

**Union of Concerned Scientists ♦ Southern Utah Wilderness Alliance ♦
Southern Alliance for Clean Energy ♦ SUN Day Campaign ♦
Sierra Club ♦ Natural Resources Defense Council ♦
Nuclear Information and Resource Service ♦ Public Citizen ♦
Physicians for Social Responsibility ♦ Friends of the Earth ♦
Environment America ♦ Clean Water Action ♦
Center for Biological Diversity ♦ Beyond Nuclear**

October 15, 2009

Dear Senator:

As the Senate crafts a comprehensive climate and energy bill, we are writing to urge you to reject any provisions that would further undermine the Nuclear Regulatory Commission's (NRC) existing, truncated licensing process for new reactors. Both Congress and the NRC have already streamlined the NRC's processes for internal staff reviews, the licensing process and associated public hearings so drastically that any further acceleration would fatally undermine public confidence in the safety of US reactors. Furthermore, the acceleration of those review and hearing processes would not address the real cause of delays in the NRC's licensing process: premature submission of incomplete and poor-quality applications by the industry. Public health and safety could be jeopardized if there is a rush to construct new nuclear reactors without allowing resolution of the significant technical uncertainties present in all new reactor designs, such as their resistance to aircraft attacks.

The NRC's licensing process for new reactors already has been accelerated in two major respects. In the Energy Policy Act of 1992, anticipating standardized reactor designs that could be generically approved by the NRC and incorporated by reference into individual license applications, Congress collapsed the former two-step licensing process (construction permit review followed by operating license review) into a one-step Construction and Operation License (COL) process. In 2004, the NRC further truncated the licensing process by eliminating the public's right to take depositions or cross-examine opposing witnesses in individual licensing hearings.

Despite a more "streamlined" process, almost all COL applicants have chosen to file COL applications based on incomplete designs. To date, only one of the 17 applications for new reactors refers to a design that has been fully completed and certified by the NRC. (The AP 1000 design is certified, but is currently now in its 17th revision.) The other sixteen COL applications now pending before the NRC are based on four different designs that are still under development. The result has been inadequate understanding of how designs interact with

specific proposed reactor sites and, as one might expect, unpredictability in certification and licensing schedules.

Compounding this problem, the nuclear industry has submitted poor-quality applications to the NRC. Addressing this matter, NRC Chairman Gregory Jaczko observed, “if you look at most of the applications and the delays that we’re seeing right now for the most part, those are almost exclusively tied to challenges with the designs not being complete and the work not being done there. So if people want to make the process move faster, the number one place to look is in the designs and the quality of the submittals.” (Online National Journal Interview, June 18, 2009, <http://insiderinterviews.nationaljournal.com/2009/09/nrc-at-center-of-nuclear-regul.php>) NRC Commissioner Kristine Svinicki made a similar point in a May 2009 speech, stating that “we have found that the design certification applications and some combined license applications received have lacked information that the NRC staff needs to complete its review. Staff reviews have been further complicated because some applicants are revising submission dates or otherwise modifying their applications.” (<http://www.nrc.gov/reading-rm/doc-collections/commission/speeches/2009/s-09-011.html>)

The NRC’s dissatisfaction with the quality of standardized design certification applications is reflected, for example, in an August 27, 2009 letter to Westinghouse in which the NRC criticized Westinghouse’s failure to resolve “fundamental” questions about the AP 1000 design. This delay in certifying the AP 1000 design may in turn delay the issuance of construction and operation licenses. *See* Letters from NRC to Westinghouse, dated April 3, 2009, and August 27, 2009.

Despite the obstacles imposed by one-step licensing and revocation of deposition and cross-examination rights, the public continues to play a vital safety role in the NRC licensing process. Public participation in NRC licensing hearings has never resulted—in the entire history of the Atomic Age—in the rejection of a single license application for a new reactor. To the contrary, effective public participation has played a major role in exposing and correcting major safety defects at nuclear reactors.

The Senate should reject attempts to scapegoat an already truncated public participation process in order to distract attention from the real problems of the licensing process – i.e., incomplete designs and the poor quality of the submittals. Accelerating or curtailing the licensing processes for nuclear reactors is to sacrifice public safety and confidence. We urge you to reject any provisions that would further “streamline” NRC licensing.

Sincerely,

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