

April 30, 2012

Hon. Barbara Boxer
Chair, Senate Environment and Public Works Committee
United States Senate
Washington, DC 20510

Hon. James Inhofe
Ranking Member, Senate Environment and Public Works Committee
United States Senate
Washington, DC 20510

Dear Senators Boxer and Inhofe,

We are writing to urge you to do everything in your power to oppose the confirmation of Kristine Svinicki to a second term as a Commissioner of the Nuclear Regulatory Commission.

The purpose of the Nuclear Regulatory Commission is to regulate the nation's nuclear power industry in order to protect the public health and safety. Yet during her first term as an NRC Commissioner, Ms. Svinicki uniformly voted for nuclear industry interests at the expense of public health and safety.

The March 2011 nuclear disaster at the U.S.-designed reactors at the Fukushima Daiichi site has brought a new level of public attention and scrutiny to the manifest dangers of nuclear power. The ability of U.S. nuclear reactors—23 of which are virtually identical to those at Fukushima Daiichi with a dozen more using the same design concept—to withstand earthquakes, loss-of-power situations and other challenges both natural and man-made is of critical importance.

Yet on March 9, 2012, Ms. Svinicki, alone among the five current NRC Commissioners, voted against the implementation of all of the first three post-Fukushima safety measures recommended by NRC staff through the use of a regulatory framework that concludes that they are necessary for the adequate protection of nuclear reactors.

This follows a long pattern of similar votes that gives the appearance Ms. Svinicki is far more concerned about the economic health of the nuclear power industry than the protection of the American public:

March 15, 2011: The Commission voted 4-1¹ (with only Chairman Jaczko voting to disapprove) to approve a staff proposal to ignore a recommendation by NRC's Advisory Committee on Reactor Safeguards to ensure that safety measures that are assumed to address the hotter reactor cores and higher pressures associated with 'power up-rates' would work to prevent a meltdown in the event of an accident. The ACRS believed that the possibility that a fire or earthquake could breach the containment of the nuclear reactor needed to be considered.

¹ SECY 11-0014

June 10, 2011: The Commission voted 4-1² (with Chairman Jazcko disapproving) to reject a request to further extend the NRC's enforcement discretion policy for nuclear reactors that do not comply with the NRC's fire protection regulations. The path chosen by the majority of the Commission allows some nuclear power plants to go longer than eight years without identifying their fire-related safety deficiencies and taking steps to mitigate them. Many U.S. reactors are still not in compliance with fire protection regulations established by the NRC after the near-catastrophic fire at the Browns Ferry complex in 1975.

November 8, 2011: The Commission voted 3-2 (with Chairman Jazcko and Commissioner Ostendorff voting to approve) to disapprove a staff proposal that the Commission adopt an amendment to its Reactor Oversight Process³ to add a new performance measure related to leaks of radioactive materials from nuclear reactors.

December 15, 2011: The Commission voted⁴ (with Chairman Jazcko voting to support) to reject a recommendation made by the NRC's own Near-Term Task Force on Fukushima and the NRC staff review of that Task Force's recommendation to consider all the post-Fukushima safety upgrades to be mandatory for the "adequate protection" of nuclear power plants. The other four Commissioners said it was "premature" to approve this recommendation. Without it, all safety upgrades would be required to go through a cost-benefit analysis in order to justify implementation, and some may never be required as a result.

In each of these four votes, Ms. Svinicki was unfortunately in the majority, as most of the current NRC Commissioners seem more intent on thwarting the NRC Chairman's efforts to enhance nuclear safety than in meeting the responsibilities of their positions. But Ms. Svinicki's positions have been the most egregious and extreme of all.

Given this record--and this is just a small sampling of votes taken by Ms. Svinicki that have been against the public interest—we believe she has not earned confirmation by the Senate for a second term. We trust you will agree and will take whatever measures are appropriate to prevent such confirmation.

Please contact Michael Mariotte, executive director of Nuclear Information and Resource Service at 301-270-6477 or nirsnet@nirs.org or Damon Moglen, Friends of the Earth, 202-783-7400, dmoglen@foe.org, if you have any questions or would like further elaboration on this issue. Thank you.

cc: President Barack Obama

² <http://www.nrc.gov/reading-rm/doc-collections/commission/cvr/2011/2011-0061vtr.pdf>

³ <http://www.nrc.gov/reactors/operating/oversight/rop-description.html>

⁴ <http://www.nrc.gov/reading-rm/doc-collections/commission/cvr/2011/2011-0137vtr.pdf>

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