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To:

U.S. Senator Kirsten Gillibrand, New York

Attn. Susan Spear, Regional Director & William Goodwin, Legislative Correspondent

July 10, 2017

Dear Senator Gillibrand,

Thank you for your good questions on June 13th at the EPW Committee confirmation hearing for Donald J. Trump's nominees for the NRC Commission, re: the risks of irradiated nuclear fuel pool storage, as at Indian Point nuclear power plant near New York City. As I'm sure you will agree, the nominees' response -- including by the current NRC Chairman, Kristine Svinicki, were unacceptable. NRC's policy of leaving storage pools filled with highly radioactive waste for as long as 60 years post reactor shutdown has long been indefensible, especially at a high-security-risk site like Indian Point, with more than 20 million people who live and work within a 50-mile radius, the most by far of any U.S. nuclear power plant.

As a follow up to a hand-delivery I left for you and your Legislative Correspondent William Goodwin on June 13th (a media statement, re: the U.S. Senate EPW Committee's confirmation hearing for NRC Commissioner Nominees Svinicki, Caputo, and Wright), I would like to urge you to vote against the nominations of Annie Caputo and David Wright tomorrow morning at the EPW business meeting. It is regrettable that the EPW Committee already voted recently to confirm Kristine Svinicki for another five years.

The Japanese Parliament concluded in 2012, after a year-long independent investigation into the Fukushima Daiichi nuclear catastrophe, that the root cause was collusion, between regulator, industry, and government officials. Collusion was the root cause for the Fukushima Daiichi nuclear power plant being so very vulnerable to the natural disasters that ruined it on March 11, 2011, resulting in a still ongoing, catastrophic release of hazardous radioactivity into the environment, from the three melted down reactors.

But if confirmed to the U.S. Nuclear Regulatory Commission (NRC), President Donald J. Trump's nominees Annie Caputo and David Wright would take it a step further than collusion – a majority of the NRC Commission, dangerously, would actually represent the nuclear power industry itself. As Beyond Nuclear's Reactor Oversight Project Director, Paul Gunter, has put it, 'I don't think the nuclear industry could flaunt its special relationship with the NRC any more brazenly.' The confirmation of Kristine Svinicki as NRC Commissioner for the next five years is bad enough. Confirmation of Caputo and Wright would consummate the industry's high-risk regulatory capture of the NRC for the next five years.

Svinicki has already been an NRC Commissioner since 2008, and its Chairman since Trump took over the Oval Office in January. She has largely to entirely served as a rubberstamp for the nuclear power industry for nearly a decade. Significantly, during a previous confirmation hearing before the U.S. Senate Environment and Public Works (EPW) Committee, Svinicki neglected to reveal that she had worked, while at the U.S. Department of Energy, on advancing the highly controversial Yucca Mountain, Nevada dump proposal.

Given efforts in the U.S. House of Representatives, as by John Shimkus (R-IL) and Fred Upton (R-MI) to revive the Yucca licensing proceeding, over the objections of the State of Nevada, Svinicki should be required to recuse herself from Yucca-related decision making, as former NRC Commissioner and Chairman Greg Jaczko was, for two years.

And, as documented by Beyond Nuclear's Paul Gunter, Caputo worked as the congressional affairs executive manager for Exelon Corporation, now the largest nuclear power corporation in the U.S., from 1998 to 2005. She is currently a Republican Majority Senior Policy Advisor for the U.S. Senate EPW Committee, serving Chairman John Barrasso (R-WY), where she also previously served as Senior Policy Advisor for leading nuclear power proponent, Oklahoma Republican Senator Jim Inhofe from 2009 to 2012, who himself served as EPW Committee Chairman. She also worked for the 113th Congress as a Senior Policy Advisor for the U.S. House of Representatives Energy and Commerce Committee, where the chairman, Michigan Republican Congressman Fred Upton, successfully led the January 2013 opposition to the NRC technical staff's strongly worded and unanimously supported recommendation that the agency order the installation of engineered severe accident capable [radiation filters](#) on hardened containment vents for thirty-one U.S. Fukushima-style reactors. In our view, this is one of Congress' most egregious acts following the Fukushima Daiichi nuclear disaster to promote industry financial interests above U.S. public health, safety, and environmental protection interests. On both congressional committees, Ms. Caputo has prominently advocated for what amounts to the protracted political mugging and divisive licensing of the scientifically-unsuitable, environmentally unjust, non-consent based, and illegal – considering Western Shoshone Indian treaty rights to land and water -- Yucca Mountain high-level radioactive waste dump in Nevada (the radioactively contaminated groundwater from Yucca would eventually surface as springs in Death Valley, CA).

