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ONE HUNDRED TWELFTH CONGRESS

# Congress of the United States

## House of Representatives

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May 7, 2012

The Honorable Gregory B. Jaczko  
Chairman  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555-0001

Dear Mr. Chairman:

On March 12, 2012, the Committee wrote to you asking you to clarify or amend the testimony you gave during a December 14, 2011, hearing entitled "The Leadership of the Nuclear Regulatory Commission." Several of your statements during the hearing were inconsistent with the testimony of your fellow Commissioners, NRC employees, and documents obtained by the Committee. The Committee asked for your response by March 23. To date, more than a month later, you have not responded or demonstrated any interest in correcting the record.

Additional information obtained by the Committee raises new questions regarding the veracity of your testimony before Congress. This information, along with the inconsistencies in your testimony outlined in my letter dated March 12, suggests a pattern of disregard for congressional oversight and an abdication of your responsibility to be open and honest with the American public.

The manner in which you interact with NRC career staff is a significant concern both your colleagues on the Commission and NRC employees have raised. Specifically, some have questioned whether you mistreated female employees at the NRC. You have repeatedly denied harassing or intimidating the NRC's female employees.

At the December 14, 2011, hearing, Rep. Gowdy asked, "Have you been verbally abusive to female staff[?]" You responded, "No, I have not."<sup>1</sup>

You also testified, "this is the first time I have heard many of these accusations."<sup>2</sup>

<sup>1</sup> *The Leadership of the Nuclear Regulatory Commission: Hearing Before the H. Comm. on Oversight & Gov't Reform*, 112th Cong., Transcript at 76 (Dec. 14, 2011) [hereinafter OGR Hearing Transcript].

<sup>2</sup> *Id.* at 43.

On December 15, 2011, at a hearing before the Senate Environment and Public Works Committee (EPW), you denied having been aware of an interaction with a female NRC employee that resulted in that employee leaving in tears. In an exchange with Senator Vitter, you testified:

SEN. VITTER:[...]I'm not asking about your intent, your intention. I'm asking, did you ever have an exchange with staff that led to that involved staff breaking down in tears?

MR. JACZKO: Not in my presence, no.

SEN. VITTER: OK. Did you have such an exchange that led to their breaking down in tears shortly thereafter outside of your presence?

MR. JACZKO: I only learned of the possibility of these events in the last several days prior to the hearing yesterday.

SEN. VITTER: OK. So you've learned of that. And how many instances have you learned of?

MR. JACZKO: Well, I -- all I know is what's been stated by the commissioners in the hearing.<sup>3</sup>

Evidence obtained by the Committee directly contradicts this testimony. In an interview with the NRC Office of the Inspector General (OIG), a female NRC employee provided detailed testimony about a specific incident when she broke down in tears after you questioned her integrity. She testified:

If you're being, you know, chastised by your boss, that's never a good thing [...] that doesn't mean your boss shouldn't chastise you. But in this situation the way that it happened, the way I perceived it was I was very upset, extremely upset [...] I got very emotional. I cried, which is embarrassing. And -- and I had never done that before in front of any supervisor, so it wasn't a comfortable situation.

This employee further stated that “[Chairman Jaczko] tried to settle down. He knew that, you know, I was getting upset. . . .” This incident occurred months before you testified before this Committee and Senate EPW in December 2011.

In their testimony, Commissioners recounted similar incidents involving your behavior in the presence of other female employees. For example, at the December 14, 2011 hearing, Commissioner Magwood testified:

I spoke with three of the women who have had personal experience with the chairman's extreme behavior. These women remain very disturbed by these experiences. A common reflection they all shared with me was, "I

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<sup>3</sup> *Review of the Nuclear Regulatory Commission's Near-Term Task Force Recommendations for Enhancing Reactor Safety in the 21st Century : Hearing Before the S. Comm. on Environment and Public Works, 112th Cong. (Dec.15, 2011)*

didn't deserve this." One woman said she felt the chairman was actually irritated with someone else but took it out on her. Another told me 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 the experience. She sat, talking through what had happened to her, with a supervisor until she could calm down enough to drive home.

Senior female staff in an agency like the NRC are tough, smart 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 used was "humiliating."<sup>4</sup>

Though you testified that you were not aware of these events prior to the December 2011 hearings, multiple sources have reported that you personally apologized to at least three female employees following these hearings. No specific names or details of incidents were mentioned at the hearings. If you had no knowledge that your actions had this effect on staff members, how did you know to apologize to specific individuals?

