

**Statement of Kristine L. Svinicki
Commissioner, U.S. Nuclear Regulatory Commission
Before the Committee on Oversight and Government Reform
United States House of Representatives**

Hearing on “The Leadership of the Nuclear Regulatory Commission”

December 14, 2011

Thank you, Chairman Issa, Ranking Member Cummings, and members of the Committee for the opportunity to appear before you today. You have requested that members of this Commission address the topic of management and leadership issues at the NRC. I have been privileged to serve as a Commissioner of the NRC for over three and a half years. During this time, the agency’s approximately 4000 technical, legal, and administrative staff members have impressed me with their professionalism and their unyielding commitment to the NRC’s important missions of nuclear safety and nuclear security. Their efforts are led by a skilled group of Senior Executive Service managers, most of whom have decades of experience not just in federal service, but specifically at the NRC. I have confidence in the work they do and believe that the Nation is well served by their constant vigilance on matters of nuclear safety and security. I appear before you today, however, to address topics related to the current functioning of the Commission itself and the engagement between the Commission and the agency staff.

I have served as a Commissioner with six other individuals (four currently serving and two whose service has ended) and under the tenure of two different Chairmen. Although some amount of tension is expected in any deliberative body, I believe the level of tension among the currently serving members of this Commission is impeding the collegial processes of the NRC and is obstructing the functioning of key processes between the Commission and the agency staff. These tensions are rooted in an interpretation of the NRC Chairman’s statutory authorities, as well as his conduct toward his Commissioner colleagues and the NRC staff. Despite these problems, I believe it is likely that the Commission would have continued its tug of war over these issues – to the extent possible – out of the public spotlight. Events of the past few months, however, pushed the Commission beyond its tolerance for current circumstances and led us to communicate our concerns beyond the Commission.

As a result of interpretations of the NRC Chairman’s authorities that grant the Chairman the authority to decide which issues appropriately involve any one of the Commission’s statutory functions, and to interpret for the agency staff the meaning of any direction issuing from Commission decisions, the situation at the NRC has, in my view, become increasingly unworkable and threatens the viability of a functioning Commission structure.

While the Reorganization Plan No. 1 of 1980 concentrated certain administrative responsibilities in the hands of the Chairman, the legislative history makes clear that it was not intended to displace the ultimate authority of the full Commission over the affairs of the agency. The Plan itself includes a provision that the Commission may decide by majority vote – in any area of doubt – whether any matter pertains to one of the Commission’s statutory functions. In its deliberations on the Plan, Congress also emphasized that the Commission shall have full access to all information within the agency, including that in existence and that which requires development by the staff. The Chairman may not withhold or delay providing information requested by the Commission. In both of these critical areas, however, I do not believe that the processes under the current Chairman satisfy the intent of the law.

Over the past year and a half, the Commission has engaged in a protracted effort to resolve its disagreements over its respective roles and responsibilities through a comprehensive revision of its internal operating procedures. This effort proved ultimately unfruitful, however, in resolving the underlying disagreements. Exacerbating these long-standing disagreements are recent events of concern that have come to the Commission's attention.

In October of this year, the Chairman appeared at an annual retreat held by the agency's Executive Director for Operations and senior agency staff. Within days of this event, a number of attendees from the retreat sought me out to express their strong reaction to the Chairman's statements. They described the content of his remarks as "an expression of contempt for the Commission." It was described to me that the Chairman instructed those present to advance his agenda and that this must come at the price of having their own, independent assessments and recommendations. The Executive Director for Operations described it to me by saying, "We were pretty much instructed to leave our brains at home."

Hearing of this event was a formative moment in leading me to conclude that the points of tension between the Chairman and the Commission were no longer isolated to the Commission itself. Interference in the flow of information coming to the Commission was occurring to such a pervasive extent and was being conducted so brazenly that the Commission needed to take additional action.

Another circumstance that I believe caused the Commission to bring these issues forward is the Chairman's continued outbursts of abusive rage directed at subordinates within the agency's staff. All members of the Commission, including me, have been on the receiving end of this conduct, which was also acknowledged by the NRC Inspector General in his testimony before the House Energy & Commerce Committee (Subcommittee on Environment and the Economy) earlier this year. These incidents appear to have grown more frequent, however, and I am now aware of this conduct being directed against staff at various levels in the agency. Some of these employees have spoken to me privately of the embarrassment and humiliation of being made to lose their composure in front of their colleagues, or to be seen exiting the Chairman's office in a state of obvious upset.

I regret that we have come to this point. But our agency is one whose fundamental mission to ensure the health, safety, and security of the American public is premised on the very ability of individuals to speak out. It is my hope that a positive lesson about the willingness to speak out will be drawn by not just the NRC staff listening to this hearing, but by all those responsible for safety and security across our government.

Thank you.



UNITED STATES NUCLEAR REGULATORY COMMISSION

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COMMISSIONER KRISTINE L. SVINICKI



The Honorable Kristine L. Svinicki was sworn in as a Commissioner of the U.S. Nuclear Regulatory Commission (NRC) on March 28, 2008, to a term ending on June 30, 2012.

Ms. Svinicki has a distinguished career as a nuclear engineer and policy advisor, working at the state and federal levels of government, and in both the legislative and executive branches. Before joining the NRC, Ms. Svinicki spent over a decade as a staff member in the United States Senate advancing a wide range of policies and initiatives related to national security, science and technology, and energy and the environment. She also served as a professional staff member on

the Senate Armed Services Committee for the Committee's former Chairman, Sen. John Warner, R-Va., and, subsequently, for the Committee's ranking Republican member, Sen. John McCain, R-Ariz. There, Ms. Svinicki was responsible for the Committee's portfolio of defense science and technology programs and policies, and for the atomic energy defense activities of the U.S. Department of Energy, including nuclear weapons, nuclear security, and environmental programs.

Previously, Ms. Svinicki worked as a nuclear engineer in the U.S. Department of Energy's Washington, D.C. Offices of Nuclear Energy, Science and Technology, and of Civilian Radioactive Waste Management, as well as its Idaho Operations Office, in Idaho Falls, Idaho. Before that, she was an energy engineer with the State of Wisconsin at the Wisconsin Public Service Commission in Madison, Wisconsin.

Born and raised in Michigan, Ms. Svinicki earned a bachelor's degree in nuclear engineering from the University of Michigan in 1988. She is a longstanding member of the American Nuclear Society, where she served two terms on the ANS Special Committee on Nuclear non-Proliferation. In 2006, the Society honored her with its Presidential Citation in recognition of her contributions to the nuclear energy, science, and technology policies of the United States. She has served as a member of the Center for Strategic and International Studies' Task Force on Global Nuclear Materials Management, and as an Expert Advisory Panel Member to the NRC on assessing the future of regulatory research needs. She was selected as a Stennis Congressional Fellow of the 108th Congress, as a Brookings Institution Legis Congressional Fellow in 1997, and as the University of Michigan College of Engineering Alumni Society Merit Award recipient for Nuclear Engineering and Radiological Sciences in 2009.

Ms. Svinicki is a resident of Falls Church, Va. She invites you to visit her Facebook page (found at Kristine Svinicki).