Trump's other nominee to the NRC Commission is David Wright, a former commissioner and chairman of the South Carolina Public Service Commission (SC PSC, 2004-2013), and another leading advocate for nuclear power/radioactive waste generation and the industry's coveted priority goal of ramrodding the Yucca Mountain dump down Nevada's throat. In 2011, Wright was elected President of the National Association of Regulatory Utility Commissioners (NARUC), which sued to keep the Yucca Mountain project moving forward. In addition to NARUC President, Wright served many other roles, including as Chairman of NARUC's Subcommittee on Nuclear Issues and Waste Disposal. He has been Co-Chair of the Yucca Mountain Task Force (2005–2010) and National Chair of the Nuclear Waste Strategy Committee (2006-2013). As SC PSC chairman, he presided over the gouging of South Carolina ratepayers, to pay for the construction of two proposed new atomic reactors, Summer Units 2 and 3. Multiple rate hikes over the course of many years now mean that South Carolina ratepayers pay around one-fifth of their electricity bill in 'nuclear tax surcharges,' Construction Work in Progress payments, or advance cost recovery, toward building Summer 2 and 3. With the recent bankruptcy of Westinghouse Nuclear, due to years-long schedule delays and cost overruns amounting to many billions of dollars, not only at Summer 2 and 3 in South Carolina, but also at Vogtle 3 and 4 in Georgia, the cancellation of one or both South Carolina reactor construction projects is now under active consideration. This means, the billions of

dollars already unwillingly 'invested' by South Carolina ratepayers, would simply be lost, with nothing to show in return. This is the best possible outcome. Throwing good money after bad at Summer 2 and 3 would further burden SC ratepayers. And, if those two troubled reactors are someday completed and operated, that would introduce the risk of reactor operations and radioactive waste storage, on top of the financial burden SC residents and electric consumers already shoulder, due to the industry-friendly decisions of David Wright.

It should be noted that Beyond Nuclear objects to NRC Commission wrongdoing, regardless of the party affiliation of the Commissioner involved. For example, Beyond Nuclear joined with dozens of other organizations to first call for the recusal from safety matters, and then the resignation, of Obama-appointed, Democratic NRC Commissioner William Magwood IV, as he successfully courted the Paris-based Nuclear Energy Agency (NEA) directorship, while still serving as an NRC Commissioner. NEA promotes nuclear power, while NRC is supposed to regulate its safety, and is explicitly barred from nuclear power promotions, the reason the U.S. Atomic Energy Commission was disbanded over 40 years ago.

Similarly, Beyond Nuclear objected to President Obama's nomination, and the U.S. Senate's confirmation, of Stephen Burns to serve as NRC chairman, and still now commissioner. Burns had served as NEA legal counsel, so Beyond Nuclear objected to the dangerous blurring of the lines between nuclear power's promotion and its safety regulation.

Thank you for taking our views, expressed on behalf of our many members and supporters in New York, into consideration. We urge you to vote against the confirmation of Annie Caputo and David Wright as NRC Commissioners at tomorrow morning's EPW Committee business meeting.

Sincerely,

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Beyond Nuclear aims to educate and activate the public about the connections between nuclear power and nuclear weapons and the need to abolish both to safeguard our future. Beyond Nuclear advocates for an energy future that is sustainable, benign and democratic.