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

Dear Chairman Jaczko:

A number of bits and pieces of news concerning NRC have come to my attention that have given me sufficient serious concern to decide to communicate my views directly to you.

For a number of decades the U.S. Nuclear Regulatory Commission has led the world in the safety regulation of the civilian use of nuclear materials and systems. NRC is held in high esteem worldwide for its demonstrated technical capability and unbiased independence.

In January of 1991, the Commission promulgated a set of Principles of Good Regulation that I believe have provided guidance to Commissioners and staff to this time. They have been publicly cited as model guidance by Commissioners as well as to Commissioners.

The very first of those five Principles is: *INDEPENDENT. Nothing but the highest possible standards of ethical performance and professionalism should influence regulation. However, independence does not imply isolation. All available facts and opinions must be sought openly from licensees and other interested members of the public. The many and possibly conflicting public interests involved must be considered. Final decisions must be based on objective, unbiased assessments of all information, and must be documented with reasons explicitly stated.*

The wisdom of a Commission composed of five independent Commissioners; each with his/her own staff to provide support for his/her votes (each of equal weight) on all matters of relevant policy, has been demonstrated time after time. The Nuclear Regulatory Commission is an Independent Agency. It is not a

Department headed by a Single Administrator who makes decisions single handedly. Occasionally an NRC Chairman has chafed under the necessity of persuading his/her fellow Commissioners to agree and to vote with the Chairman on issues on which unanimity could not be easily achieved. However, such a check on a Chairman's strong - but possibly flawed - views has sometimes avoided decisions that in hindsight would have been clearly and seriously unwise. In my ten years of service as an NRC Commissioner, I had ample opportunity to witness the value of the Commission structure and of the Commissioners' independence.

I am deeply concerned that the independence of the Commission and thereby its integrity are under external attack, and moreover that internally the judgments of each of the Commissioners on an important policy matter are being circumvented.

Through the determined insistence by each Commissioner of adherence to the letter and spirit of the Principle of Independence these threats can be overcome, and the integrity and respect for the U.S. Nuclear Regulatory Commission saved from what could be a blunder of historic proportions.

I urge you to commit yourself to that objective.

Sincerely yours,

Kenneth C. Rogers

Commissioner US Nuclear Regulatory Commission 1987 - 1997