

July 31, 2009

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
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Submitted via FAX to (202) 456-2461

Dear President Obama,

We write to you with deep concern regarding recent media reports that you are considering nominating William Magwood to the Nuclear Regulatory Commission (NRC). Mr. Magwood's background, experience, and apparent key interests are in the realm of nuclear power's promotion, not its regulation to protect public health, safety and the environment. We urge you to instead nominate a strong regulator to the NRC Commission who has demonstrated a commitment to public safety, rather than to nuclear power industry promotional and financial interests.

In the 1970s, the Atomic Energy Commission (AEC) was abolished due to the inherently contradictory nature of its mandate, to both promote atomic energy and regulate its safety. The AEC was replaced by a promotional agency (first the Energy Research and Development Administration, and ultimately the Department of Energy, DOE), as well as by a separate safety regulatory agency, the NRC.

NRC's supposed mandate, reflected in its oft repeated slogan "Protecting People and the Environment," is to protect public health, safety and the environment from the radiological risks of commercial atomic reactors and related uranium fuel chain activities. As concerned citizen groups and community organizers watch-dogging nuclear power facilities know all too well, NRC often fails to live up to its mission statement. In fact, there are numerous examples of agency foot dragging and "enforcement discretion" extended over decades for widespread noncompliance on critical reactor safety issues, including fire protection and emergency core cooling systems. All too often, NRC rubberstamps nuclear applications after inadequate safety and security reviews, thus serving more as a lax facilitator for, rather than a watchdog on, the industry it is supposed to regulate.

NRC's own inspector general concluded that such prioritization of industry financial interests over public safety by NRC led to a near disaster at the Davis-Besse nuclear reactor near Toledo in 2002, due to a massive corrosion hole in the reactor's lid that nearly breached the pressure vessel and risked a loss of reactor coolant accident. Similarly, the rupture of a steam generator tube at the Indian Point nuclear power plant near New York City in 2000 risked a cascade of ruptured tubes and loss of reactor coolant accident. As reactors deteriorate with age, such breakdown phase accident risks increase requiring increased vigilance and enforcement. In addition, proposed new reactors would come with inherent increased break-in phase accident

risks, due to bugs that have yet to be worked out. Due to such increased risks, the NRC needs strong safety regulators, not industry promoters.

Mr. Magwood served for seven years as the head of the Office of Nuclear Energy at DOE. In that position, he was one of the chief proponents for nuclear power. Mr. Magwood helped lead the Advanced Fuel Cycle Initiative, Nuclear Power 2010, and the Generation IV Nuclear Energy Systems Initiative. He also served as the first chairman of the Generation IV International Forum and as chair of the Steering Committee on Nuclear Energy Organization for Economic Development and Cooperation. The role of an NRC Commissioner is supposed to be quite different from such nuclear power proponent activities.

At DOE, and as recently as May 2009, Mr. Magwood has been promoting the Yucca Mountain dumpsite proposal. Referring to foreign counterparts he took to Yucca Mountain for tours during his DOE tenure, Mr. Magwood was quoted in the *ClimateWire* as saying "They had an experience similar to what I have. You go to the top of the mountain, and you realize that you're really in the middle of nowhere. They all wished they had some kind of desolate area like this and wonder why we're having this argument." Of course, Nevadans living along transportation routes and close to Yucca Mountain do not consider their state a wasteland, suitable for radioactive waste dumping.

Both during your presidential campaign and after assuming office, you have clearly stated that Yucca Mountain is not an option for high-level radioactive waste disposal. We thank you for your wise decision. Thus, we are deeply concerned that as an NRC Commissioner, Mr. Magwood would support this Yucca dump proposal in contradiction to your stated policy.

We are also concerned about Mr. Magwood's support for the Bush administration's Global Nuclear Energy Partnership (GNEP), and its proposed revival of commercial radioactive waste reprocessing. We thank you for terminating the GNEP programmatic environmental impact statement last month. As recently as this year, Mr. Magwood has been promoting commercial radioactive waste reprocessing. We are concerned that he would continue to promote reprocessing, which would be highly inappropriate as an NRC Commissioner.

The current open seats on the Nuclear Regulatory Commission present you with a vital opportunity to steer NRC back to its mandated mission to protect public safety, security, health and the environment. We urge you in the strongest possible terms to nominate persons devoted to nuclear safety, rather than to the nuclear industry's expansion.

Sincerely,

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