

The Leadership of the Nuclear Regulatory Commission

Witnesses

Panel I

The Honorable Gregory B. Jaczko

Chairman, Nuclear Regulatory Commission

The Honorable George E. Apostolakis

Commissioner, Nuclear Regulatory Commission

The Honorable William C. Ostendorff

Commissioner, Nuclear Regulatory Commission

The Honorable Kristine L. Svinicki

Commissioner, Nuclear Regulatory Commission

The Honorable William D. Magwood, IV

Commissioner, Nuclear Regulatory Commission

Panel II

Bill Borchardt

Executive Director for Operations, Nuclear Regulatory Commission

Stephen Burns

General Counsel, Nuclear Regulatory Commission

Committee Members Present

Darrell Issa, Chairman (R-CA)

Elijah Cummings, Ranking Member (D-MD)

Jim Jordan (R-OH)

Dennis Kucinich (D-OH)

Jason Chaffetz (R-UT)

John Tierney (D-MA)

James Lankford (R-OK)

Gerald Connolly (D-VA)

Trey Gowdy (R-SC)

Danny Davis (D-IL)

Dennis Ross (R-FL)

On December 14, 2011, the House Committee on Oversight and Government Reform held a hearing to discuss the role of Gregory Jaczko as chairman of the Nuclear Regulatory Commission (NRC). There have been growing concerns regarding Jaczko's conduct at the NRC with his fellow staff and commission. An Inspector General report released in the summer concluded that the chairman had withheld varying amounts of information from specific members of the commission in order to influence their vote to shut down the Yucca Mountain nuclear waste repository. In mid-October of 2011, the NRC commission, composed of two Democrats and two Republicans, sent a letter to the White House expressing their "grave concerns" with Jaczko's actions and management policies at the NRC. Bill Daley, White House chief of staff, submitted a letter on behalf of Jaczko with an apology and an explanation that the chairman acted in compliance with the law. The culpability of Jaczko is split between party lines, as some democrats believe that many disputes at the NRC have broken out due to the agency's 1980 reorganization which instated the four-person commission led by a single chairman, a structure in which power distribution has been controversial in the past.

Chairman Darrell Issa (R-CA) provided an opening statement, saying that he is “deeply concerned” with the commission’s current ability to work by consensus. He believed that all five commissioners, including Chairman Jaczko, are charged with the same responsibility. Ranking Member Elijah Cummings (D-MD) called the commission’s disagreements “internal squabbling” that should not affect the great work of the NRC. In his opinion, the disputes should be worked out among the five commissioners, because he is unsure how much of them are due to personality conflicts.

During his testimony, Gregory Jaczko told the committee that 2011 has been an “exceptionally challenging and productive year,” which included many unforeseen disasters. He listed the milestones the NRC achieved for the year, including the report they distributed after the Fukushima Daiichi nuclear disaster.

The four NRC commissioners then provided their testimonies. Republican Commissioner Kristine Svinicki testified that an “unworkable” level of tension within the commission is impeding the “collegial” activities of the NRC. She spoke about some remarks Chairman Jaczko has made in the past that suggest his attempt to advance his own agenda, as well as “outbursts of rage” to which all the commissioners and some staffers have been subject. William Magwood, a Democratic Commissioner, stressed the commission’s commitment to safety, even when they don’t agree on decisions. He believed that the chairman has an “unhealthy” control over the information that is presented to the commission. After citing examples of verbal abuse by the chairman to female staff members at the NRC, he described the agency as having a “chilled work environment” that has become worse in recent months.

The other Republican Commissioner, William Ostendorff, told the committee that the highest level of the NRC does not reflect the mission of the whole agency because the chairman is impeding the agency’s ability to provide safety to the country. He referred to the letter the four commissioners sent to the White House, stating that the letter was not written with political incentives, contrary to recent accusations of such. George Apostolakis, the other Democratic Commissioner, spoke about the structure within the NRC that allows for a “diversity of insights.” He has serious concerns with the chairman’s leadership, and said the political accusations regarding their letter sent to the White House “could not be further from the truth.”

