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The Importance of an Independent Nuclear Safety Regulator: Roundtable Summary

By **Dr. Matt Bowen** and **Rama T. Ponangi**

Top discussion points

- A series of developments over the past year have collectively challenged the independence of the United States' nuclear safety regulator, the U.S. Nuclear Regulatory Commission (NRC).
- An undermining of the NRC's independence or a perception that the agency is no longer a strong, independent regulator is problematic for U.S. domestic objectives (e.g., a potential loss of public confidence in the regulator could erode support for nuclear power) as well as U.S. international interests.
- Elements of the U.S. nuclear industry – e.g., Nuclear Energy Institute (NEI) and the Institute of Nuclear Power Operations (INPO) – could publicly support the need for a strong and independent regulator.

On February 24, 2026, the Center on Global Energy Policy (CGEP) at Columbia University SIPA hosted a private virtual roundtable under the Chatham House rule to discuss the importance of an independent nuclear safety regulator. The context for the event was a series of developments over the past year that have collectively challenged the independence of the U.S. Nuclear Regulatory Commission (NRC). These include executive orders affecting NRC operations, the removal of an NRC Commissioner and senior NRC staff, the departure of a significant number of staff from the

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NRC, and an administration official instructing the NRC to "rubber-stamp" designs that had been previously licensed by the U.S. Department of Energy (DOE).[1]

The roundtable brought together former NRC commissioners and senior staff to discuss the meaning and importance of national nuclear safety regulator independence, as well as the potential consequences of that independence being compromised. The following is a summary of the discussion.

Challenges to the NRC's independence

Participants at the roundtable discussed the fire the NRC had faced over the past year. One attendee voiced concern over an administration official's statement that the NRC should "rubber-stamp" licensing decisions by other government agencies,[2] arguing that for the NRC to be effective, it must be both independent and perceived as independent. Certainly, reforms could make the NRC better and more efficient, one participant said, adding that there have been cases in the past at the NRC involving politics, such as the cutting of funding for the licensing of Yucca Mountain. But what is happening now is a broad challenge to the agency's independence, according to the attendee, who worried that if the public lost trust in the regulator, nuclear power would not survive.

Another participant asserted that executing the NRC's public health and safety mission required a highly trained, technically competent, and apolitical regulatory staff, adding that experienced players in the sector agreed. However, the removals of an NRC commissioner, the executive director for operations, and the general counsel in 2025 sent a strong negative message, the attendee said, adding these actions undermined the NRC's independence and the predictability of the regulatory process.

Another participant worried that a loss of knowledge from continued staff departures could make the agency lose credibility. Indeed, they argued that the NRC's expertise and independence from industry influence and political developments fostered public confidence in nuclear power regulation. Further public confidence also stemmed from opportunities for public engagement in the NRC licensing process, the participants said. They added that nuclear power's social contract would be at risk if all of these elements were damaged by reform efforts.

Another participant cautioned that a future U.S. president could eliminate every executive order issued by the previous president, as has happened in the past. This attendee pointed out that if all the executive orders from 2025 were rescinded and a president were not pro-nuclear, all the actions taken to undermine the regulator's independence could come back to bite the industry. The participant worried that if the United States lost a stable structure for its regulatory environment

and an accident occurred somewhere in the world, the U.S. public might lose confidence in nuclear and set the industry back.

Another participant perceived a systematic dismantling of key oversight features for existing reactors that was being carried out, in their view, without the necessary discipline needed for changing existing procedures and standards.

While another participant argued that the developments of the past year would not necessarily pose an immediate safety concern, they did think that the decisions being made now could create problems later. They also observed that if a real safety issue occurred in a subsequent administration, all the individuals who made the decisions that led to that outcome would no longer be in government and would not be held accountable.

Involvement of the White House Office of Information and Regulatory Affairs

There was also a discussion of the new role of the White House Office of Information and Regulatory Affairs (OIRA) in NRC regulatory matters, as directed by Executive Order 14215[3] in February of 2025.

