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Witnesses:

Allison Macfarlane

Associate Professor, George Mason University

Kristine Svinicki

Commissioner, Nuclear Regulatory Commission

Committee Members Present:

Barbara Boxer (D-CA), Chair

James Inhofe (R-OK), Ranking Member

Lamar Alexander (R-TN)

Jeff Sessions (R-AL)

Bernard Sanders (I-VT)

Thomas Carper (D-DE)

Frank Lautenberg (D-NJ)

John Barrasso (R-WY)

Benjamin Cardin (D-MD)

Tom Udall (D-NM)

John Boozman (R-AR)

Kirsten Gillibrand (D-NY)

On June 13, the Senate Committee on Environment and Public Works held a hearing to discuss the nomination of Allison Macfarlane to be chairman and re-nomination of Kristine Svinicki to be a commissioner of the Nuclear Regulatory Commission (NRC). Macfarlane, an assistant professor at George Mason University, has been nominated by President Obama to fill the seat of current chairman Gregory Jaczko. Jaczko will resign as chairman of the NRC upon confirmation of his successor. He announced his intent to resign in late May amid several accusations of mismanagement from other members on the commission and employees. Kristine Svinicki, a commissioner on the NRC board since 2008, has been renominated to serve another five year term. Her current term expires on June 30, 2012.

Senator Richard Blumenthal (D-CT) introduced Macfarlane mentioning how she is “supremely well qualified” and a “remarkable scholar and leader.” He highlighted Macfarlane’s service on the Blue Ribbon Commission on America’s Nuclear Future (BRC), a 15 member board established by the President to review policies for managing the back end of the nuclear fuel cycle and recommend a new plan. The final report was released in January 2012. Senator Jeff Sessions (R-AL) introduced Kristine Svinicki by quoting former Senator John Warner (R-VA) from her first confirmation hearing in 2007. Warner said Svinicki, who worked on the Senate Committee on Armed Services when Warner was chairman, was “one of the extraordinary persons” that he worked with. Sessions closed by saying Svinicki has a “strong commitment” to NRC regulations, noting her visits to half of the nuclear power plants in the U.S.

Chairman Barbara Boxer (D-CA) gave her opening statement highlighting the NRC mission of “ensuring safety at the nation’s 104 commercial nuclear reactors.” She noted the 2011 Fukushima Dai-ichi nuclear meltdown disaster as a “wake up call.” She mentioned how without Jaczko’s leadership, “we would be even further behind on safety than we are.” Boxer said she was “impressed” by Macfarlane and said that Svinicki “has not demonstrated the commitment to safety that the American people have a right to expect.” Boxer read letters opposing Svinicki’s re-nomination, including one letter written by 94 organizations. She closed by saying “the burden on the NRC should be taken seriously by every commissioner.”

Ranking Member James Inhofe (R-OK) gave his opening statement in support of Svinicki, calling her qualifications “stellar.” He did

show concern over Macfarlane's lack of experience in management. Inhofe mentioned Jaczko's resignation saying he is "glad it happened." Senator Thomas Carper (D-DE) began his statement saying he is pleased with both nominations. He said Svinicki was "knowledgeable, hardworking, and committed to safety" and that Macfarlane's experience "could bring a valuable and unique perspective to the commission on policy issues." Senator Lamar Alexander (R-TN) began his opening statement by saying he is "impressed" by the nominees. He noted Macfarlane's "distinguished background," saying he is still getting to know her. Alexander said he hopes the committee and the Senate can make a "prompt decision."

Senator Bernard Sanders (I-VT) began his opening statement by disagreeing with Inhofe's statement on Jaczko's "failed leadership." Sanders said he thought Jaczko did a good job and was "uspet about the level of personal attacks" against him from the committee and from the NRC. He said the attacks were a "smoke screen" for a "philosophical divide" in the NRC. He then continued his statement by listing concerns about Svinicki. He referenced her voting record on how she was one of the members who voted in private that recommended to the Department of Justice that it involve itself in litigation with the state of Vermont. He said "the role of the NRC is not to represent Entergy or any other nuclear power company against Vermont's or against any other state." Sanders said Svinicki's vote was "wrong on the merits." He closed by mentioning Svinicki's opposition to public meetings for NRC votes. Sanders said that if the NRC does not reform their voting process, he will introduce legislation that would mandate a public vote process.

Senator Jeff Sessions (R-AL) opened his statement discussing Svinicki's voting record. He mentioned how in the past four years, she has voted with the majority 90 percent of the time. Sessions discussed the comments on Svinicki's failure to note her work on Yucca Mountain at her previous nomination hearing. He said her technical paper that "opponents claim she was hiding from the Senate" was the first listed article in her Senate questionnaire from 2007. He continued by noting Svinicki receiving of the 2012 Presidential Citation award by the American Nuclear Society. Sessions closed by acknowledging Macfarlane's lack of leadership over a large group of employees and how her background "is not the kind of background I would normally look for in a chairman of the NRC."

Senator Frank Lautenberg (D-NJ) began his statement by emphasizing how the U.S. "must have an effective policy" for spent nuclear fuel. If both nominees are confirmed, he expects both to abide by safety. Senator John Barrasso (R-WY) re-iterated the recent events of the NRC and said it has hurt the committee's "image." He said that Svinicki is "eminently qualified." He addressed concerns with Macfarlane, stating the need to compare commissioner qualifications and her qualifications as well as understanding her views on uranium production, nuclear power plant permitting, and storage of nuclear waste.