A report issued by the NRC Office of the Inspector General on June 6, 2011, casts further doubt on your assertion that you were unaware of concerns related to your temper and its effect on interactions with NRC employees prior to the December 2011 hearings. The report stated:

Chairman Jaczko acknowledged that he sometimes loses his temper. He said he worked to control it and there are times when he has wished he has said or done things differently. He said he mainly loses his temper with the Commissioners, but acknowledged that there have been a few times when he has said some fairly strong things to the staff. He concluded that his behavior created an environment sometimes in which it is difficult for people to work with him, and he regretted that.<sup>5</sup>

The OIG's report shows you were aware that your temper is a problem well before you testified to Congress in December 2011. In fact, according to your testimony to OIG investigators, you sought professional assistance with managing your temper and its effect on the staff. In an April 2011 interview, you stated:

[T]here have been times when I say things that I just shouldn't say. And it's my own undoing .... You know, I got a management coach to work on it .... [W]ith the staff – there have probably been a few times with the staff that I've said some fairly strong things, but I've really worked

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<sup>4</sup> OGR Hearing Transcript at 29-30.

<sup>5</sup>Office of Inspector General, NRC Chairman's Unilateral Decision to Terminate NRC's Review of DOE Yucca Mountain Repository License Application, OIG CASE NO. 11-05, at 44 (June 6, 2011).

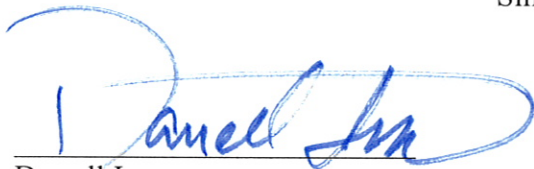
through that, and I had my management coach talk to people. And I think we've worked through that, in all honesty.<sup>6</sup>

Many of the incidents reviewed by the Committee – including one example where you became “shaking angry” – occurred months after you informed the OIG that you hired a professional counselor to help you control your temper. Your inability to control your temper affects the NRC’s work environment and the ability of the other Commissioners and employees to carry out its mission.

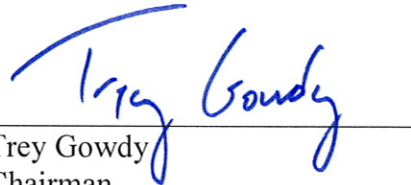
You hold a position of public trust – a privilege with inherent requirements of honesty and transparency. To date, you have failed to meet those responsibilities. Instead, you impeded this Committee’s investigation into the management of the NRC and ignored or provided questionable responses to legitimate inquiries from Members of Congress.

Making false statements to Congress is a serious matter.<sup>7</sup> The Committee has afforded you ample opportunity to clarify your testimony, only to be met with silence. Your failure to respond will be taken into consideration as the Committee evaluates further investigative actions.

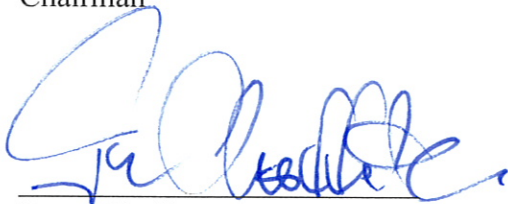
Sincerely,



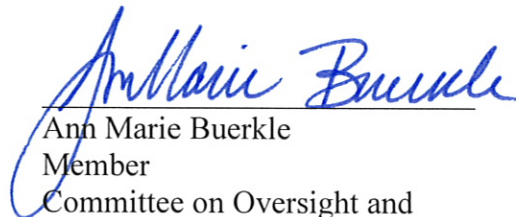
Darrell Issa  
Chairman



Trey Gowdy  
Chairman  
Subcommittee on Health Care, District of  
Columbia, Census and National Archives



Jason Chaffetz  
Chairman  
Subcommittee on National Security,  
Homeland Defense,  
and Foreign Operations



Ann Marie Buerkle  
Member  
Committee on Oversight and  
Government Reform

cc: The Honorable Elijah Cummings, Ranking Minority Member  
Committee on Oversight and Government Reform

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<sup>6</sup> Testimony of Chairman Gregory Jaczko to the Office of the Inspector General, U.S. Nuclear Regulatory Commission (April 1, 2011).

<sup>7</sup> See 18 U.S.C. § 1001.