Chairman Issa asked Jaczko if he has even withheld information from the rest of the commission; Jaczko denied any such withholdings. Issa then asked if Jaczko has ever managed an organization of 4,000 people before, to which he responded has had not. Given Ostendorff’s many years of management experience in the military, Issa inquired about his opinion of Jaczko’s leadership. Ostendorff stated that he does not believe the commission has been kept abreast of the NRC staff’s complete knowledge, advice, and recommendations.

Cummings asked Jaczko to comment on the verbal abuse allegations from the NRC staff. Jaczko told the congressman it was the first time he had heard of any such accusations, and that he would always want to know if he has made anyone feel uncomfortable at work. Congressman Gerald Connolly (D-VA) asked Jaczko if he has different “philosophical” beliefs from the rest of the commissioners, and the chairman responded in the positive, saying it is “clear by the way we vote.”

Cummings brought up one of the commission’s concerns about the chairman following the Fukushima Daiichi nuclear disaster. According to the commissioners, the chairman placed the agency in “monitoring mode” and invoked his emergency authority, which gave him sole decision-making power over the NRC following the disaster. Svinicki told Cummings that she does not correlate monitoring mode with a need to call for emergency responses in a country that was not experiencing the disaster. Jaczko noted that he is “comfortable” with what he did after Fukushima. Connolly requested information from the commissioner regarding the NRC’s actions following the August 2011 magnitude 5.8 earthquake in Mineral, Virginia. The commission held an informational meeting, which according to Jaczko was a “good example of them working together.” Connolly told the panel that the North Anna nuclear power plant in his state was deemed as “exceeding its design basis” after the earthquake, and asked Jaczko what that phrase means. The chairman explained that the 5.8 earthquake was greater in magnitude than the “hypothetical earthquake” that was envisioned when building the power plant.

Jim Jordan (R-OH) noted that the action taken by the bipartisan commission, to send a letter of complaint to the White House, is an “unprecedented” action, and asked Ostendorff if he had ever heard of any similar occurrence taking place during his many years of experience working for federal agencies. Ostendorff said he did not know of any other examples. He told Jordan that the commission discussed their plan of action for several months before sending the letter and tried multiple times to talk with the chairman with no effect. The other three commissioners agreed with Ostendorff’s statement. When Jordan asked the four commissioners if they think the chairman’s actions are politically motivated, each of them declined to speculate whether his actions are political and attributed them to “conduct issues.” Dennis Kucinich (D-OH) told the committee that he doubted the importance of this hearing, as many commissions have internal tensions.

Jason Chaffetz (R-UT) listed the five “serious allegations” in the commissioners’ letter to the White House—bullying staff, withholding information, intimidating the advisory committee, ignoring the will of the majority of the commission, and interacting disrespectfully with the commissioners—and asked Jaczko if any are true. Jaczko declined all, but said that there was one example

where he withheld some information from the commissioners “temporarily.” In response to the accusations of bullying and intimidating staff, the chairman replied that he is “just very passionate about safety.” When Issa asked Jaczko if he believes he should make changes to his behavior, the chairman responded that he could improve the communication between the five commissioners. Trey Gowdy (R-SC) asked the chairman if he was sorry for anything he had done while working at the NRC; Jaczko said he apologized for the “distraction” he caused.

Bill Borchardt, the Executive Director for Operations at the NRC, and Stephen Burns, General Counsel at the NRC, testified that there are a number of differing opinions at the NRC and the NRC is ranked as the best place to work in the federal government according to a federal agency survey. Issa asked Borchardt if the chairman has ever altered any information flowing to the commission. Borchardt replied that commission papers and budget proposals have been altered under the chairman’s direction. He added that Jaczko “influences” the content and timing of information given to the commission.

A complete hearing video, witness testimonies, and the committee chairman’s hearing preview statement can all be found on the [committee web site](#).