One participant observed that, historically, when the NRC voted to adopt a rule, it was final. Now, a rule will go to the White House, and the White House may make changes. If the White House comes back with comments and the NRC does not agree with them – i.e., if they are not consistent with the commission's majority view and the commission does not wish to make the specified changes – then in the participant's view the issue would need to be elevated. To resolve this situation, the NRC chairman, as the agency's statutory spokesperson, might have to engage with the head of the White House Office of Management and Budget (OMB) or another White House official to resolve the impasse.

Participants discussed such a scenario and what would happen if other NRC commissioners did not concur with the negotiated resolution. The participant argued that the chairman would have to go to the commission and ask for the resolution to be approved, and if the commission did not agree, it would lead to a back-and-forth discussion until an agreement was reached. Their view was that under the law, each commissioner has one vote, and the NRC chairman does not have the authority to force a decision on a majority of the commission.

The commission had to have the last word on safety, the participant added, and if there was a safety rulemaking – e.g., revisions to 10 CFR 20 or 10 CFR 50 – the majority of the commission needed to agree with the final action. However, the participant was unsure what would actually happen in such a disagreement between the White House and the commission. They added that, in

any case, the public would not know how the scenario played out because the process would not be transparent.

Transparency on commissioner voting

The roundtable also discussed the importance of the written vote process at the NRC and how it required all commissioners to take a position in writing to explain to the public the reasoning behind their vote on a particular issue. One participant stressed that this was a real strength as it gave the public a way to understand how commissioners handled nuclear safety on specific topics. However, another participant believed that going forward, the public will not see the voting record, just the proposed rule and the final rule. Moreover, the voting records of the commissioners may be treated as deliberative and thus not made available to the public for 20 or 25 years, when they could be requested under the Freedom of Information Act.

The firing of NRC Commissioner Chris Hanson

The session also addressed the removal of NRC Commissioner Hanson by the Trump administration in 2025. One participant said the removal had a chilling effect felt throughout the NRC and warned that commissioners may be more cautious in the future about how much they push back on the White House. They said this dynamic has not typically been the case at the NRC, as commissioners have had a limited tenure, unlike positions in the U.S. government that the president can effectively replace at will.

Statutory protections

One participant discussed how statutory protections protect the independence of the NRC. This attendee observed that Humphrey's Executor v. United States (1935)[4] was not the only safeguard of NRC's independence or the only protection against the improper removal of NRC commissioners. According to the Energy Reorganization Act of 1974 (ERA), any commissioner may be removed by the president for inefficiency, neglect of duty, or malfeasance, they noted, adding Hanson had been fired without cause. Congress had also enacted several other statutory mechanisms designed to reinforce NRC's structural independence. These provisions include Senate-confirmed commissioners serving fixed, staggered five-year terms; a composition requirement limiting the number of commissioners from the same political party to three; a requirement of at least three commissioner members for a quorum; a requirement of a majority vote for official commission action; independent rulemaking authority; and a formal adjudicatory framework with commission-level review procedures.

By law, the commission must approve certain senior appointments, the participant said, adding that the depth of political appointees in an agency's hierarchy affects its independence. The

attendee explained that some senior executive service (SES) positions at the NRC are categorized as general positions, which can be political, while others are categorized as career reserve positions, which are neutral, non-political jobs. It would be a problem if political appointees pressured commissioners to vote a certain way, the participant added.

International dimensions

One participant noted the unmatched international importance of the NRC, citing stories of other national regulators asking the NRC for help to increase their own regulatory authority. In the participant's view, the United States could lose this role if other countries believe the NRC has lost its independence and is no longer the "gold standard" of nuclear safety.

There may also be a disconnect between the Trump administration's ambitions to export U.S. nuclear energy technology and undermining the independence of the NRC, according to another attendee. The participant had been on international missions to IAEA member states and said one of the first questions U.S. officials asked in other countries was whether the regulator is truly independent. The participant reinforced that up until now the NRC has been viewed as a benchmark for regulatory and technical expertise, as well as its ability to do a variety of things. For example, the NRC had been working with the State Department, which has several active, well-funded programs to deploy U.S. nuclear technology to other countries, in part by helping those nations develop regulatory infrastructure to support deployment. This last component relied on the NRC. The participant thought that in its goal of exporting U.S. nuclear technology to compete with China and Russia, the Trump administration is leveraging the international respect for the NRC as a strong, independent regulator. They echoed other attendees' concerns that this respect could be eroded, which would work against this goal.

