

EDO Principal Correspondence Control

FROM: DUE: 07/01/08

EDO CONTROL: G20080422
DOC DT: 06/18/08
FINAL REPLY:

Representative Darlene Hooley
Senator Ron Wyden
Senator Gordon H. Smith
Representative Greg Walden

TO:

Chairman Klein

FOR SIGNATURE OF :

** PRI **

CRC NO: 08-0346

Chairman Klein

DESC:

ROUTING:

Review Time of Design Certification Applicants
(EDATS: SECY-2008-0362)

Borchardt
Virgilio
Mallett
Ash
Ordaz
Burns
Leeds, NRR
Cyr, OGC
Schmidt, OCA
Cox, OEDO
Shoop, OEDO

DATE: 06/20/08

ASSIGNED TO:

CONTACT:

NRO

Johnson

SPECIAL INSTRUCTIONS OR REMARKS:

Template: SECY-017

E-RIDS: SECY-01

EDATS

Electronic Document and Action Tracking System

EDATS Number: SECY-2008-0362

Source: SECY

General Information

Assigned To: NRO

OEDO Due Date: 7/1/2008 5:00 PM

Other Assignees:

SECY Due Date: 7/3/2008 5:00 PM

Subject: Review Time of Design Certification Applicants

Description:

CC Routing: NRR; OGC; OCA

ADAMS Accession Numbers - Incoming: NONE

Response/Package: NONE

Other Information

Cross Reference Number: G20080422, LTR-08-0346

Staff Initiated: NO

Related Task:

Recurring Item: NO

File Routing: EDATS

Agency Lesson Learned: NO

Roadmap Item: NO

Process Information

Action Type: Letter

Priority: Medium

Signature Level: Chairman Klein

Sensitivity: None

Urgency: NO

OEDO Concurrence: YES

OCM Concurrence: NO

OCA Concurrence: NO

Special Instructions:

Document Information

Originator Name: Rep. Hooley, Sen. Wyden, Sen. Smith,
Rep. Walden

Date of Incoming: 6/18/2008

Originating Organization: Congress

Document Received by SECY Date: 6/19/2008

Addressee: Chairman Klein

Date Response Requested by Originator: NONE

Incoming Task Received: Letter

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Jun 19, 2008 10:28

PAPER NUMBER: LTR-08-0346 **LOGGING DATE:** 06/19/2008
ACTION OFFICE: EDO

AUTHOR: SEN Darlene Hooley
AFFILIATION: CONG
ADDRESSEE: Dale Klein
SUBJECT: Concerns design certification applicants equal access to timely review of their applications

ACTION: Signature of Chairman
DISTRIBUTION: RF, OCA to Ack

LETTER DATE: 06/18/2008
ACKNOWLEDGED: No
SPECIAL HANDLING: Commission Correspondence

NOTES:
FILE LOCATION: ADAMS

DATE DUE: 07/03/2008 **DATE SIGNED:**

EDO --G20080422

Congress of the United States

Washington, DC 20515

June 18, 2008

Dale E. Klein, Ph.D.
Chairman
U.S. Nuclear Regulatory Commission
Mail Stop 0-16G4
Washington, DC 20555-0001

Dear Chairman Klein:

We are writing to urge the Nuclear Regulatory Commission (NRC) to give all design certification applicants equal access to timely review of their applications.

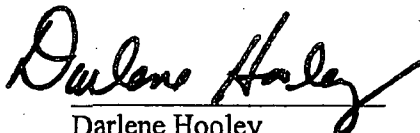
On January 23, 2008, NuScale Power, Inc., an Oregon-based company, informed the NRC of its readiness to begin Pre-Application Reviews in August 2008 for its intended 2010 application for design certification for a 45 MW modular light water reactor (LWR). Following this letter, NuScale met with the NRC staff in February 2008 to discuss the general characteristics of the design, as well as the considerable extent to which the agency can review the design under the existing LWR-based regulatory framework. Based upon the feedback from the staff at that meeting, NuScale requested, in a April 4, 2008 letter, that pre-application meetings be scheduled for the purpose of more detailed design familiarization discussions, as well as in-depth discussion of the key technical considerations and the applicable regulatory framework for reviewing the proposed design.

The response to the April letter concerns us as it does not commit to a timely review of NuScale's application. In the NRC's April 11, 2008 response to NuScale's request for pre-application review meetings, the NRC offered only the possibility of "limited" pre-application discussions with NuScale Power "as resources are available." The NRC is currently devoting resources to the review of other new reactor designs, one or more of which appear to require a significant effort on the part of the agency to fashion a regulatory framework that would apply to non-LWR reactor designs. The level of regulatory complexity posed by these non-LWR designs is significantly greater than the issues posed by the modular LWR design for which NuScale has requested pre-application interactions. We are concerned the more complicated applications will delay NuScale's review.

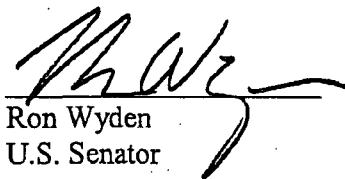
In the NRC's recent Draft Statement of Policy on Advanced Nuclear Power Plants the NRC emphasized the importance of early licensing interaction and guidance between applicants and the NRC. We believe that early interaction and guidance would benefit

both NuScale and the NRC and ask that you promptly take the necessary steps to ensure that timely pre-application meetings are scheduled to discuss and review NuScale's proposed design.


Thank you in advance for your assistance. We look forward to receiving your timely reply.



Darlene Hooley
U.S. Representative



Ron Wyden
U.S. Senator



Gordon H. Smith
U.S. Senator



Greg Walden
U.S. Representative