

Congress of the United States

Washington, DC 20515

The Honorable Christopher T. Hanson
Chairman
U.S. Nuclear Regulatory Commission
Mail Stop O-16 B33
Washington, DC 20555

March 27, 2024

Dear Chairman Hanson:

As Members of Congress supportive of improving transparency and accessibility as pillars of good governance, we write to express our support for the establishment of a new office at the U.S. Nuclear Regulatory Commission (NRC) that would improve and scale the agency's public outreach, engagement, and participation activities.

The NRC plays a pivotal role in ensuring the safe use of nuclear materials for electricity generation and other applications. However, while the agency recognizes the imperative of communicating clearly and providing opportunities for the public to participate in its proceedings,¹ it often falls short of achieving these goals. Throughout the years, members of the public have expressed frustration with and a lack of trust in the NRC's decision-making practices.²

Timely action is imperative. You and your fellow Commissioners have made clear that the NRC expects a near-term increase in activity, including from regulating and licensing nuclear waste storage equipment and facilities, decommissioning retiring plants, relicensing existing reactors, and certifying and licensing next-generation nuclear reactors — technical work that will require regular dialogue with affected and other interested members of the public.³ As a result, the Commission must now move proactively to demystify its work and to improve the participation process in order to bolster public confidence in the agency's activities.

The NRC has long been aware that it has room to improve and has taken steps to identify reforms.⁴ We appreciate that from 2021-2022, the NRC voluntarily conducted a systematic

¹ U.S. Nuclear Regulatory Commission, "Values: Principles of Good Regulation," <https://www.nrc.gov/about-nrc/values.html>.

² Steven Ebbin and Raphael Kasper, *Citizen Groups and the Nuclear Power Controversy*, The MIT Press, 15 March 1974, 1-16; U.S. Nuclear Regulatory Commission, "Public Meeting to Discuss Agency Approach to Environmental Justice: Afternoon Session," 15 July, 2021, <https://www.nrc.gov/docs/ML2120/ML21200A183.pdf>, 33-4.

³ U.S. House of Representatives, House Energy & Commerce Committee, Christopher T. Hanson, "Written Statement," 14 June, 2023, <https://www.congress.gov/118/meeting/house/116103/witnesses/HHRG-118-IF03-Wstate-HansonC-20230614.pdf>; U.S. Nuclear Regulatory Commission, "All Employees Meeting (Public)", 12 September, 2023, <https://www.nrc.gov/docs/ML2326/ML23263B120.pdf>, 16.

⁴ U.S. Nuclear Regulatory Commission, "Improving Public Confidence in the NRC," Blog, 6 May, 2011, <https://public-blog.nrc.gov/2011/05/06/improving-public-confidence-in-the-nrc/>; U.S. Nuclear Regulatory Commission, "Publication of Harvard Negotiation and Mediation Clinical Program (HNMCPC) Report, 'Moving Toward a Framework for Contested Hearings in the Licensing of Advanced Reactors,' Prepared for the NRC December 2020 and NRC Staff Response," June 2021,

assessment of its approach to environmental justice across its programs, policies, and activities, which aligns with the intent of Executive Order 14096.⁵ Your Environmental Justice Review Team identified six recommendations to increase responsiveness to environmental justice issues, several of which would target improvements to community outreach, engagement, and participation practices, and to transparency of agency procedures.⁶

Fortunately, the Commission has both internal and external proposals at hand to inform its approach to increasing its public engagement competencies. *The NRC Office of Public Participation and Engagement (OPEP) Act* (118th Congress, H.R. 4530) would ensure the public receives the information and resources it needs to participate in NRC decision-making. The legislation received favorable testimony at the July 18, 2023, hearing of the Energy Subcommittee of the House Energy and Commerce Committee.⁷

An OPEP could implement many of the Environmental Justice Review Team’s recommendations and support additional improvements and efficiencies. Internally, it could execute planning and coordination for public meetings, enabling project managers to spend more time on mission-direct activities. The office could also train NRC staff on best practices for public engagement and improve the consistency and competency of public-facing NRC officials and contractors. These efforts can help to bridge the gap in NRC’s communication with the public and ensure that all voices are heard in the regulatory process, ultimately fostering greater confidence among communities in the work of the Commission.

We know that the Commission has actively considered establishing such an office as recently as this past year. At the 2023 Regulatory Information Conference, former Commissioner Baran recognized the “foundational” role such an office would play to increase public engagement opportunities and called for an Office of Tribal Affairs, Environmental Justice, and Public Engagement.⁸ In June 2023, both Chairman Hanson and former Commissioner Baran testified before Congress in support of developing this office at the NRC.⁹

<https://www.nrc.gov/docs/ML2117/ML21173A166.pdf>, 26-31.

