

March 5, 2015

Dr. Steven P. Croley
General Counsel
U.S. Department of Energy
Mailstop GC-1, 1000 Independence Avenue, SW
Washington, DC 20585

SUBJECT: Request for Extension of Public Comment Period; Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation.

Docket Number DOE-HQ-2014-0021 – RIN 1990-AA39

Dear Dr. Croley:

This Request for Extension is submitted by NuScale Power, LLC, an Oregon limited liability corporation (NuScale). NuScale is the developer of a 50MWe (gross) small modular nuclear reactor (SMR). NuScale is currently in the process of preparing a design certification application which we intend to submit to the Nuclear Regulatory Commission in the fourth quarter of 2016. NuScale is also actively pursuing the commercial deployment of its SMR in several international markets.

On December 17, 2014, the Department of Energy (Department, or DOE) published a Notice of Proposed Rulemaking (NPR) (79 Fed. Reg. 75,076) setting forth proposed regulations to establish the framework for the retrospective risk pooling program through which the federal government would be reimbursed if a call for funds were made under the Convention on Supplementary Compensation for Nuclear Damage Contingent Cost Allocation (CSC). The rulemaking implements Section 934 of the Energy Independence and Security Act of 2007 (EISA).

Comments to DOE on the proposed regulations are currently due by March 17, 2015. On January 28, 2015, the Nuclear Energy Institute (NEI), of which NuScale is a member, filed a request to extend the public comment period until May 19, 2015. NuScale fully supports and endorses NEI's extension request. NuScale understands that to date, the DOE has not yet responded to NEI's request. We urge DOE to grant the extension as soon as possible.

Given Congress' direction in the Energy Independence and Security Act of 2007, implementation of that statute is likely to have a significant impact on the competitiveness of U.S. nuclear suppliers. NuScale believes a longer public comment period is necessary for it, and for the U.S. nuclear industry as a whole, to fully assess the benefits and burdens of the proposed rule, and to consider recommending possible alternative approaches.

NuScale also notes that discussions during the February 20, 2015 DOE public workshop on the CSC rulemaking highlighted the need to give stakeholders more time to formulate useful

comments on the proposed rule and recommendations for improvements. Virtually all of the supplier workshop participants expressed concern about the difficulty of evaluating the rule's potential effect on nuclear suppliers given the gaps in information in the allocation methods. The DOE, for its part, acknowledged the many complexities reflected in the proposed rule and repeatedly articulated the Department's interest in receiving substantive stakeholder input to inform any future rulemaking proposals. The discussion clearly underscored the need for a longer public comment period.

For the above reasons, NuScale respectfully requests the DOE to extend the comment period on the proposed regulations to May 19, 2015.

Should you have questions or require additional information relating to this request for extension, please contact me.

Thank you for your consideration,



John Eustermann
General Counsel
NuScale Power LLC

Cc: Dale Atkinson
Chris Colbert