The Honorable William L. Daley  
Chief of Staff  
The White House  
Washington, D.C. 20500

Dear Mr. Daley:

It has come to my attention that on October 13, 2011, you received a letter expressing grave concerns about the leadership and management style of Nuclear Regulatory Commission (NRC) Chairman Gregory Jaczko. The letter, signed by all four of Chairman Jaczko’s fellow Commissioners, is attached for your ready reference. It alleges that the Chairman’s behavior is jeopardizing the ability of the NRC to perform its critical mission. The Commissioners stated:

We believe that [Chairman Jaczko’s] actions and behavior are causing serious damage to this institution and are creating a chilled work environment at the NRC. We are concerned that this will adversely affect the NRC’s essential mission protect the health, safety and security of the American people.

Chairman Jaczko’s colleagues cited specific examples of his behavior that led them to take the extraordinary step of calling this matter to your attention. In fact, for more than 18 months, the Commission attempted to manage the Chairman’s increasingly erratic behavior behind closed doors. The Commissioners’ efforts to do so were “received only as encouragement for further transgressions.”

According to his colleagues, Chairman Jaczko has:

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2 Id. at 1.
3 Id. at 2.
4 Id.
• Intimidated and bullied senior career staff to the degree that he has created a high level of fear and anxiety resulting in a chilled work environment;

• Ordered staff to withhold or modify policy information and recommendations intended for transmission to the Commission;

• Attempted to intimidate the Advisory Committee on Reactor Safeguards, a legislatively-chartered independent group of technical advisors, to prevent it from reviewing certain aspects of NRC’s analysis of the Fukushima accident;

• Ignored the will of the majority of the Commission, contrary to the statutory functions of the Commission; and

• Interacted with us, his fellow Commissioners, with such intemperance and disrespect that the Commission no longer functions as effectively as it should.5

This letter raises serious questions about Chairman Jaczko’s conduct and ability to lead the NRC in a manner befitting the trust placed in him by the President — who designated him — and American citizens — who rely on an efficient and effective nuclear regulator to protect their health, safety and security.

The President has the authority to take action to address these concerns. Chairman Jaczko serves at the pleasure of the President. In addition, under the Energy Reorganization Act of 1974, section 201(e), the President may remove any member of the Commission for “inefficiency, neglect of duty, or malfeasance in office.”6 The White House has now been aware of the Commissioners concerns for nearly two months, and the public deserves to understand what actions have been taken and whether the President still believes that Chairman Jaczko is capable of leading the NRC.

The Committee will be exploring these and other concerns at a hearing on December 14, 2011 at 10:00 a.m. To better inform the Committee and the public about how the White House is responding to these allegations, I invite you to designate a witness for our hearing. Although I appreciate the short notice of this request, I am hopeful that given the urgency of this matter, you or a designee will be able to inform the Committee about what is being done to preserve the integrity of the NRC and its mission.

5 Id. at 1.
6 Energy Reorganization Act of 1974, §201(e).
Instructions for witnesses appearing before the Committee are contained in the enclosed Witness Instruction Sheet. In particular, please note the procedures for submitting written testimony at least two business days prior to the hearing. We ask that you please contact the Committee by noon on December 12, 2011, to confirm your attendance. If you have any questions, please contact John Ohly of the Committee staff at (202) 225-5074.

Sincerely,

[Signature]

Darrell Issa
Chairman

Enclosures

cc: The Honorable Elijah E. Cummings, Ranking Member
October 13, 2011

The Honorable William L. Daley
Chief of Staff
The White House
Washington, DC 20500

Dear Chief of Staff Daley:

As individual members of an independent regulatory commission, we all take oaths to execute this agency’s nuclear regulatory mission and to uphold the institution’s values, including its Principles of Good Regulation. Our obligation is not only to the agency and its staff, but also to the American people. It is from that foundation that we write to express our grave concerns regarding the leadership and management practices exercised by Nuclear Regulatory Commission (NRC) Chairman Gregory Jaczko. We believe that his actions and behavior are causing serious damage to this institution and are creating a chilled work environment at the NRC. We are concerned that this will adversely affect the NRC’s essential mission to protect the health, safety and security of the American people.