⁵ Executive Order 14096, “Revitalizing Our Nation’s Commitment to Environmental Justice for All,” 21 April, 2023, <https://www.federalregister.gov/documents/2023/04/26/2023-08955/revitalizing-our-nations-commitment-to-environmental-justice-for-all>.

⁶ U.S. Nuclear Regulatory Commission, “Environmental Justice Assessment,” last updated 11 April, 2022, <https://www.nrc.gov/about-nrc/regulatory/licensing/nepa/environmental-justice/assessment.html>.

⁷ U.S. House of Representatives, House Energy and Commerce Committee, “American Nuclear Energy Expansion: Updating Policies for Efficient, Predictable Licensing and Deployment,” 18 July, 2023, <https://energycommerce.house.gov/events/energy-climate-and-grid-security-subcommittee-legislative-hearing-american-nuclear-energy-expansion-updating-policies-for-efficient-predictable-licensing-and-deployment>; U.S. House of Representatives, House Energy and Commerce Committee, Jackie Toth, “Testimony,” 18 July, 2023, https://d1dth6e84htgma.cloudfront.net/07_18_23_Testimony_Toth_e0e35f739d.pdf.

⁸ U.S. Nuclear Regulatory Commission, “Perspectives from Commissioner Baran,” 2023 Regulatory Information Conference, 14 March, 2023, <https://adamswebsearch2.nrc.gov/webSearch2/main.jsp?AccessionNumber=ML23073A141>, 7.

⁹ U.S. House of Representatives, House Energy and Commerce Committee, “Oversight of NRC: Ensuring Efficient and Predictable Nuclear Safety Regulation for a Prosperous America,” 14 June, 2023,

In creating an OPEP, the NRC would find itself in good company. The Federal Energy Regulatory Commission (FERC) — a similarly independent agency — established its Office of Public Participation (OPP) in 2021. With internal resources budgeted for trust-building activities like workshops on how to file public comments and webinars on agency procedures,¹⁰ the FERC OPP is providing important technical assistance to the public on regulatory issues that may otherwise be difficult to navigate.

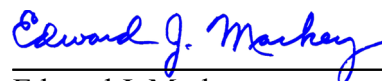
We urge the NRC to proactively establish its own engagement office to solidify its commitment to earning public trust in its activities. The NRC has broad authority to organize itself in the manner best suited to meet its statutory obligations¹¹ to ensure the safe use of radioactive materials for beneficial civilian purposes while protecting people and the environment. Leveraging this authority, we encourage you to establish an OPEP and ensure that your staff directs the necessary focus and resources toward communicating its activities with maximum clarity and accessibility.

We appreciate the work of the NRC to protect the public and environment. To better serve those impacted by your agency’s decision-making, we ask that you move swiftly to establish an Office of Public Engagement and Participation.

Sincerely,



Mike Levin
Member of Congress



Edward J. Markey
United States Senator



Jared Huffman
Member of Congress

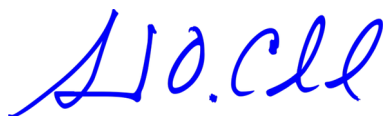


Melanie Stansbury
Member of Congress

<https://energycommerce.house.gov/events/energy-climate-and-grid-security-subcommittee-hearing-oversight-of-nrc-ensuring-efficient-and-predictable-nuclear-safety-regulation-for-a-prosperous-america>.

¹⁰ See: Goal 3, Objective 3.2: “Facilitate trust and understanding of FERC activities by promoting transparency and equity, open communication, and a high standard of ethics,” Federal Energy Regulatory Commission, “FERC FY 24 Congressional Justification,” 13 March, 2023, <https://www.ferc.gov/media/ferc-fy-24-congressional-justification#>, 71.

¹¹ 42 U.S. Code § 2035, [https://uscode.house.gov/view.xhtml?req=\(title:42%20section:2035%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title42-section2035\)&f=treesort&edition=prelim&num=0&jumpTo=true](https://uscode.house.gov/view.xhtml?req=(title:42%20section:2035%20edition:prelim)%20OR%20(granuleid:USC-prelim-title42-section2035)&f=treesort&edition=prelim&num=0&jumpTo=true)



Salud Carbajal
Member of Congress



Jan Schakowsky
Member of Congress



Katie Porter
Member of Congress



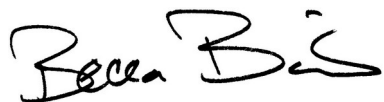
Paul D. Tonko
Member of Congress



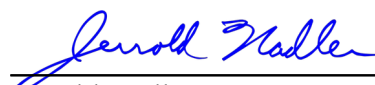
Ann McLane Kuster
Member of Congress



Laphonza Butler
United States Senator



Becca Balint
Member of Congress



Jerrold Nadler
Member of Congress



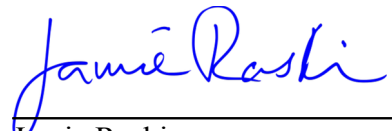
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Peter Welch
United States Senator



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