interest in the preparations the NRC has taken for the review of license applications for new reactors. We appreciate your interest in the critical tasks that lie ahead for the agency in this area.

A stable and predictable licensing process for new reactors is a top priority for the NRC. To better facilitate such a licensing process, the NRC developed 10 CFR Part 52, which allows public participation while streamlining the licensing review process. Part 52 provides for certification of advanced reactor designs through rulemaking for later use, for Early Site Permits (ESP) to resolve siting issues early, and for combined construction and operating license (COL) authorizations.

The new reactor licensing environment is very dynamic and, since passage of the Energy Policy Act, the NRC has seen an increase in the number of prospective applicants indicating that they plan to apply for a COL. To date, the NRC has certified four advanced reactor designs in our regulations and is close to issuing final Environmental Impact Statements (EISs) in support of two ESPs. The nuclear industry has indicated that 11 COL applications are currently planned, with submittals beginning in 2007. To meet this challenge, the NRC has been anticipating the hiring of more than 350 new employees to support the COL reviews in a timely manner and has realigned the organization to provide a dedicated project management team for the new reactor licensing applications.

While the Part 52 process is fundamentally sound and efficient, the NRC is identifying areas in which more can be done, including updating the rule. For example, during the North Anna ESP review, an unexpectedly large number of public comments were received on the ESP draft EIS, requiring more time to address them than was originally planned. As a separate matter, the applicant also submitted a supplement to its application late in the process that impacts many sections of the application. When these difficulties were encountered, the NRC took prompt action to reduce the impact by shifting work priorities and increasing the level of staff involvement in the process. The NRC is incorporating the lessons learned from the North Anna ESP review into the ESP review process and expects that the same difficulties will not arise during future ESP reviews. However, also critical to the process is the quality of the license applications, responsiveness of the applicants, and standardization among the applications.

The Commission believes that an efficient, stable, and predictable licensing process that maintains safety is a goal that both the Commission and the Congress share, and I intend to see that the NRC meets this goal. Enclosed are the responses to the specific questions you raised about NRC's preparation for review of new reactor licensing. If you have any additional questions, please do not hesitate to contact me.

Sincerely,

/RA/

Nils J. Diaz

Enclosures (5):
1. Response to Questions Concerning Licensing Actions
2. List of 25 Most Recently Licensed Plants
3. ESBWR Design Certification Application Acceptance Review Checklist
4. Representative List of Federal, State, and Local Authorizations and Consultations (North Anna ESP example)
5. Letter to D.A. Christian from D. B. Matthews, dated February 10, 2006, North Anna Early Site Permit (ESP) Application Review Schedule