

OFFICE OF THE SECRETARY  
CORRESPONDENCE CONTROL TICKET

*Date Printed: Oct 06, 2009 12:45*

---

**PAPER NUMBER:** LTR-09-0495 **LOGGING DATE:** 10/06/2009  
**ACTION OFFICE:** COM

**AUTHOR:** REP Edward Markey  
**AFFILIATION:** CONG  
**ADDRESSEE:** CHRM Gregory Jaczko  
**SUBJECT:** NRC's new steps intended to more fully open the Commission's decision-making process to public examination

**ACTION:** Appropriate  
**DISTRIBUTION:** RF

**LETTER DATE:** 10/06/2009  
**ACKNOWLEDGED:** No  
**SPECIAL HANDLING:** Assigned to Chairman Jaczko, Commissioner Klein, and Commissioner Svinicki for Appropriate Action.

**NOTES:**  
**FILE LOCATION:** ADAMS

**DATE DUE:** **DATE SIGNED:**

COMMITTEES

ENERGY AND COMMERCE  
SUBCOMMITTEE ON  
ENERGY AND ENVIRONMENT  
CHAIRMAN  
  
SELECT COMMITTEE ON  
ENERGY INDEPENDENCE AND  
GLOBAL WARMING  
CHAIRMAN  
  
NATURAL RESOURCES

EDWARD J. MARKEY  
7TH DISTRICT, MASSACHUSETTS

2108 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-2107  
(202) 225-2836

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-2107**

DISTRICT OFFICES:  
5 HIGH STREET, SUITE 101  
MEDFORD, MA 02155  
(781) 396-2900  
  
188 CONCORD STREET, SUITE 102  
FRAMINGHAM, MA 01702  
(508) 875-2900

<http://rmarkey.house.gov>

October 06, 2009

The Honorable Gregory B. Jaczko  
Chairman  
Nuclear Regulatory Commission  
11555 Rockville Pike  
Rockville, MD 20852

Dear Chairman Jaczko,

On September 28, 2009, the Nuclear Regulatory Commission (NRC) announced new steps intended to more fully open the Commission's decision-making process to public examination. I applaud your decision to release your voting records and views on current NRC matters in a timely fashion, which I believe will help foster a climate of transparency at the Commission. This first step is consistent with President Obama's commitment to openness at the federal level, in order to, "strengthen our democracy and promote efficiency and effectiveness in Government," as stated in his Transparency and Open Government memorandum.

While these are significant steps, I hope they are only the beginning of a larger movement towards a more open decision-making process as the Commission considers issues vital to the nation's health, safety and security.

While other independent regulatory agencies, such as the Securities and Exchange Commission, the Federal Communications Commission and the Federal Energy Regulatory Commission, generally vote in public meetings on pending regulatory matters, orders and other action items, it is my understanding that the NRC does not. In fact, to the best of my knowledge, the Commission has not held a public voting meeting since 1990.

I see absolutely no reason why the NRC's deliberations should be shrouded in the type of secrecy that characterized the old Soviet Politburo. As an independent regulatory agency operating in a democracy, the Commission has an obligation to conduct the public's business in public to the fullest extent possible. That is in keeping with what other independent regulatory agencies already do.

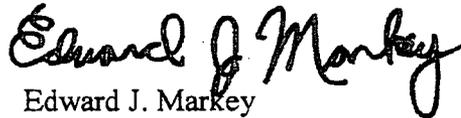
I am also greatly concerned about the use of notation voting as the dominant mode of decision-making at the Commission, something which has greatly curtailed the ability for

the public to hear open and collegial deliberation on issues affecting nuclear reactors, materials, and waste regulation. Notation voting reinforces an unfortunate impression of secrecy surrounding the Commission's deliberations, something which I fear has harmed public confidence in the NRC and its mission. Members of Congress must cast their votes in public, and there is no reason why the NRC cannot join other independent regulatory agencies in doing the same.

As you may know, I have long had concerns about the degree of openness and transparency at the Commission. I believe that your recent actions to bring more openness to NRC proceedings are a valuable step towards maintaining the integrity of and public confidence in the Commission.

Since your internal Commission procedures already provide clear directives for the public evaluation of papers presented by your staff, I look forward to seeing truly open and deliberative sessions held by the Commissioners in the near future. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Edward J. Markey". The signature is written in a cursive style with a large, prominent "E" and "M".

Edward J. Markey  
Chairman