

Energy Matters

[Fractious NRC Forces Chairman's Resignation](#)

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By Roger Witherspoon

Gregory Jaczko resigned as head of the Nuclear Regulatory Commission yesterday, ending months of open warfare with the staff and the other four commissioners over safety issues and a personal style often perceived as imperious.

Jaczko's departure stills the agency's lone major voice pushing for increased safety measures at the nation's 104 nuclear power plants despite the its long-standing aversion to imposing costly fixes on the politically powerful industry. And it ends a bitter public feud which led to extraordinary dueling hearings led by Democrats in the Senate, who supported his safety-first approach, and Republicans in the House who backed the four dissenting commissioners and called for his resignation.

New Jersey Sen. Frank Lautenberg went so far as to declare at the Dec. 15, 2011 hearing that “he is the first chairman not to be in the pocket of the industry.” But as the controversy continued to swirl around the chairman, Lautenberg has backed away from the increasingly isolated Jaczko.

Similarly, Senate Environment and Public Works Committee Chairwoman Barbara Boxer (D-Cal.) staunchly defended Jaczko at her December hearings and called the House hearings a day earlier a “witch hunt.” Afterwards, however, as criticism mounted and Jaczko became more isolated within the NRC, she too had little to say in his behalf and her one-line statement yesterday merely thanked the chairman for his public service.

Jaczko’s only consistent support came from Congressman Edward Markey (D-Mass), who said in a statement that “Greg Jaczko has been one of the finest NRC Chairmen in the history of the commission... Greg has led a Sisyphean fight against some of the nuclear industry’s most entrenched opponents of strong, lasting safety regulations, often serving as the lone vote in support of much-needed safety upgrades recommended by the Commission’s safety staff.”

But Jaczko’s detractors were numerous. In a report last fall, the NRC’s Inspector General criticized Jaczko for making decisions while keeping the other four commissioners in the dark. At one point in the post-Fukushima environment, Jaczko directed the staff to bring their findings directly to him and not share them with the other commissioners. While the IG concluded that Jaczko had not violated any laws, it was critical of his imperious style.

Among other things, Jaczko ordered the evacuation of Americans near the runaway nuclear reactors in Fukushima, Japan to at least 50 miles – five times the 10-mile American evacuation zone – because of the realistic danger of spreading radiation. He was criticized by his fellow commissioners for making a unilateral decision, even if it did turn out to have been correct.

His biggest support came from safety watchdogs such as the Union of

Concerned Scientists. In a statement last month Ed Lyman, a physicist and head of the UCS Global Security Program, said “NRC commissioners have failed to require that the NRC enforce its own regulations and to address known safety problems.

“For example, four of the current commissioners—all but Chairman Gregory Jaczko—voted to allow the continued operation of 47 reactors that are out of compliance with fire protection regulations, despite knowing that fire is a major risk factor for core damage.



“Other commission votes have reduced the safety and security of U.S. reactors. For example, Commissioner Kristine Svinicki and three other commissioners—George Apostolakis, William Magwood and William Ostendorff—voted to allow plant owners to compromise defense-in-depth safety margins for emergency cooling systems when increasing the power output of reactors, despite repeated warnings from the NRC’s own Advisory Committee on Reactor Safeguards. The same four also voted against a proposal by the NRC staff to require security background checks for individuals with access to nuclear plant sites under construction. The NRC staff wanted to protect plants against adversaries taking advantage of the lack of security to pre-position firearms, explosives or incendiary devices during construction that could be used after the plant began operating.”

In the wake of the Fukushima Daiichi meltdowns, Jaczko found himself at odds with the other four and the staff over the assessment of safety margins at Mark 1 boiling water reactors – including Hope Creek and Oyster Creek in

New Jersey – which are the same as those destroyed due to loss of power and an inability to operate their safety systems in the aftermath of the Japanese earthquake and tsunami. While all such plants are required to have Severe Accident Management Guidelines – written plans as to what to do to protect the public in the event of a reactor meltdown – they had not been evaluated to determine if they actually worked.

“I used to teach students – who were becoming NRC reactor inspectors – about the SAM Guidelines,” said David Lochbaum, nuclear safety engineer at UCS who taught at the NRC in 2009. “The first thing we taught our students was you are not allowed to look at these guidelines at your plant sites. You can’t find out if they are good, bad, or indifferent.

“You have procedures to protect the public and the NRC can’t look at them. What kind of game is this? It seems that in severe accidents you don’t have to provide training, or have the right equipment. All you have to do is have written procedures somewhere and then waive a magic wand and everything will be fine.”

In the wake of the March 11 disaster in Japan the NRC ordered special inspections of the SAMG documents in all 104 of the nation’s reactors. They found at Indian Point, near New York City, and others, that while plants may have been designed to meet earthquake standards, the necessary systems to protect the reactor – such as fire equipment or the water mains coming in from the municipality – were not seismically hardened and, therefore, could be useless in a real emergency.

Jaczko’s last showdown with the other commissioners came over the approval for new reactor licenses at the Vogtle Nuclear Power Plant in Georgia. Jaczko insisted that any license for a new reactor include an order that the plant would be modified if future evaluations of the disaster in Japan showed added safety measures were needed.

In an extraordinary dissent from the decision by the four-member

Commission majority to grant the license, Jaczko wrote “I asked the Staff to recommend language for such a condition...in response, the Staff declined to provide the requested language” because it would imply they had doubts about the safety of the new plant.

The fact that the staff was in open revolt was a stunning rebuke to a Commission Chairman appointed by the President and a clear sign that he had little operational authority left.

Jaczko said in his letter of resignation that he would remain on the job until a replacement has been confirmed by the Senate and is ready to take over.



“That could be difficult given the poisonous atmosphere in Congress. It is difficult to get a nominee through the Senate,” said Lochbaum. “In this case, however, Commissioner Svinicki’s term is up and she has been renominated. But the Democrats have said they will oppose it.

“But now there is an opening for a chairman who would be a Democratic appointee. The Senate is more likely to vote for a Democrat and a Republican than either alone, so chances are both sides will hold their noses and vote for the pair.”