

**Testimony of Nuclear Regulatory Commissioner William D. Magwood, IV
Committee on Oversight and Government Reform**

December 14, 2011

Chairman Issa, Ranking Member Cummings, and members of the Committee, it is with considerable disappointment that I appear before you today to provide my concerns regarding the serious management and leadership issues facing the Nuclear Regulatory Commission. This has been a very difficult time for our agency and I expect more difficult times are ahead. However, when I testified during my confirmation hearing before Chairman Boxer and the members of the Senate Committee on Environment and Public Works, I promised to always do the right thing even when the right thing isn't easy. Today I fulfill that promise.

In the 20 months that I have been with the NRC, I found it to be an agency that has a culture of excellence. Its 4000 person staff is highly motivated and singularly dedicated to the mission of protecting the health, safety, and security of the American people. The public should be assured that the staff has and continues to work diligently to carry out its responsibilities and is led by an excellent cadre of career managers who have done a fantastic job of insulating most of the staff from the serious problems that are the subject of this hearing.

My colleagues and I have endured a rather distasteful and dishonest media campaign over the last week. We have seen a wide range of misleading and untrue reports about our motivations, our characters, and our commitment to safety. It is quite clear that this campaign is intended to divert the attention of Congress and the public from the very real concerns we have about the leadership of our agency. I don't intend to allow this tactic to succeed.

However, one diversionary item I feel I must address concerns this Commission's commitment to safety. After 20 months of working with the people at this table, I can promise you that we place the safety and security of the public we serve at the very top of all our considerations. We do not always agree on how to achieve the goal of assuring safety and we do not always view the issues before our agency the same way. But I believe we are all equally committed to the same goal. To impugn the motivations of members of this Commission because of disagreements on strategy or approaches is irresponsible.

In the particular case of the Commission's response to Fukushima, the Commission is unified in its support for moving forward quickly and methodically to absorb the lessons of Fukushima into our regulatory infrastructure and has endorsed an approach consistent with staff's recommendations. Because of the approach devised by this Commission, our agency's response to Fukushima will be more comprehensive in its safety scope than would have been possible under the Chairman's original plan. Because of our approach, important technical issues such as the use of filtered vents, loss of ultimate heat sink, and the distribution of potassium iodide will now be evaluated. There has been no delay in our agency's response.

Again, the matter of this Commission's commitment to safety is a diversion from the true leadership issues facing the NRC. As I discuss these challenges, I feel that my true role before you today is to give voice to the dedicated men and women who serve with the NRC—many of whom have come to me to discuss their many concerns.

First, the Chairman has made a regular practice of interfering with the ability of the Commission to obtain information from the NRC staff. He has asserted the authority to decide what information is provided to the Commission, when it is provided, and increasingly, what the information contains when it reaches the Commission. This behavior is contrary to both the letter and the intent of the Reorganization Plan of 1980 and no commission could confidently carry out its legal obligations under these conditions.

A salient example from late last year involved a significant issue associated with fire protection at nuclear power plants. A member of the staff told me that the agency's approach to receive applications from industry to risk-inform fire protection programs at nuclear power plants wasn't going to work and that staff was working on a paper to request Commission direction on a revised strategy. Sometime later, I asked the Chairman what progress the staff had made regarding this paper. He told me there was no paper and that he didn't know what I was talking about.

Eventually, it became clear that staff's effort to provide information to the Commission had been thwarted by the Chairman. Despite the persistence of this serious issue facing an important safety program, the fact that there was a need to address the issue quickly, and the fact that the staff wanted to provide a paper, it became apparent that unless the Commission took action, it was not going to get a paper. In order to circumvent this obstruction, another commissioner and I requested a briefing from the staff to understand the details of the problem and what staff thought we should do about it.

Just before the briefing began, the Chairman dispatched a staff person to stop the discussion. Apparently, the Chairman had just seen a copy of the staff's briefing and didn't want the information presented. We refused to stop the briefing. Almost as soon as the briefing was over and we had the information we needed to move forward, the Chairman sent out an email indicating that he had suddenly decided to instruct staff to prepare a paper on fire protection. Thus the matter was finally resolved—though months later than necessary.

Today, it is routine for individual members of the staff to come to commissioners to alert us about issues they believe require Commission attention but that staff can't get through the Chairman. When members of the staff take this action, they believe they do so with no small risk. We receive documents, issue updates, and reports on the Chairman's orders through what has become an underground network of individuals who remain loyal to the normal functioning of the agency.

That the Commission has come to rely on the personal bravery of individuals on the staff to keep us informed is a very sad statement. But sadder still is the fact that when staff is not willing to take these risks, the Commission is sometimes left in the dark. This erodes my confidence that the agency is functioning as efficiently as it can or in a manner that is consistent with the principles rooted in the Reorganization Plan. But what worries me most is the fact that we don't know what we don't know.