In a long series of very troubling actions taken by Chairman Jaczko, he has undermined the ability of the Commission to function as prescribed by law and decades of successful practice. Since this current Commission was formed some 18 months ago, after the President nominated and the Senate confirmed the three newest members, we have observed that Chairman Jaczko has:

- Intimidated and bullied senior career staff to the degree that he has created a high level of fear and anxiety resulting in a chilled work environment;
- Ordered staff to withhold or modify policy information and recommendations intended for transmission to the Commission;
- Attempted to intimidate the Advisory Committee on Reactor Safeguards, a legislatively-chartered independent group of technical advisors, to prevent it from reviewing certain aspects of NRC’s analysis of the Fukushima accident;
- Ignored the will of the majority of the Commission, contrary to the statutory functions of the Commission; and
- Interacted with us, his fellow Commissioners, with such intemperance and disrespect that the Commission no longer functions as effectively as it should.

Recently, on October 5, 2011, Chairman Jaczko appeared as an invited guest at a periodic meeting of the agency’s Executive Director for Operations and other senior career executives. According to multiple reports, his comments reflected contempt for the Commission itself and open disdain for the Internal Commission Procedures, a document that embodies governing principles from the NRC’s organic legislation—the Energy Reorganization of 1974 and the Reorganization Plan No. 1 of 1980. These procedures guide the conduct of the work of the Commission.
Over the last 18 months, we have shown Chairman Jaczko considerable deference. Moreover, for the sake of the agency, its staff, and public confidence, we have strived to avoid public displays of disharmony. Unfortunately, our efforts have been received only as encouragement for further transgressions.

We are committed to conduct the work of this agency to the best of our ability and despite the items highlighted above and numerous other troubling actions taken by Chairman Jaczko, we have carried out the work before us and will continue to do so. However, Chairman Jaczko's behavior and management practices have become increasingly problematic and erratic. We believe his conduct as Chairman is inconsistent with the NRC's organizational values and impairs the effective execution of the agency's mission.

We provided Chairman Jaczko our concerns in the attached memorandum.

Sincerely,

Commissioner Kristine L. Svinicki
Commissioner George Apostolakis
Commissioner William D. Magwood, IV
Commissioner William C. Ostendorff
MEMORANDUM TO: Chairman Jaczko

FROM: Commissioner Svinicki
Commissioner Apostolakis
Commissioner Magwood
Commissioner Ostendorff

October 13, 2011

As you know, many of us have, on occasion, taken issue with your interpretation of the relative role of the Chairman and the Commission, the role of the Chairman and the EDO, and your approach to working with the Commission to lead this agency. Over the past year, these issues, linked with your troubling personal approach to interacting with us and the senior staff, have intensified. This is a matter of serious concern. We have responsibilities relating to the Commission and the NRC staff, and we are accountable to Congress and the American people. It is from this foundation that we write to express our grave concern that your leadership and management practices are causing serious damage to this institution.

First, with respect to your relationship with the Commission, it is not uncommon to have some degree of tension between a Chairman and the members of an independent regulatory commission. But in the present case, your intemperate and disrespectful behavior and conduct towards fellow Commission members is completely unacceptable. A few recent examples include your outburst of temper demonstrated by storming out of an agenda planning meeting while a colleague was speaking, yelling at fellow commissioners on the phone, and termination of an NRC staff detailer’s assignment to a Commission office without any advance discussion with the affected Commissioner. Although your relationship with Commissioner colleagues has been a serious problem for some time, it has gotten worse in recent months.

Second, your intimidation and bullying of the NRC staff to do things your way has resulted in a work environment with a chilling effect. While you are a champion of openness in Commission deliberations, you have taken steps to discourage open communication between the staff and the Commission. There are a number of recent examples where you or your office directed the staff to withhold certain views from the Commission or strongly criticized the staff’s views. Two recent examples include your direction to the EDO to withdraw the SECY paper on the Fukushima Near Term Task Force Report as well as your strong, ill-tempered criticism of the senior staff’s recommendations in the post-Fukushima “21 day” report. While you have communicated to us that your primary motivation in seeking to remove the EDO is based on his lack of communications with you, due diligence with numerous senior staff indicates that your motivation stems from instances where the EDO did not follow your view on what to present to the Commission as the staff’s policy position. This impairs the ability of the Commission to function effectively; furthermore, your view of the role of the EDO is fundamentally contrary to that of the Commission and the way the NRC has functioned over the years.
Third, we are shocked to have received numerous reports from NRC senior staff about your remarks at the October 5 Senior Leadership Meeting. Your comments have been interpreted by those present not only to reflect your disdain for the Internal Commission Procedures, but also your contempt for the Commission. Your remarks to the NRC senior staff undermine the entire Commission. This conduct is of grave concern to us and is absolutely unacceptable.

In response to this persistent situation, we have decided to transmit the attached letter to the White House Chief of Staff to notify him of our serious concerns. We recognize that this is an extraordinary step, but do not believe that you have left us with viable alternatives.