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Opening Statement

Rep. Elijah E. Cummings, Ranking Member

Hearing on "The Leadership of the Nuclear Regulatory Commission"

December 14, 2011

In March of this year, a massive earthquake and subsequent tsunami killed more than 20,000 people and devastated northern Japan. It caused catastrophic damage at four of the nuclear reactors at the Fukushima power station. This was the worst nuclear disaster since Chernobyl 25 years earlier.

Our number one priority on this Committee must be ensuring that we learn the lessons of the Fukushima disaster and take appropriate action to improve the safety of nuclear power plants in this country.

Yesterday, the Union of Concerned Scientists (UCS) issued a statement imploring our Committee to focus today's hearing squarely on these safety issues. Dr. Lisbeth Gronlund, a physicist and co-director of the Global Security Program at UCS, urged the Committee to "focus on the safety issues facing the U.S. reactor fleet rather than on NRC's internal squabbling." As she stated, "The NRC shouldn't let five years pass before it enacts post-Fukushima reforms."

I strongly agree with these statements. The single most critical issue facing the NRC today is how it will respond to the Fukushima crisis. Five months ago, a task force of career NRC staff issued 12 recommendations intended to make U.S. nuclear power plants safer. In October, the staff prioritized eight of these recommendations. According to the staff, these recommendations "have the greatest potential for safety improvement in the near term" and "should be started without unnecessary delay."

For example, one of the key problems in the Fukushima disaster was that the tsunami knocked out the station's backup power, causing temperatures to rise in four reactors and resulting in the substantial release of radiation. NRC staff has recommended that all existing and new reactors in the United States strengthen their capabilities to mitigate these types of blackouts.

I look forward to hearing the views of all the Commissioners today on how we can implement this and other reforms as soon as possible.

With respect to the allegations of mismanagement, let me say this. I agree that it is a serious matter when four Commissioners write a letter to the White House criticizing the Chairman for creating “a chilled work environment.” These allegations should be taken seriously, which the White House has done.

Based on my review of this issue, however, I also believe that the current Chairman has exhibited one of the strongest safety records of any previous NRC Chairman. I would urge anybody interested in this issue to read the harrowing transcripts of the recordings from the emergency operations center stood up by the Chairman to help the people of Japan and U.S. citizens in close proximity to the Fukushima danger zone. You will be impressed by the skill and courage of those who worked around the clock to prevent this disaster from becoming far worse.

As a result, I am struggling to determine how much of this squabbling relates to personality conflicts and how much relates to a fundamental disagreement about the statutory structure of the Commission itself.

The Inspector General, after interviewing all five Commissioners and senior NRC staff, concluded that the Chairman acted within his authority. The General Counsel of the NRC agreed after examining the Chairman’s actions relating to Fukushima. He wrote in an opinion that “the Chairman’s actions fit within his authorities.”

Similarly, our Committee’s own investigation, which has included transcribed interviews of 15 senior NRC staff and the review of thousands of documents, has uncovered no violations of law or instances in which the safety of U.S. nuclear facilities has been placed in jeopardy.

The truth is that when Congress reorganized the NRC in 1980, it created a structure with a very strong Chairman. As President Carter said at the time, the experience of Three Mile Island demonstrated that “the Commission as a whole cannot deal expeditiously with emergencies.”

Moreover, this is not the first time there has been conflict between the NRC Chairman and other Commissioners. A 1999 report by the Inspector General described a very similar situation and found that the statutory structure of the NRC leads to tensions between the Chairman and other Commissioners.

The natural question is where we go from here. Based on the letters all five Commissioners sent to the Committee in preparation for today’s hearing, I believe they are all willing to fulfill the fundamental mission of the NRC. I sincerely hope we can use today’s hearing as an opportunity to get beyond past differences and refocus our energies on the goal of nuclear safety.

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