

Subcommittee on Environment & the Economy
Hearing on the June 6, 2011 Report of the Inspector General of
The Nuclear Regulatory Commission
June 14, 2011
Opening of Chairman John Shimkus
(Remarks as Prepared for Delivery)

The Chair recognizes himself for 5 minutes. Today we take another step in understanding the management breakdown at the NRC. I welcome our witness, Mr. Bell, and I thank him for his professionalism. He started this review last October at the request of Chairman Upton and Mr. Whitfield. His work is both thorough and timely.

Having read the entire report, I'm struck by three problems at the NRC. First, is the *inefficiency*. It is unbelievable that the one week after the Nuclear Waste Policy Act says that NRC must either approve or deny the license application, or formally notify Congress as to why it needs more time, the Commission cannot even reach the question of whether the application is even alive. One year ago, the Atomic Safety and Licensing Board ruled that DOE has no authority to withdraw the application, and the NRC must continue to review it. Less than two months later the question was put to a vote of the full Commission. On August 10, Commissioner Apostolakis abstained, on August 25 and 26 Commissioners Sviniki, Jaczcko and Ostendorf voted. Then, August 30, Jaczko retracted his vote. Then, September 15 Commissioner Magwood voted, then October 29 Chairman Jaczko voted again. But somehow ten months after all that, the vote is still not over. You don't need Internal Commission Procedures to see that it's been a horribly inefficient process, and according to Mr. Bell's Report, we have no one to blame except Chairman Jaczcko.

But there are Internal Commissioner Procedures. Commissioners are to vote within ten business days; once a quorum has voted permission to vote late may only be granted by a majority of the Commission, and a delay in affirming the vote and promulgating the order may only be granted by a majority of the Commission. None of that has been followed. It's the Chairman's duty to make certain it is followed. Parties to the action rely on the Commission to

follow its own rules and keep the trains running on time. The Chairman's *neglect of this duty* alone is shocking as it denies to the parties of interest a full, timely determination.

But once you read further in the report, it becomes clear that the problems are worse than just inefficiency and even worse than neglect of duty. There is outright *malfeasance*. The report is replete with instances of Chairman Jaczko deliberately misleading both his fellow commissioners and senior NRC staff. And he knowingly withheld crucial information from his fellow Commissioners even though the Federal Statute requires that all Commissioners have access to all information. In some instances Chairman Jaczko manipulated the process through outright false statements to prevent his fellow Commissioners from understanding the implications of his actions and omissions. When confronted by one Commissioner about this, Chairman Jaczko merely insulted his colleague by sarcastically retorting, "You should have asked."

I hope all Members study Mr. Bell's June 6 Report carefully and take time today to seek any clarifications. This situation warrants our attention and best judgment.

The Chair recognizes Mr. Green for five minutes.