Another participant noted Japan had never had a strong or independent regulator. They cited that engineers at TEPCO had known of the risks of a 16-meter tsunami to its Fukushima Daiichi plant before the accident in 2011, but the regulator did not take action. As a result of the accident and the perception of a weak regulator, the public in Japan lost confidence in nuclear power. The participant worried that if the U.S. public perceived the NRC as a weak or non-independent regulator, the public would push back, and the United States would lose the opportunity to generate safe, reliable, affordable electricity from nuclear power. They cautioned that it would be hard for any government to build a strong regulator following a nuclear accident.

A different participant added that Japan had to create new processes and structures to convince the public to allow reactors to restart after the accident, and that even with those efforts, it took years for Japan to restart just 25 percent of the reactor fleet that was operating at the start of 2011.

Impacts on NRC staff

Participants also expressed concern about how NRC staff were affected by the changes within the agency. One participant said that if the commissioners were no longer viewed as independent or able to act without fear of being fired, it could have a chilling effect on staff, who could feel that their decisions might not be supported by management.

According to one attendee, the NRC staff were also watching what was happening to the agency around them including the assaults on the NRC that had been in the media.

Another participant also worried about compromising the culture within the NRC, which they believed had already been negatively impacted with so many experienced regulators leaving prematurely or before they otherwise would have planned to leave. Another participant worried that this loss of experience could create challenges in the event of an accident.

DOE licensing

There was also a discussion about the new initiative at the DOE to license new reactors and how it might relate to the existing NRC licensing process. A dual regulatory system would allow applicants to choose their regulator, undermining the NRC's statutory position as the nation's commercial regulator, according to one attendee.

The DOE process lacks the transparency and procedure of the NRC process, the participant said. For instance, the NRC website shows where an applicant is in the NRC licensing process in great detail, including applicant reports, NRC staff comments and reviews. The equivalent information cannot be found on the DOE website.

In addition, the DOE licensing process lacks a rulemaking process like the NRC's and relies on DOE orders that can be changed at any time and are subject to the Secretary of Energy's discretion. The participant said there is no transparency in the process and that the reactor licensing process can be changed at any time without debate or disclosure. This type of process may be good for managing a nuclear weapons program where some elements need to be classified, they noted, but added that these types of needs did not apply to the licensing of commercial reactors.

The participant also thought that DOE did not have the capability to do reactor licensing on its own, as evidenced by the NRC people sent to help DOE perform the reviews. They expressed concern about the effort to duplicate a reactor review system and believed that Congress never intended to have a duplicate system.

New reactor vendor entrants

There was also a discussion about a division within the new reactor vendor entrants. One participant thought that companies like TerraPower, X-energy, and Kairos were happy with the NRC and saw a process moving forward, while certain companies not working with the NRC were the ones behind the executive orders on nuclear power in May of 2025 along with their backers who had access to the White House. These startups were not only unwilling to join NEI and INPO,[5] they disdained both organizations, according to this attendee. Many of these startups were instead turning to Idaho National Laboratory (INL) for advice, the participant said, which was problematic because INL is a research facility and lacks the INPO's operational experience and safety evaluation expertise for commercial plants. The participant thought the NRC would be blamed when some of these startups failed.

Supporting the NRC

Participants also discussed what might be done to support the NRC. One felt it was important that NEI publicly support the NRC. Another wanted both INPO and NEI to speak out in support of a strong, independent regulator. The participant thought that overall, the industry agreed with this need, but was not being proactive about this point. Another participant thought that companies working with and making progress with the NRC – i.e., the ones actually likely to break ground on reactor construction – would at some point have to push back on the startups that were not working with the NRC.

