Testimony of Commissioner George Apostolakis
Before the House Committee on Oversight and Government Reform

December 14, 2011

Chairman Issa, Ranking Member Cummings, and members of the Committee, good morning. Management and operation of the United States Nuclear Regulatory Commission is an important subject. My perspective is grounded in my experience and observations as a member of the Commission since being sworn in on April 23, 2010, and my former role as a 15-year member and Chairman, for two years, of the Advisory Committee on Reactor Safeguards, a statutory Committee of technical experts.

Management and operation of the Commission are carried out within an overall structure of law and policy. The Commission's independent and multi-member character, with staggered terms for its members, is designed to insulate regulatory decisions from political consideration and to provide stability for regulatory policy. Nuclear safety matters are technically complex. This commission structure allows for a diversity of insights to be brought to bear in the Commission's decision making.

Under Reorganization Plan No. 1 of 1980, the Commission as a whole formulates policy and regulations, issues orders, and conducts adjudication. Policy formulation includes major administrative decisions with policy implications. The Commission has ultimate authority to determine, by majority vote in an area of doubt, whether any matter, action, question or area of inquiry pertains to one of these functions. The Senate Committee on Governmental Affairs, in reporting on the Reorganization Plan, declared that "The Committee also intends the Commission to exercise the authority to interpret the Plan." The legislative history of the Plan and the Presidential messages to Congress in submitting the plan emphasize that the Chairman is subject to the policies of the Commission and the oversight authority of the Commission.

As principal executive officer of the Commission, the Chairman has the ultimate responsibility to the Commission and the public for the proper day-to-day management and administration of the agency. However, the Chairman is statutorily responsible to the Commission for assuring that the EDO and the staff are responsive to the requirements of the Commission in the performance of its functions. The 1980 Reorganization Plan also provides that the heads of the offices of the General Counsel, the Secretary of the Commission, and the Advisory Committee on Reactor Safeguards, shall continue to report directly to the Commission.

The Chairman and the EDO, through the Chairman, are responsible for ensuring that the Commission is fully and currently informed about matters within the Commission's functions. The reporting relationship of the EDO to the Chairman is not intended to interfere with the ability of the EDO to make independent recommendations on matters that the Commission has delegated to the EDO. While the Chairman has special responsibility for policy planning and development for the Commission, the Commission could not function in any satisfactory way if the EDO or other senior managers were required to misrepresent or suppress their views or analyses.

The Commission is well served by its dedicated staff, with many senior managers who bring long experience and advanced technical expertise. Their technical evaluations are essential to informed Commission decision making. The transmission of adequate information and unbiased perspectives to the Commission for its decision making and oversight is essential to the agency's mission of protecting public health and safety.

I joined my fellow commissioners to formally express our serious concerns regarding the Chairman's leadership. I regret that partisan or other ill motives have been ascribed to the action that we have taken. This could not be further from the truth.

Thank you.

Commissioner George Apostolakis

The Honorable George Apostolakis was sworn in as a Commissioner of the U.S. Nuclear Regulatory Commission (NRC) on April 23, 2010, to a term ending on June 30, 2014.

Dr. Apostolakis has had a distinguished career as an engineer, professor and risk analyst. Before joining the NRC, he was a professor of Nuclear Science and Engineering and a professor of Engineering Systems at the Massachusetts Institute of Technology. He was also a member and former chairman of the statutory Advisory Committee on Reactor Safeguards of the NRC.

In 2007, Dr. Apostolakis was elected to the National Academy of Engineering for “innovations in the theory and practice of probabilistic risk assessment and risk management.” He has served as the Editor-in-Chief of the International Journal Reliability Engineering and System Safety and is the founder of the International Conferences on Probabilistic Safety Assessment and Management. He received the Tommy Thompson Award for his contributions to improvement of reactor safety in 1999 and the Arthur Holly Compton Award in Education in 2005 from the American Nuclear Society.

Dr. Apostolakis is an internationally recognized expert in risk assessment. He has published more than 120 papers in technical journals and has made numerous presentations at national and international conferences. He has edited or co-edited eight books and conference proceedings and has participated in many probabilistic risk assessment courses and reviews.

Dr. Apostolakis received his diploma in electrical engineering from the National Technical University in Athens, Greece in 1969. He earned a master’s degree in engineering science in 1970 and a Ph.D. in engineering science and applied mathematics in 1973, both from the California Institute of Technology.