

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

Opening Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
“The NRC Inspector General Report on the NRC Chairman's Unilateral Decision to
Terminate NRC's Review of the DOE Yucca Mountain Repository License Application”
Subcommittee on Environment and the Economy
June 14, 2011

This is the third hearing this Subcommittee has held on the closure of the Yucca Mountain waste repository.

Today, we will hear from the Nuclear Regulatory Commission Inspector General who has recently issued a report on allegations that the NRC Chairman's actions relating to the closure were improper.

The primary finding of the Inspector General's report was that Chairman Jaczko's ambitions have been consistent with established law, OMB guidance, and his authorities as Chairman.

This finding is very different from what Chairman Shimkus has been saying for months. In the press and in this hearing room, he has repeatedly stated that Chairman Jaczko has been acting illegally.

This is, of course, the problem with prejudging and announcing the outcome of an investigation before it has started.

Despite the rhetoric we've heard over the past months, today we won't be presented with evidence of law breaking. Instead, we'll hear about the internal procedures of the NRC. We'll examine the consultation requirements and functions of the Chairman of the NRC versus the functions of the other Commissioners. The IG will tell us that some Commissioners felt misled by Chairman Jaczko, did not like his interpersonal style, and expressed concern about the NRC Chairman's unilateral actions.

These are legitimate issues for our subcommittee to examine. We should be exercising our oversight to look at the Commission to ensure that it operates as smoothly, professionally, and fairly as possible. The Chairman of the Commission – like the chairman of a congressional subcommittee or committee – has an obligation to conduct proceedings fairly and impartially.

Chairman Shimkus is concerned that Chairman Jaczko withheld information from his fellow commissioners. That's a legitimate concern and one we should examine today.

Ironically, however, we should look at this in the context of how our committee has operated. Over our objections, the staff of our subcommittee has been conducting interviews of fact witnesses without including Democratic members or our staff. Chairman Shimkus says the IG report "reveals a calculating and political N.R.C. Chairman who has abused his authority ... and withheld information from fellow commissioners." Well, that's how some of us feel when we are being treated in this investigation by denying us access to witness interviews. Let's make sure that our Committee operates as a model if we are going to criticize the Commission for not operating as we would hope they would.

I look forward to hearing from the IG today and want to reiterate that I support a thorough investigation into Yucca Mountain and the actions of the NRC. But any such investigation should be fair and nonpartisan. I would hope our Committee would meet this standard.