Senator Benjamin Cardin (D-MD) agreed with committee members on the importance of safety. He mentioned the importance of moving forward with nuclear energy, including the disposal of spent fuels. Senator Tom Udall (D-NM) gave a brief statement mentioning how "the buck really stops with the NRC when it comes to safety."

Macfarlane mentioned the commissioners of the NRC in her testimony and said she looked forward to "forging a collegial relationship with them." She stated the mission of the NRC to be "protecting the safety of the American people and the environment." She said her background as a geology and public policy scholar prepares her for the missions of the NRC. Macfarlane holds a doctorate in geology from the Massachusetts Institute of Technology and if confirmed, she would be the first geologist to head the commission. Closing her statement, Macfarlane made a commitment to "devote all my energies to serving on the NRC." She discussed her approach to more "openness, efficiency, and transparency" within the commission. Macfarlane spoke of her intentions to keep the NRC "a top-ranked workplace for its employees."

Svinicki began her testimony by saying she would be "privileged to continue this work." She reflected on her last hearing in March, and discussed the orders NRC had just released to nuclear power plants. These orders set requirements on "features to mitigate beyond design basis extreme natural events, installation of hardened venting systems, and enhanced instrumentation for spent fuel pools." She mentioned the NRC requirement of seismic and flooding hazards evaluation at nuclear sites, post- Fukushima.

Boxer began the questions by asking Svinicki about the closure of the San Onofre Nuclear Plant in California. Boxer wrote a letter to NRC asking for a review and asked if Svinicki thought there should have been a license amendment. Svinicki said she is looking forward to results from the augmented inspection team. The NRC set a goal for implementation of recommendations of the Near-Term Task Force Review of Insights from the Fukushima Dai-ichi Accident report, within five years. Boxer pointed out that recent orders give a longer amount of time for compliance by nuclear power plants. She asked Svinicki if she would ensure the safety recommendations are implemented within the five year time frame. Svinicki said she would, acknowledging there might be some implementation issues "beyond my control."

Inhofe asked Svinicki how she would prioritize the changes that happened after nuclear meltdown at the Fukushima Dai-ichi nuclear plant compared to before. Svinicki mentioned three emergency orders issued by the NRC, which she listed in her testimony. Inhofe referenced the NRC's Reorganization Plan of 1980 which described duties of the chairman, including informing the commission. Macfarlane ensured that the "other commissioners are fully informed."

Carper asked Macfarlane how to find a suitable place for nuclear disposal waste. Macfarlane referenced her experience on the BRC and suggested compensation to communities that might want to host a repository or storage facility. She said the Waste Isolation Pilot Project (WIPP) is a great example. Carper asked for Macfarlane's approach to leadership. She said the NRC already has an "exceptional structure in place" and as chairman it is necessary to behave in a "collegial manner."

Alexander asked Macfarlane if she agrees with the commission's suggestion on disposal of nuclear fuel by identifying consolidation sites and beginning to find a repository. Macfarlane said speaking from the BRC point of view, she "wholeheartedly" agrees. Alexander then discussed small nuclear reactors and asked Macfarlane if she were chairman, would she "assign priority" to the commission's role in moving forward with small modular nuclear reactors. Macfarlane said she would like to learn more about the reactors, but supports the idea. Svinicki said she has supported activities for the development of small modular reactors. Alexander closed by asking for Macfarlane's views on nuclear being part of reliable and clean power. She said 20 percent of U.S. electricity is from nuclear and it is important for a "diverse energy supply."

Sanders re-visited the voting practices of the NRC. He asked Macfarlane for her commitment to hold a "public voting meeting." She committed to "being as transparent as possible." Svinicki said "her votes are made public" and said she has supported the "written notation voting process."

Sessions asked Macfarlane for her experience in regards to reactor safety. Macfarlane said her expertise is in the "back end of the nuclear fuel cycle." He asked her whether she had received funding from federal agencies or opposition groups on Yucca Mountain, to which Macfarlane said she has not received any. He then asked if the NRC and the Department of Energy should "preserve" the work already done on Yucca Mountain. Macfarlane said, speaking "as a scientist, absolutely."

Cardin asked for Macfarlane's thoughts on onsite storage. Macfarlane said working on the safety and security of spent fuel pools and dry casks. She said "we need to move forward on national repositories."

Barrasso asked if domestic uranium production is preferred instead of being imported. Macfarlane referenced again the importance of a "diverse supply of energy."

Lautenberg asked Macfarlane if she would support the requirement of filtered containment vents. She said the NRC is looking into the topic. He then asked Svinicki why she did not support the installment of these vents. Svinicki she said she did not receive any analysis, but when the NRC releases an evaluation, she will "review with an open mind." Lautenberg asked Macfarlane if she would try bringing the public into discussions, noting the lack of openness in the NRC. She said she was "dedicated to hearing all sides." He closed by asking about the transportation of nuclear waste, to which Macfarlane said waste could be transported safely.

Senator Kirsten Gillibrand (D-NY) asked about the Indian Point Energy Center in New York and if the NRC plans to look at fault lines. Macfarlane mentioned a new seismic hazard analysis being issued by the U.S. Geological Survey. Svinicki said that all nuclear power plants have been required to do seismic evaluation, post-Fukushima.

Boxer concluded the hearing by saying she hopes "that this commission (...) can get off in a different direction." Boxer said that even though she plans to vote against Svinicki, she predicted she would still be confirmed and that she hopes Svinicki will help Macfarlane.

Witness testimonies, opening statements, and a webcast of the hearing can be found on the committee web site.
