

February 16, 2011

The Honorable James M. Inhofe
Ranking Member, Committee on
Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Senator Inhofe:

Thank you for your interest in the conduct of the Commission's mandatory hearings on applications for combined nuclear power licenses issued under 10 CFR Part 52. I share your goal of conducting these hearings in a manner that is efficient, fair, and consistent with our responsibility to the public. I am pleased to provide you with information on the Commission's recent decision on how we will conduct these hearings. This decision represents the final step in structuring the new reactor licensing review process. While the proposal to conduct the type of informal, legislative-style hearings recommended by the Bipartisan Policy Center was not adopted by the Commission in its entirety, the process approved by the majority will facilitate timely decisions and enhance public understanding of the Commission's role in ensuring adequate protection of the public health and safety, and the common defense and security.

The mandatory hearing process will begin upon the staff's completion of its Final Environmental Impact Statement and Final Safety Evaluation Report. The Commission's goal is to issue a decision within four months of the completion of those documents or when the Commission affirms the related design certification rule, whichever is later. At the start of the process, the staff will provide the Commission with a publicly available information paper addressing each required finding, unique features of the facility, and novel issues that arose during the review. Interested governmental entities, including States, local governments, and Indian Tribes will be invited to submit written statements for Commission consideration.

The Commission's objective will be to evaluate the adequacy of the staff's review. The Commission will not duplicate the time intensive, detailed review of the application which has already been completed by staff or revisit matters previously addressed and resolved in the context of other reviews (for example, reviews of applications for an early site permit or a design certification rule). This high-level review will allow the Commission to focus on significant safety and security issues and meet our goal of completing our work within four months of the issuance of the staff's review documents. Our mandatory hearing decision will explain the basis for our conclusions, which will include our determinations on each of the safety and environmental regulatory findings required for a combined nuclear power license under 10 C.F.R. §§ 51.107 and 52.97. While the four month goal represents a milestone as opposed to a binding requirement, the Commission is fully committed to meeting it whenever possible and has marshaled the necessary resources to begin hearings this summer, when we expect the staff will issue the review documents for the first mandatory hearing. Based on our progress, and the completion of this final step, we continue to have every confidence that the agency will successfully and effectively meet its regulatory responsibilities.

If you have any questions, please contact me or Ms. Rebecca L. Schmidt, Director of the Office of Congressional Affairs, at (301) 415-1776.

Sincerely,

/RA/

Gregory B. Jaczko

cc: Senator Barbara Boxer