The second concern I raise is the growing cancer of a chilled work environment at the NRC. I have spoken with members of the staff who have indicated that on multiple occasions, they have met with the Chairman and, upon presenting him with the results of their expert analysis on various issues, found that he was unhappy with the answers they provided. One person described such an encounter and stated that the Chairman became increasingly irrational and everyone in the meeting became very uncomfortable. Just as this particular meeting ended, the staff person said the Chairman ended the discussion ranting at the staff. "He just sort of snapped," this person told me. "It was like *The Exorcist*."

I have observed the effects of this chilled environment first-hand. For example, during a meeting with a member of the senior staff, I asked about a technical issue. This senior manager suddenly became extremely nervous and began to stammer—I can only describe it as a panic attack. It was a very awkward moment so I moved on to another subject. Later, I asked my staff to find out what led to this behavior. We were informed that this individual had provided the same information to another commissioner and, as a result, had been called up to see the Chairman. I met with him after whatever transpired in the Chairman's office.

I believe this situation has worsened in recent months. For example, members of the staff have reported to me that during October of this year, the Chairman met with them and posed the chilling question: "Are you on my team?" The people I talked to felt that it was quite clear that the wrong answer could have consequences.

The final major concern I raise pertains to the Chairman's abusive behavior toward the staff. I think of all the issues of leadership before us, I have found this aspect the most troubling. To understand this matter, I spoke with three of the women who have had personal experience with the Chairman's extreme behavior. In each case, the woman involved indicated that she had done nothing wrong or inappropriate, but something set the Chairman off and he launched into a raging verbal assault.

These women remain very disturbed by these experiences. A common reflection they all shared with me was "I didn't deserve this." One woman told me that she felt the Chairman was actually irritated with someone else, but took it out on her. Another said she was angry at herself for being brought to tears in front of male colleagues. A third described how she couldn't stop shaking after her experience. She sat, talking with her supervisor until she could calm down sufficiently to drive home.

The nature of these stories is all too familiar to me. In my past management roles, I had two occasions to deal with men who had subjected female staff to unacceptable verbal abuse. In both cases, I discovered that the female staff had been afraid to come forward and were deeply embarrassed by the whole business. But the stories came out and I was faced with a management decision.

In both cases, the men involved were vital members of my senior management staff. I knew that it would be difficult, if not impossible, to replace them. Nevertheless, I found their misogynistic behavior entirely unacceptable and personally offensive. I immediately removed them from their supervisory roles and relocated them away from the staffs they once led. Had I been able, I would have fired both on the spot.

Senior female staff at an agency like NRC are smart, tough women who have succeeded in a male-dominated environment. Enduring this type of abuse and being reduced to tears in front of colleagues and subordinates is a profoundly painful experience for them. The word one woman has used is "humiliated." I must note that none of these women want to have their names used publicly. As another woman told me, "it's embarrassing enough that I went through this, I don't want to be dragged through the mud before some Congressional committee."

These are the major concerns facing the NRC today: blocking staff from providing information to the Commission; the creation of a chilled work environment; and the abuse of staff. I do not believe that fear, intimidation, and humiliation are acceptable leadership tactics in any organization, least of all the Nuclear Regulatory Commission.

Thank you for your attention and I stand ready to answer any of your questions.

COMMISSIONER WILLIAM D. MAGWOOD, IV

The Honorable William D. Magwood, IV was sworn in as a Commissioner of the U.S. Nuclear Regulatory Commission (NRC) on April 1, 2010, to an initial term ending on June 30, 2010, and a reappointment term ending June 30, 2015.

Mr. Magwood has a distinguished career in the nuclear field and in public service. He was the longest-serving head of the United States' civilian nuclear technology program, serving two Presidents and five Secretaries of Energy from 1998 until 2005.

Mr. Magwood served seven years as the Director of Nuclear Energy with the U.S. Department of Energy (DOE), where he was the senior nuclear technology official in the United States Government and the senior nuclear technology policy advisor to the Secretary of Energy. Before his appointment to lead the Office of Nuclear Energy, he served four years as its Associate Director for Technology and Program Planning.

After his DOE service, Mr. Magwood founded and headed Advanced Energy Strategies, a company that provided strategic advice to domestic and international organizations. Prior to his appointments at DOE, Mr. Magwood managed electric utility research and nuclear policy programs at the Edison Electric Institute in Washington, D.C. Before that, he was a scientist at Westinghouse Electric Corporation in Pittsburgh, Pennsylvania.

Mr. Magwood holds a B.S. degree in physics and a B.A. degree in English from Carnegie-Mellon University. He also holds an M.F.A. degree from the University of Pittsburgh.

###