

September 8, 2017

Dear Senator,

We write to urge you to vote against confirmation for President Donald J. Trump's nominees, Annie Caputo and David Wright, for the Nuclear Regulatory Commission (NRC).

Especially in light of Kristine Svinicki's recent re-confirmation by the U.S. Senate, for another five-year term, as NRC chairman, Annie Caputo's and David Wright's confirmations for five-year terms as NRC commissioners would only significantly worsen the already very dangerous regulatory capture of the agency by the nuclear power industry.

Kristine Svinicki has already been an NRC Commissioner since 2008, and the agency's chairman since shortly after President Trump took office in January. During her NRC tenure, Svinicki has largely, to entirely, voted for the nuclear power industry's interests, not the public's, for nearly a decade. And significantly, during a previous confirmation hearing before the U.S. Senate Environment and Public Works 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 radioactive waste dump proposal.

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.

Given their long established closeness to the nuclear power industry's lobbying agenda, if confirmed by the U.S. Senate to the NRC, Annie Caputo and David Wright would worsen such dangerous regulator-industry collusion on the NRC Commission. Confirmation of Caputo and Wright would consummate the nuclear power industry's high-risk domination of the NRC for the next five years.

Annie Caputo worked as an executive assistant, and a top lobbyist -- congressional affairs executive manager -- for Exelon Corporation, now the largest nuclear power corporation in the U.S., from the late 1990s to 2005. From 2005 to 2006, and again from 2012 to 2015, Caputo worked as senior policy advisor for the U.S. House of Representatives Energy and Commerce Committee, where the chairmen at those times, Joe Barton and Fred Upton, regularly sought to promote the nuclear power industry's agenda. Caputo has served a similar role in the U.S. Senate, serving as senior policy advisor for Environment and Public Works Committee Chairman James Inhofe from 2007 to 2012; she has continued in that role for the current EPW Committee Chairman, John Barrasso.

Thus, she was serving as a top congressional staffer when the 113th Congress's oversight committee, the U.S. House Energy and Commerce Committee, 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 31 U.S. Fukushima-style reactors (General Electric Mark I and II boiling water reactors). In our view, this is one of Congress's most egregious acts following the Fukushima Daiichi nuclear catastrophe, to promote the nuclear power industry's financial interests above U.S. public health, safety, and environmental protection.

And working as a top committee staffer in both houses of congress for lead congressional proponents, Annie Caputo has worked to advance the scientifically-unsuitable, environmentally unjust, non-consent based Yucca Mountain irradiated nuclear fuel and high-level radioactive waste dump scheme in Nevada.

President Trump's other nominee to the NRC Commission, David Wright, is a former commissioner and chairman of the South Carolina Public Service Commission (SC PSC, 2004-2013), and another leading advocate for the nuclear power industry's lobbying agenda, including promoting high-risk new reactor construction, as well as the Yucca dump. Wright's membership and leadership of the SC PSC took place at a critical period, when the SC PSC's strong support for nuclear new build came at significant SC ratepayer expense. Under Wright's leadership on the PSC, SC ratepayers were burdened with paying for the construction of two proposed new atomic reactors, Summer Units 2 and 3, through Construction Work in Progress (CWIP) or advance cost recovery on their electric bills. Multiple rate hikes have occurred, several approved by Wright during his tenure, toward building Summer 2 and 3. In the wake of the recent bankruptcy of Westinghouse and 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 Summer project has been cancelled. Wright served as president of SEARUC, the Southeastern Association of Regulatory Utility Commissioners, from 2008-2009, a critical launch period for both the SC and GA, ill-fated, new reactor build projects. This means, billions of dollars already unwillingly 'invested' by SC ratepayers, would simply be lost, with nothing to show in return. A nuclear power industry promoter like David Wright has no rightful place as a commissioner at the safety regulatory agency, NRC.

Wright has also long served in many nuclear power industry-friendly leadership roles when it comes to radioactive waste, as well. In 2011, Wright was elected President of the National Association of Regulatory Utility Commissioners (NARUC), which has long advocated to keep the Yucca dump project moving forward. In 2012, under Wright's presidency, NARUC pursued a lawsuit, which ultimately terminated the collection of Nuclear Waste Fund fees. This shortchanging of the funding needed for the long term management of commercial irradiated nuclear fuel likely means federal taxpayers will be left holding the bag for any shortfall, which could be measured in billions, or even tens of billions, of dollars. In addition to NARUC President, Wright served long tenures in many other roles, including as Chairman of NARUC's Subcommittee on Nuclear Issues and Waste Disposal (which he joined in 2004). He has been Co-Chair of the Yucca Mountain Task Force (2005-2010) and National Chair of the Nuclear Waste Strategy Coalition (beginning in 2006).

If, despite our concerns listed above, you still plan to vote to confirm these nominees, their confirmations at a minimum should constrain exercise of their biases as public officials. Given his clear bias in favor of the nuclear power industry's coveted Yucca Mountain, Nevada highly radioactive waste dump, NRC nominee Wright should be required to recuse himself from any involvement in Yucca licensing, just like NRC Commissioner Greg Jaczko was forced to do, a decade ago, because of his prior work as a U.S. Senate staffer, for Harry Reid of Nevada, who opposed the proposed Yucca dump. (In fact, Chairman Svinicki and NRC nominee Caputo should also be forced to recuse themselves from Yucca-related matters, due to their respective work in favor of opening the dump.) However, no such recusal requirement has been applied to Wright (nor Svinicki and Caputo), thus far.

Thank you for taking our views into consideration. We urge you to vote against David Wright's and Annie Caputo's confirmations as NRC Commissioners. Their confirmations would further blur the lines between nuclear power safety regulation and nuclear power industry promotion, the very reason the U.S. Atomic Energy Commission was abolished more than four decades ago.

Sincerely (in alphabetical order, by organization name),

Carol Izant, Chair, **Alliance to Halt Fermi 3**, Southfield, MI

Max Obuszewski, **Baltimore Nonviolence Center**, Baltimore, MD

Kevin Kamps, Radioactive Waste Specialist, **Beyond Nuclear**, Takoma Park, MD

Diane Turco, Director, **Cape Downwinders**, Cape Cod (Harwich), MA

Gwen DuBois MD, MPH President, **Chesapeake Physicians for Social Responsibility**, Baltimore, MD

Deb Katz, Executive Director, and Kimberly A. Medeiros, **Citizens Awareness Network**, Shelburne Falls, MA

Barbara Warren, Executive Director, **Citizens' Environmental Coalition**, Cuddebackville, NY

Jessie Collins, Co-Chair, **Citizens' Resistance at Fermi 2 (CRAFT)**, Redford, MI

Priscilla Star, Director, **Coalition Against Nukes**, Wainscott, NY

Michael J. Keegan, Chairperson, **Coalition for a Nuclear Free Great Lakes**, Monroe, MI

Nancy Burton, Director, **Connecticut Coalition Against Millstone**, Redding, CT

Stephen M. Brittle, President, **Don't Waste Arizona**, Phoenix, AZ

Alice Hirt, Co-chair, **Don't Waste Michigan**, Holland, MI

Wenonah Hauter, Executive Director, **Food & Water Watch**, Washington, D.C.

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Bette Pierman, Acting Chair, **Michigan Safe Energy Future - Shoreline Chapter**, South Haven, MI

Ian Zabarte, Secretary, **Native Community Action Council**, Las Vegas, NV

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Clay Turnbull, Trustee, **New England Coalition on Nuclear Pollution**, Brattleboro, VT

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