

STATEMENT

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OFFICE OF NUCLEAR MATERIALS SAFETY AND SAFEGUARDS

UNITED STATES NUCLEAR REGULATORY COMMISSION

TO THE

HOUSE COMMITTEE ON ENERGY AND COMMERCE

SUBCOMMITTEE ON ENVIRONMENT AND THE ECONOMY

US HOUSE OF REPRESENTATIVES

JUNE 24, 2011

Thank you Mr. Chairman, Ranking Member Green, and Members of the Subcommittee, for the opportunity to be here today. My name is Aby Mohseni. I worked for the State of Washington before joining the NRC in 1990. I became the Deputy Director for Licensing and Inspections in the Division of High Level Waste Repository Safety in 2006. I am currently the Acting Director of this Division.

I will briefly describe the Division's role, accomplishments and challenges.

The U.S. Congress enacted the Nuclear Waste Policy Act directing and entrusting the NRC scientists to determine the safety and security of the Yucca Mountain Geological Repository for the nation. NRC has invested almost three decades preparing for and conducting a safety review of the proposed Yucca Mountain design.

My staff and I are quite used to challenges. Reviewing the performance of a mountain over time frames of a million years using a first of a kind risk-informed, performance-based methods is a challenge. But that scientific challenge seemed to be the easy one. Less than a year after the

Department of Energy submitted its long awaited License Application to build a Geological Repository at Yucca Mountain, Nevada, in 2008, our budget was cut by over 30%. Despite that and subsequent cuts, we, NRC staff and scientists, impressed with the task entrusted to us for the nation's safety, absorbed the pressures and maintained our focus on our mission.

Although resilient from our adaptation to budgetary pressures, we were unprepared for the political pressures and manipulation of our scientific and licensing processes that would come with the appointment of Chairman Jaczko in 2009. We believe that any political manipulation of the scientific and licensing process is an assault on the responsibility to the NRC mandated by Congress.

We, staff, felt that manipulation at the Commission level, as described in the NRC's Inspector General report issued earlier this month, permeated the activities of my Division by some senior managers. For example, some NRC senior managers directed the staff to suppress information to the Commission by providing them a Status report instead of a Policy report on the closure of Yucca Mountain. Whereas a Policy report empowers the Commission with the staff's findings and recommendations required to make sound policy for the nation's safety, a Status report merely informs them of decisions made, leaving the burden of discovery on individual Commissioners. Additionally, some senior managers contributed to the manipulation of the budget process and information to apparently make sure that the Yucca Mountain project would be left unfunded even if the License Application was still before the NRC. Furthermore, apparently at the direction of the Chairman and with the aid of some senior managers, the disclosure to the rest of the Commission of the staff's views on the impacts of budget cuts and allocations were suppressed. I note that keeping the full Commission fully and currently informed is a statutory requirement.

Despite being entrusted with independent decision making, when confronted with these concerns by the OIG, these senior managers essentially responded that the Chairman's office made them do it. I ask who holds these managers accountable? Chairman Jaczko?

We at the NRC are at a crossroads. Apparently, the NRC's senior leadership is ineffective in upholding the integrity of this Agency. Politics are influencing some of the NRC's staff's work. The question is could politics at some point affect the staff's technical and regulatory findings and decisions? This is not where an independent Safety organization should be. If the NRC were to find any of our licensees so lacking, we would require of them a corrective action plan. We should hold ourselves at least to the same standards. The NRC needs to enact a corrective action plan.

I cannot overemphasize the importance of your oversight role. If it were not for your oversight, much of what has been revealed would remain behind closed doors. Given the recent revelations, I am not sure that you, the oversight Committee, made up of the representatives of the citizens of United States of America, entrust us at the NRC to always be and remain objective, independent, and credible to ensure the health and safety of the American public. We need to re-earn your trust.

I thank you for this opportunity.