April 8, 2024

The Honorable Charles E. Schumer  
Majority Leader  
United States Senate  
Washington, D.C. 20510

The Honorable Mike Johnson  
Speaker  
United States House of Representatives  
Washington, DC 20515

Dear Leader Schumer and Speaker Johnson:

On behalf of the Union of Concerned Scientists' (UCS) half a million supporters and network of over 22,000 scientists, we are writing today to highlight key concerns with the Atomic Energy Advancement Act (H.R. 6544), passed by the House of Representatives in February. Certain provisions of this bill have the potential to undermine the independence of the Nuclear Regulatory Commission (NRC) and compromise its ability to protect public health, worker safety, and the environment from releases of radioactive material that could occur during nuclear power plant accidents and sabotage attacks. We urge you to reject these dangerous provisions as you work to reconcile the differences between the House bill and the ADVANCE Act (S.1111).

The need to rapidly reduce our nation's greenhouse gas emissions and decarbonize the economy will require a range of different tools. Nuclear power could play a role in a low-carbon energy future, but only if it meets the highest standards of safety and security, both for the aging operating fleet and for new plants and fuel cycle facilities. Strong nuclear safety regulations are essential for achieving this goal. If a nuclear accident like the 2011 Fukushima Daiichi disaster in Japan occurred here, it could cause significant public health and environmental damage, as well as sour the U.S. public on nuclear power for generations to come.

UCS has served as a nuclear power safety and security watchdog for over fifty years. We are neither pro- nor anti-nuclear power but call for high safety standards and rigorous federal oversight of nuclear reactors and associated facilities. It is essential that policymakers keep radiological safety, infrastructure security, environmental impacts, waste disposal, and weapons proliferation top of mind when considering policies to advance nuclear power.

Such decisions should be anchored in fact-based information and a clear-eyed analysis of the risks and benefits. More than one-third of the U.S. population lives or works within fifty miles of a nuclear power plant, underscoring the importance of strong standards for nuclear safety, security, and emergency planning. Without strong regulatory safeguards, new nuclear plants may be located in areas where they would disproportionately affect disadvantaged groups should an accident occur.

Accordingly, we urge the Senate to adopt the following recommendations in any compromise with the House:
1) Reject language that undermines the Nuclear Regulatory Commission's independence and core mission.

Section 101(a) of H.R. 6544 would require the NRC to rewrite its mission statement within one year to, “include that licensing and regulation of nuclear energy activities be conducted in a manner that is efficient and does not unnecessarily limit...the potential of nuclear energy...and [its] benefits to society.” This language would require the NRC to account for factors other than radiological health and safety, potentially including the profitability of nuclear facilities, as part of its core mission. This provision would undermine the independence of the agency from the regulated industry and Department of Energy, effectively nullifying the intent of the Energy Reorganization Act of 1974 that established the NRC.²

In addition to fundamental safety and security concerns, the timeline the NRC would need to translate this new mission statement into operational procedures would likely be lengthy, and the agency's interpretation of the vague language could lead to prolonged legal challenges. Finally, the provision may violate the U.S. obligation under the 1994 Convention on Nuclear Safety to ensure that regulatory functions are effectively separated from promotional ones. This would set a negative example for countries that look to the NRC as the “gold standard” of nuclear regulation.

2) Reject attempts to micromanage how the NRC conducts its safety and security oversight.

Section 123 of H.R. 6544 directs the NRC to identify all modifications and suspensions of regulatory processes that it approved during the COVID-19 pandemic to protect plant workers and NRC staff from illness—such as allowing for remote instead of in-person inspections—and discuss whether they affected NRC's ability to ensure public health and safety. It also requires the agency to document, and encourages it to implement, ways to “maximize the efficiency” of agency oversight and inspection programs, in part by using “risk-informed, performance-based procedures.”

Although this provision does not mandate that the NRC change its oversight and inspection programs, it is clearly intended to pressure the agency to reduce the scope and frequency of inspections and relax oversight, all longstanding aims of the nuclear industry. The NRC already utilizes risk-informed procedures and regularly conducts self-assessments of its oversight and inspection programs, so this provision is unnecessary at best, and at worst could have a chilling effect by putting undue pressure on the NRC to weaken its oversight.

3) Reject foreign ownership, control, or domination of domestic nuclear facilities.

Section 203(b) of H.R. 6544 and Section 301 of S. 1111 would nullify the Atomic Energy Act’s prohibition on “foreign ownership, control, or domination” of U.S. nuclear facilities and allow foreign interests, including autocratic regimes such as Turkey and Hungary, to own up to 100 percent of them. These provisions would also allow the possibility for shell companies incorporated in those countries to own U.S. nuclear facilities.

UCS strongly advises that Congress reconsider the ramifications of opening domestic nuclear facilities to foreign control, ownership, or domination. In addition to the obvious security implications, such as providing greater opportunities for loss of sensitive nuclear information, foreign interests may have different values and may not have the best interests of the U.S. public at heart when they make corporate decisions. Continuing to ensure that U.S. companies maintain control of our nuclear facilities is critical to ensuring that local and national interests will be prioritized in their operations.
Thank you for your consideration of these recommendations and for your thoughtful exploration of how to improve oversight and security of our nation’s nuclear power infrastructure. We would welcome an opportunity to discuss these matters with you and address any questions you may have.

Sincerely,

Dr. Edwin Lyman, Director of Nuclear Power Safety, Climate & Energy
Union of Concerned Scientists

Chitra Kumar, Managing Director, Climate & Energy
Union of Concerned Scientists

cc: The Honorable Tom Carper, Chair
Senate Environment & Public Works Committee

The Honorable Shelley Moore Capito, Ranking Member
Senate Environment & Public Works Committee

The Honorable Cathy McMorris Rodgers, Chair
House Energy & Commerce Committee

The Honorable Frank Pallone, Jr., Ranking Member
House Energy & Commerce Committee

1 Columbia University, National Center for Disaster Preparedness. 2024. Nuclear Power Plants in the U.S.