Notes

1. Some of these developments were reviewed in a letter to Congress from former NRC officials dated July 27, 2025: https://www.nrc.gov/docs/ML2521/ML25211A084.pdf; Some of these developments were also discussed at Senate and House committee hearings over the past year. Senate Environmental and Public Works Committee hearing, "Oversight of the Nuclear Regulatory Commission," on September 3, 2025: https://www.epw.senate.gov/public/index.cfm/hearings?ID=B2051D7E-B995-40A9-8824-5996021F1B97 ; House Energy and Commerce Committee, Energy Subcommittee, "American Energy Dominance: Dawn of the New Nuclear Era," January 7, 2026. https://energycommerce.house.gov/events/energy-hearing-american-energy-dominance-dawn-of-the-new-nuclear-era.

2. E&E News, "DOGE told regulator to 'rubber stamp' nuclear," July 14, 2025. https://www.eenews.net/articles/doge-told-regulator-to-rubber-stamp-nuclear/.

3. White House, "Ensuring Accountability for All Agencies," https://www.whitehouse.gov/.presidential-actions/2025/02/ensuring-accountability-for-all-agencies/.

4. Humphrey's Executor v. United States, 295 U.S. 602, 629 (1935) involved the unlawful removal of FTC Commissioner William Humphrey by President Roosevelt, who did not cite the statutory "for-cause" grounds for removal; the court held that Congress may limit the President's removal power over independent regulatory commissioners: "The authority of Congress, in creating quasi legislative or quasi-judicial agencies, to require them to act in discharge of their duties independently of executive control cannot well be doubted; and that authority includes, as an appropriate incident, power to fix the period during which they shall continue, and to forbid their removal except for cause in the meantime. For it is quite evident that one who holds his office only during the pleasure of another cannot be depended upon to maintain an attitude of independence against the latter's will."

5. NEI is the policy organization representing the commercial nuclear energy industry. (https://www.nei.org/) INPO is a non-profit that was established in 1979 by the U.S. nuclear industry following the Three Mile Island accident. Its mission is to achieve the highest levels of safety and reliability in the operation of commercial nuclear power plants. (https://www.inpo.info).

About the Authors

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Dr. Bowen has written reports on federal and state policies to encourage advanced reactor development, and has also published papers on reforming U.S. nuclear export controls. During the Obama Administration, he was an Associate Deputy Assistant Secretary in the Office of Nuclear Energy and a Senior Advisor in the Office of Nonproliferation and Arms Control at the U.S. Department of Energy (DOE). Previous to working at DOE, he was an AAAS/APS Science Fellow for Senate Majority Leader Harry Reid.

Dr. Bowen received a Bachelor of Science degree in physics from Brown University and a Ph.D. in theoretical physics from the University of Washington, Seattle. He has held positions at the National Academies with the Board on Physics and Astronomy, the Board on Energy and Environmental Studies, and the Division on Engineering and Physical Sciences. Dr. Bowen has also done work outside of Columbia University as an independent consultant for EFI Foundation and Third Way.

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In the past, Rama interned at the Office of Legal Affairs, International Atomic Energy Agency (IAEA), Vienna, Austria, where he primarily assisted its Legislative Assistance activities such as reviewing the draft nuclear legislation of Member States and assisted in conducting bilateral and multilateral meetings such as Role of a Legal Advisor in a Regulatory Body and International Nuclear Liability Expert (INLEX). Rama also undertook research on the topic of safety, security and liability aspects of Transportable Nuclear Power Plants (TNPPs).

Rama has completed his Bachelors in Law – B.A.,LL.B. (Specializing in Energy Laws) from University of Petroleum & Energy Studies, Dehradun, India. He has completed a diploma in International Nuclear Law from the International School of Nuclear Law (ISNL), University of Montpelier, France organized by Nuclear Energy Agency, OECD. Rama has completed his Masters in Law – LL.M. in Energy and Environmental Laws from The George Washington University Law School as GW Merit Scholar and Randolph C. Shaw Environmental Graduate Environmental Fellow. Rama has completed several other niche certifications in nuclear energy and law.

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