

November 30, 2018

Dear Senator,

On behalf of our millions of members, we, the undersigned organizations, write to urge opposition to H.R. 1320, Nuclear Utilization of Keynote Energy Act. The bill would undermine environmental reviews, eliminate hearings for uncontested licensing, weaken an already prejudicial hearing procedures process, and hinder the Nuclear Regulatory Commission's (NRC) ability to carry out its statutory responsibilities to protect public health and safety.

Because it would limit and weaken the National Environmental Policy Act (NEPA), Section 7 of this legislation is the most concerning aspect of this bill. It would limit and weaken NEPA review by setting arbitrary, draconian, and short time limits for completing major license application milestones, including the filing of draft Environmental Impact Statements under NEPA. NEPA is a law that drives responsible outcomes, informed by evidence and diverse stakeholder input. Agencies must use NEPA to thoroughly explore and consider environmental impacts before decisions are made, not to justify a decision afterwards. If enacted, the bill would lead to situations where NEPA compliance for a new reactor or uranium recovery site must be accomplished in just two years, while public input would be limited only to issues not raised (perhaps decades) before in the Early Site Permitting process.

NRC already has significant issues with the NEPA process that has eroded public trust. Its rules routinely deny the right of judicial review to any State or member of the public who had not gained party status before a licensing proceeding years before NRC even issued the first draft NEPA document. To restore public and State trust in the industry and NRC, Congress should be strengthening NRC hearing and NEPA requirements, not weakening them.

While this legislation forces short deadlines on NEPA review and increases reporting requirements for various NRC tasks, sections 2 and 3 would also revise user fee schedules for NRC activities, exempting advanced reactor licensing activities from user fee recovery. This would cut NRC funding as it faces budgetary pressures and shift costs from the profiting industry to the taxpayers. NRC must maintain this funding flexibility to respond to emerging and potentially serious safety and security problems.

Sections 5 and 6 threaten NRC's ability to conduct hearings and judicial review. Section 5 requires studying the impact of doing away with "mandatory hearings" for uncontested licensing. These mandatory hearings are important, and the study is unnecessary. Numerous examples of past mandatory hearings revealed serious deficiencies in NRC staff reviews, issues that would not have been raised without mandatory hearings.¹ Section 6 would weaken the statutory requirements in the Atomic Energy Act to allow informal adjudicatory procedures established under the Administrative Procedures Act to qualify as hearings and judicial review. This codifies existing agency drift and should not be

¹ Testimony of Edwin Lyman, PhD Senior Scientist, Union of Concerned Scientists On "Enabling Advanced Reactors and a Legislative Hearing on S.2795, The Nuclear Energy Innovation and Modernization Act." Before the Subcommittee on Clean Air and Nuclear Safety Committee on Environment and Public Works U.S. Senate April 21, 2016, at 12, see, http://www.epw.senate.gov/public/_cache/files/49c19c65-0886-46fc-afc7-b944ca7e2e7c/lyman-testimony.pdf

condoned. To prevent public trust in the NRC from eroding any further, its hearing process should be made stronger, more formal and rigorous.

We have concerns with the entirety of this bill. Its worst provisions would severely harm or truncate the NRC's ability to comply with fundamental environmental laws and weaken its ability to respond to emerging safety risks. For these reasons, we urge you to oppose H.R. 1320.

Sincerely,

Alliance for Environmental Strategies
Albuquerque Center for Peace and Justice
Basin and Range Watch
Beyond Nuclear
Bluewater Valley Downstream Alliance
Cape Downwinders
Center for Biological Diversity
Citizen Power, Inc.
Citizens Allied for Safe Energy, Inc.
Citizens awareness network
Citizens' Environmental Coalition
Citizens for Alternatives to Radioactive Dumping
Citizens' Resistance at Fermi 2 (CRAFT)
Clean Water Action
Coalition Against Nukes
Coalition for a Nuclear Free Great Lakes
Code Pink
Concerned Citizens for Nuclear Safety
CT Coalition Against Millstone
Don't Waste Michigan
Don't Waste Michigan- Sherwood Chapter
Earthjustice
Environmental Protection Information Center
Food & Water Watch
GRAMMES – Grandmothers, Mothers, and More for Energy Safety
Green State Solutions
Greenpeace US
HEAL Utah
Heart of America Northwest
Hudson River Sloop Clearwater, Inc.
Indian Point Safe Energy Coalitions
Information Network for Responsible Mining
Klamath Forest Alliance
Lawyers Committee on Nuclear Policy
Massachusetts Peace Action
Michigan Safe Energy Future
Michigan Safe Energy Future – Kalamazoo Chapter
Michigan Stop the Nuclear Bombs Campaign
Missouri Coalition for the Environment

Multicultural Alliance for a Safe Environment
Native Community Action Council
Natural Resources Defense Council
Network for Environmental & Economic Responsibility of United Church of Christ
Nevada Nuclear Waste Task Force
New England Coalition on Nuclear Pollution
New Mexico Interfaith Power and Light
Nuclear Energy Information Service (NEIS)
Nuclear Information and Resource Service
Nuclear Issues Study Group
Nuclear Watch New Mexico
Nuclear Watch South
Nuclear Age Pace Foundation
Nukewatch
Ohio CARE – Citizens Against a Radioactive Environment
P.R.E.S.S. (Portsmouth/Piketon Residents for Environmental Safety and Security)
Physicians for Social Responsibility – Kansas City
Physicians for Social Responsibility, San Francisco Bay Area Chapter
Physicians for Social Responsibility – Los Angeles
Proposition One Campaign for a Nuclear-Free Future
Redwood Alliance
San Clemente Green
San Juan Citizens Alliance
San Luis Obispo Mothers for Peace
Southern Alliance for Clean Energy
Southern Environmental Law Center
Southwest Research and Information Center
Stand Up/Save Lives Campaign
Sugar Law Center for Economic and Social Justice
Sustainable Energy & Economic Development (SEED) Coalition
Tennessee Environmental Council
The Peace Farm
The Sierra Club
Toledo Coalition for Safe Energy
Tri-Valley CAREs
Uranium Watch
Veterans for Peace Golden Rule Project
Vermont Yankee Decommissioning Alliance
Western States Legal Foundation
WNY Environmental Alliance
Women's Energy Matters